FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 2872/3004/2846

DATE FILMED 9-1-94 CAMERA NO. 2

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FEDERAL ELECTION COMMISSION
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February 2, 1989

Mr. D. L. McDonald
Chairman Federal Election Commission
999 E St. N. W.
Washington, D. C., 20463

Lawrence Noble
General Counsel
Federal Elections Commission
999 E St N. W.
Washington, D. C., 20463

Dear Sirs:

I represent the undersigned individuals and organization who are herein filing their complaint with the Federal Election Commission with regard to a $1000.00 (One Thousand dollar) campaign contribution from a foreign national, Han Kuk Chun. Chun made a personal contribution to the election campaign of Governor John Waihee using the name Yasuo Yasuda. Yasuda which is an alias is Chairman of the Board & Director of Royal Hawaiian Country Club Inc. and Chairman of the Board, President and Director of Y. Y. Valley Corp. He does not have resident status in the United States. He used a local Hawaii address on his contribution as though he were a local resident and the Governors campaign staff possibly may not have been aware of his actual foreign national status.

It is our understanding that the Federal Election Commission Act Sec. 1 Title II Chapter 14 prohibits campaign contributions from foreign nationals to all candidates for elective office in Federal, State and local elections. We believe, in this example we have selected as the first of our complaints (we do intend to send other complaints to the commission regarding this matter), that this donation is a violation of that Act and do formally make this complaint.

In addition we make as part of this complaint our request that an additional $8,000.00 (Eight thousand dollars) in campaign contributions to the campaign of Governor John Waihee be investigated. Those contributions described below are from three alien residents, Masanori Kobayashi, Yoshinori "Ken" Hayashida and Hiroshi Kobayashi brother of Masanori. We have filed this complaint against these individuals because it appears that the

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money from those sources may have come directly from foreign nationals and was not from the personal income of the contributors. Basis for that concern is described below.

STANDING: The Act allows any United States Citizen or organization of citizens to file a complaint under this Act. The complaining parties are citizens of the United States and residents of the State of Hawaii and/or an association of citizens and have affixed their notarized signatures hereto.

JURISDICTION: The undersigned believe that the Federal Election Commission has sole Jurisdiction to Investigate the subject matter of this complaint except as otherwise specifically stated herein and in those matters concurrent jurisdiction.

Complaint Han Kuk Chun, a Korean national residing in Japan using an alias name Yasuo Yasuda, made a campaign contribution of $1000.00 on April 3,1987 to the political campaign of Governor John Waihee.

Exhibit A - [Certified Copy Record from Campaign spending commission]

That contribution was made at a time when appointees of the Governor were considering the transfer of valuable state land known as "Old Government Road" to Han Kuk Chun's corporation Royal Hawaiian Country Club Inc. and Y. Y. Valley Inc..

The Governors Campaign Director William Paty was the Director of the Department of Land and Natural Resources on April 3, 1987 when the contribution was made by Han Kuk Chun using an alias "Yasuo Yasuda"

While "Yasuda" used a local Hawaii address and did not identify himself as a foreign national on materials submitted to the Hawaii State Campaign spending Commission by the Governors campaign officials. Commission investigators should be aware that extensive public media reports were available in Hawaii indicated that "Yasuo Yasuda" was a foreign national.

As to the question of intentional Acts by the Governor and his campaign staff in the limited area of the legality of acceptance of campaign contributions from foreign nationals. The Commission should be aware that the State Campaign Spending Commissioner in Hawaii has reportedly advised state and local candidates for office that the federal law in this area did not apply to Hawaii persons running for State or Local offices.

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Complainants are unaware of specific written opinions issued by either the State Campaign Spending Commission or the office of the Attorney General of the State of Hawaii or written request for opinion by either of those bodies made by a candidate for state or local office made prior to the time this matter was made public on or about January 26, 1989. However oral request for ruling that foreign national campaign contributions were permitted may have been made and in fact are reported to have been made by candidates seeking office.

Further complainants are not aware of any written request by a foreign national of either State Campaign Spending officials or the Office of the Attorney General of the State of Hawaii which would have sought a declaratory ruling that such campaign contributions were legal.

By way of background for investigators, Hawaii which has historically always been a place of extensive "foreign" investment has in recent years placed first (second or third depending on which study is relied on) in the United States with regard to an parallel influx of foreign dollars from a variety of foreign countries.

Further information necessary for the investigation of this complaint would require that the commission be aware that Yasuo Yasuda is for all intents and purposes the sole stockholder of a alleged Hawaii corporation, known as Royal Hawaiian Country Club Inc.. Han Kuk Chun "Yasuo Yasuda" as the co-subject of this complaint as the contributor, made apparently illegal campaign contributions through that corporation and personally to other state and local politicians.

Han Kuk Chun "Yasuda" at all times relevant to this complaint may well have been in the United States in violation of United States Immigration laws which require disclosure of past criminal convictions which he failed to disclose. It is complainants understanding that Han Kuk Chun has, after initially making public denials of having a undeclared criminal record, has now admitted having both a criminal record and the failure to file notice of that record and conviction on his United States Visa application. He has stated ignorance of the requirement and that his past criminal record was expunged in Japan.

At the time of the filing of this complaint Yasuda has voluntarily left the United States and has returned to Japan. It is complainants understanding that the INS (Immigration and Naturalization Service) file remains open even after "Yasuda" has left. It is also complainants understanding that INS has additional information with regard to the subject matter of this

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complaint and Commission investigators are advised to contact the Honolulu office of that department for any supplemental information. INS investigators have examined campaign spending reports that are the subject matter of this complaint.

We have included with this complaint a certified copy of the State Campaign Commission spending reports filed by Governor Waihee's Office which shows the contributions that this complaint addresses. We have also included two other contributions made by officers of the Corporations and one other person in charge of its operations who are or may be resident aliens and whose contributions under the Act may be legal if the funds did not come from foreign national sources.

In the event those contributions funds are shown to have originated in or from a foreign source other than the personal funds of the resident alien contributors than complainants request that this complaint be considered to include those contributions also. If it appears that those "green card" holders have in any manner violated their resident status by allowing their names to be used as a pass through of foreign national funds we would then ask the commission to forward that information to INS offices in Honolulu for any additional action that INS feels may be appropriate under the circumstances.

1. The contributions ($3000.00) to the Waihee Campaign of Masanori Kobayashi an alleged Japanese National and the President of Royal Hawaiian Country Club and presumed holder of "green card status" in the United States in the amount of $1000.00 made on the same day as the Yasuo Yasuda contribution April 3, 1987. In addition the he also allegedly gave a contribution of $2000.00 (two thousand dollars) to the Waihee campaign on November 3, 1986. State campaign spending limits allow these contributions even though as is the case with the Governor he one runs in one election instead of two. If this interpretation is true his aggregate contribution would be $3000.00 (three thousand dollar) but treated as though it was made over two campaigns even thpough the Governor run in just one campaign. However those contributions if he acted as a pass through for additional contributions from Yasuo Yasuda or other foreign nationals, he would then be a co-conspirator in the attempt to circumvent the Federal Election Commission Act, and/or a co-conspirator in order to violate the Hawaii State campaign spending limit if the funds in reality came from Yasuo which would put his contributions over the agregate $4000.00 allowed.

BASIS FOR RAISING THIS SECTION OF COMPLAINT

The area of concern that follows warrant investigation because, while Masanori Kobayashi used his local address on these campaign donations to Governor Waihee ($3000.00), he for some unexplained reason, did in fact (according to the attached reports filed by the Fasi campaign- see also accompanying complaint against Frank Fasi Mayor of Honolulu) make a $2000.00

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campaign contribution to the Fasi Campaign using not only an address other than his own but the address of " c/o Central Pacific Bank" . During that same time, several other contributions to the Fasi campaign are made in like amount all using the "c/o Central Pacific Bank" address at least two and possibly several of those contributions were made by persons who are foreign nationals and have no resident status in the United States which would warrant a valid contribution. It is that pattern of conduct on Masanori Koybayashi's part that gives rise to this portion of the complaint. If in fact it is shown that the funds in question were not Masanori Kobayashi's funds but those of Yasuo Yasuda or another foriegn national then State violations also occur because the spending limits have been exceeded.

A.] A copy of this complaint is being forwarded to both the State of Hawaii campaign spending commission for a determination of any possible violation of State law in the area of excess campaign contributions no matter what Masanori Kobayashi's citizenship and resident status may be. and

B.] A copy of this complaint is being forwarded to the Honolulu office of INS for a determination if he is a resident alien and his action constitutes a violation of his resident alien status either by :

1) making an excess contribution (in the event that it was made with funds other than M a n s a n o r i Kobayashi's own funds which would constitutes a state law violation and/or in the event it is confirmed that the funds were a "pass through" for an additional foreign national contribution and whether that "pass through" act is then;

2) a violation of Federal law and/or State law and may warrant revocation of green card status in the United States, if such status exists.

A copy of the report of both contributions is attached hereto as exhibit B1-2.

2. The contributions totaling ($3000.00) of Yoshinori Hayashida (also known as "Ken" Hayashida) an alleged Japanese National who is Secretary-Treasurer of Royal Hawaiian Country Club Inc. and holds the same position in a second "Yasuda" owned Hawaii Corporation known as Y. Y. Valley Corporation, is also presumed to be the holder of green card status in the United States. His contribution to the Waihee campaign was also for $1000.00 (One thousand dollars) and made on the same day April 3, 1987 as the two previously cited contributions.

In addition Yoshinori "Ken" Hayashida also allegedly gave a contribution of $2000.00 (two thousand dollars) to the Waihee campaign on November 3, 1986. His aggregate contribution would be in excess of the $2000.00 (two thousand dollar) state contribution level for any one campaign by totaling $3000.00 which

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can be interpreted as being spread over two campaigns making it valid if all the funds actually passed through Yoshinori Hayashida's control and were his own personal property when contributed. However if he acted only as a pass through for additional contributions for Yasuo Yasuda or other foreign nationals he would then be a co-conspirator in the attempt to circumvent the Federal Election Commission Act and/or a co-conspirator in order to violate the Hawaii State campaign spending limit.

BASIS FOR RAISING THIS SECTION OF COMPLAINT

Both areas warrant investigation because, while Yoshinori "Ken" Hayashida used the local address of Yasuo Yasuda which is also the address listed for the two corporations instead of his own address on these campaign donations to Governor Waihee ($3000.00), he (as well as Masanori Kobayashi) for some unexplained reason, did in fact (according to the attached reports filed by the Fasi campaign- see also accompanying complaint against Frank Fasi Mayor of Honolulu) make a $2000.00 campaign contribution to the Fasi Campaign using not his own address but the address of " c/o Central Pacific Bank" . Other contributions to the Fasi campaign are made within that same week are made in like amount all using the "c/o Central Pacific Bank" address. At least two and possibly several of those contributions were made by persons who are foreign nationals including Yasuo Yasuda and Tetsuo Yasuda who have no resident status in the United States which would warrant a valid contribution. It is that pattern of conduct on Yoshinori Hayashida's part that gives rise to this section of the complaint.

Because of the dual addressees given by the parties and the questions raised by the amounts, the Federal Election Commission may which to have it's investigators subpena bank records of Central Pacific Bank in Hawaii whose address is 220 South King Street Honolulu, Hawaii 96813 and/or the bank records of the above referenced campaigns to show which banks the original checks to the Waihee campaign (and/or Fasi Campaign) were drawn on and if transfers or deposits made into the personal bank accounts of the individuals listed at or about the time of the contribution were made in like amounts from foreign sources not eligible to make contributions.

A.] A copy of this complaint is being forwarded to both the State of Hawaii campaign spending commission for a determination of any violation of State law in the area of excess campaign contributions if the funds given were shown to be other than funds in the personal control of Hayashi and no what his citizenship and resident status may be. and

B.] A copy of this complaint is being forwarded to the Honolulu office of INS for a determination if he is a resident alien and his action constitutes a violation of his resident alien status either by :

1) an excess contribution (in the event that

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it was made with other than Yoshinori Hayashida's own funds which would constitute a state law violation and/or in the event it is confirmed that the funds were a "pass through" for an additional foreign national contribution and whether that "pass through" act is then;

2) a violation of Federal law and/or State law and may warrant revocation of green card status in the United States, if such status exists.

A copy of the report of both contributions totaling $3000.00 is attached hereto as exhibit C 1-2. Copies of the Mayor Frank Fasi Campaign contribution sheets are also attached as Exhibit D 1-4. A more detailed of the Fasi Contributions will be included in the formal complaint filed in that matter.

3. The contribution to the Waihee Campaign of Hiroshi Kobayashi totaling $2000.00 (who is the brother of Masanori Kobayashi and has identified himself as an agent for Royal Hawaiian Country Club Inc. and Y. Y. Valley Corporation on several occasions). This contribution is included for investigation in this complaint because while Hiroshi Kobayashi is an apparent Japanese National who holds "green card status" in the United States which would allow him to make such a contribution and his contribution does not appear to violate limits set in Hawaii, there does exist the possibility that, as in the case of his brother who made $2000.00 of his $3000.00 worth of campaign contributions on November 2, 1986 as did Hiroshi Kobayashi on that same day these funds were not in the personal possession of the Kobayashi brothers. The concern arises as it does in the above two cases because even though Hiroshi Kobayashi gave his local address in this campaign contribution he did not do so in the accompanying complaint where he also used the "c/o Central Pacific Bank" when that was not his address. Complainants are concerned that these funds herein cited may have in fact been additional funds from Han Kuk Chun alias Yasuo Yasuda and/or other foreign nationals. (See above.)
Please refer to accompanying or separate cover complaints regarding contributions of Yasuo Yasuda, Tetsuo Yasuda and Royal Hawaiian Country Club Inc. to (1) Frank Fasi Mayor of Honolulu, (2) Senator James Aki, and (3) Honolulu City Councilman David Kahanu which are incorporated herein by reference to establish a pattern of conduct on the part of the foreign national contributor(s).

ADDITIONAL BACKGROUND INFORMATION

Your office should also be aware that the Attorney General of Hawaii Warren Price, an appointee of Governor Waihee has stated that he can not give an opinion on whether or not the Federal Act would be violated if State and local candidates for office accept contributions from foreign nationals. (See Exhibit E attached hereto from today's Honolulu Advertiser.) See also editorials and various news reports on this matter attached

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collectively as Exhibit G .

One of complainants reasons for filing this complaint at this time is the failure of the State officials to address this matter even though the law has been in effect for over 17 years. There is also a concern over the State and county governments ability to investigate themselves given the stance of State officials who have publicly expressed that the Federal Commissions stance is racially motivated. (See news clippings generally Exhibit F).

Lastly and also a very important factor in your viewing our complaint, the undersigned complainants have a long history of opposition to State and City approval of Han Kuk Chun alias Yasuo Yasuda's golf courses in Maunawili Valley where we reside. It is our opinion he and his associates has made campaign contributions at least some of which violate federal laws for the purposes of acquiring public lands and permits which would not otherwise have been available and/or have been allowed to violate permit conditions without being subject to sanction because of his campaign contributions.

We are also concerned that his lawyers are the personal attorneys for the local government officials to whom we must address our grievances and feel we can not receive impartial due process review of our lawful concerns when such influences including campaign contributions that violate federal law are permitted.

We state our concern within our complaint so that as you investigate our charges you do so aware of our concern and any possible bias or shading that may stem from our experience. We have attempted to keep such shading out of the complaint but realize the impossibility of doing that totally as we have been frustrated with the lack of concern our State and local officials have exhibited over the period of time the matters herein complained of have occurred.

Jurisdiction to Investigate Complaint

Because of these circumstances the undersigned would request these rulings from the Federal Election Commission instead of having the matter referred back to the State of Hawaii for resolution. Clearly jurisdiction is with the Federal Election Commission under the Act. All matters addressed herein but for the State Question raised as to exceeding of campaign limits the matters herein are specifically addressed to the Federal Election Commission.

As to those areas that are factually interlocking with regard to concurrent Federal-State Jurisdiction (which would be the questions raised as to the contributions made in the name of the resident aliens which may be deemed to violate state statute or federal statute depending on whether they originated outside

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the United States and/or are in excess of state spending limits) we have referred that limited matter to the State of Hawaii and because of the possible federal question to the Commission.

I would request that this matter be investigated fully. Further complaints will be directed to your attention as the data is finalized.

Anthony P. Locricchio

ANTHONY P. LOCRICCHIO
Personally and as attorney for:

Vickie Creed, President

Maunawili Community Association
by it's President Vickie Creed

Karin L. Kosoc

Karin L. Kosoc

Vickie Creed

Vickie Creed

Donna Wong

Donna Wong

On this 6th day of February, 1989 appeared before me Anthony P. Locricchio, Maunawili Community Association by its Pres. Vickie Creed, Karin L. Kosoc, Vickie Creed, Donna Wong and in my presence did affix their signatures individually and/or as representatives of their organization to the foregoing letter of complaint.

L.S.

Barbara Locricchio

NOTARY PUBLIC, STATE OF HAWAII
My commission expires 3-26-1990

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CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER 100

CITIZENS FOR [redacted]EE

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCC. CODE	AMOUNT OF THIS CASH CONTRIBUTION	VALUE OF THIS INKIND CONTRIBUTION
3/27/87	YAMASHITA, PAUL M. 2407 HELELEA PLACE HONOLULU, HAWAII 96822		250.00	.00
4/06/87	YAMASHITA, RUSSELL H. 927 KINAU STREET #D406 HONOLULU, HAWAII 96813		300.00	.00
3/20/87	YAMAUCHI, JUDY K. 94-1059 AWANANI STREET WAIPAHU, HAWAII 96797	1	500.00	.00
5/15/87	YANAGAWA, PETER N. 222 S. VINEYARD ST. #603 HONOLULU, HAWAII 96813		250.00	.00
3/27/87	YANG, NORMAN Y. J. 45-496 KANEOHE BAY DRIVE KANEOHE, HAWAII 96744	7	250.00	.00
4/03/87	YASUDA, YASUO 581 KAPOKU STREET #2404 HONOLULU, HAWAII 96826		1,000.00	.00
3/17/87	YASUE, ALLAN T. 1001 BISHOP ST., #2500 HONOLULU, HI 96813		1,900.00	.00
3/27/87	YBL, NICHOLAS 7759 WAIKAPU LOOP HONOLULU, HAWAII 96825		1,500.00	.00
3/20/87	YEE, ALAN 1400 PENSACOLA ST. #1204 HONOLULU, HAWAII 96822	16	250.00	.00
4/30/87	YEE, ALBERT L. Y. 1344 HOAKOA PLACE HONOLULU, HAWAII 96821		250.00	.00

SUB-TOTAL

This is to certify that this is a true and accurate copy of the Campaign Spending Commission record.

JACK H.K. GONZALES
Executive Director

EXHIBIT A

2404357 0012

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

CITIZENS FOR JOHN D. WAIHEE

Date Received	Name and Address of Donor	Occupation	Amount of This Cash Contribution	In Kind Contrib.	Aggregate Totals From Donor
11/04/86	Kim's Garage 1681 E Kapiolani Blvd. Honolulu HI 96814		200.00	.00	200.00
11/13/86	King Center 2490 Kalakaua Ave. Honolulu HI 96815		300.00	.00	300.00
11/20/86	King, Nakamura & Chun-Hoon 900 Fort St. Mall #300 Honolulu HI 96813		1,200.00	.00	1,200.00
10/22/86	Kinoshita, Joseph 820 Mililani Street Honolulu HI 96813	Attorney	500.00	.00	500.00
11/03/86	Kirimitsu, Walter S 333 Queen St., #900 Honolulu HI 96813		1,500.00	.00	1,500.00
11/03/86	Kitamura, Henry 333 Queen St., #900 Honolulu HI 96813		1,500.00	.00	1,500.00
10/24/86	Kobashigawa, James 1022 Kalihi Street Honolulu HI 96819		200.00	.00	200.00
10/22/86	Kobashigawa, Mataue 1022 Kalihi Street Honolulu HI 96819		1,000.00	.00	1,000.00
11/04/86	Kobashigawa Enterprises, Inc. 1136 N. King St. Honolulu HI 96817		200.00	.00	200.00
11/13/86	Kobayashi, Bert T. Jr. 6061 Summer Street Honolulu HI 96821		300.00	.00	300.00
11/03/86 ✓	Kobayashi, Hiroshi 921 Aliamanu Place Honolulu HI 96818		2,000.00	.00	2,000.00
11/03/86 ✓	Kobayashi, Masanori 1525 Wilder Avenue Honolulu HI 96822		2,000.00	.00	2,000.00
11/04/86	Koga, Garrick 94-398 Kakalu Loop Mililani Town HI 96789		200.00	.00	200.00
			11,000.00	.00	

1. SUBTOTAL of contributions over $100 This Page..... 11,000.00
2. TOTAL This Period (last page this line only).....

EXHIBIT B-1

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CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OV[illegible] 100

CITIZENS FOR MAINES

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCC. CODE	AMOUNT OF THIS CASH CONTRIBUTION	VALUE OF THIS INKIND CONTRIBUTION	AGGREGATE TOTALS FROM DONOR
4/24/87	KOBAYASHI, BERT T. JR. 6051 SUMMERS STREET HONOLULU, HAWAII 96813		1,000.00	.00	1,000.00
4/03/87	KOBAYASHI, MASANORI 1525 WILDER AVE. #703 HONOLULU, HAWAII 96822		1,000.00	.00	1,000.00
3/11/87	KODAMA, MICHAEL 1635 ALEWA DRIVE HONOLULU, HI 96817		1,000.00	.00	1,000.00
5/14/87	KODANI & ASSOCIATES, INC. 4444 RICE STREET #214 LIHUE, KAUAI, HI 96766	1	2,000.00	.00	2,000.00
5/14/87	KODANI, ROY M. 1001 BISHOP ST. PACIFIC TOWER #2550 HONOLULU, HAWAII 96813	11	125.00	.00	125.00
5/18/87	KOEHME, CAPTAIN VIRGIL P. O. BOX 516 KAHULUI, MAUI, HI 96732	16	250.00	.00	250.00
4/03/87	KOHARA, ARTHUR A. 926 KAHEKA STREET #304 HONOLULU, HAWAII 96814	1	500.00	.00	500.00
4/02/87	KOIZUMI, KOTARO 95-166 WAIWAKU PLACE MILILANI, HAWAII 96789		1,000.00	.00	1,000.00
5/15/87	KOMEIJI, JOHN T. 745 FORT STREET 8TH FLOOR HONOLULU, HAWAII 96813	11	500.00	.00	500.00
4/01/87	KOMETANI, JAMES S. 1154 FORT ST. MALL #315 HONOLULU, HAWAII 96313	1	500.00	.00	500.00
				SUB-TOTAL	7,875.00

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EXHIBIT B-2

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

CITIZENS FOR JOHN D. WAIHEE

Date Received	Name and Address of Donor	Occupation	Amount of This Cash Contribution	In Kind Contrib.	Aggregate Totals From Donor
10/31/86	Hawaii Milk Marketing Coop PAC P.O. Box 717 Waianae HI 96792		500.00	.00	500.00
11/06/86	Hawaii Optometric PAC 1109 12th Avenue Honolulu HI 96816		500.00	.00	500.00
10/23/86	Hawaii Painting & Walcovering, Inc. 229 Ekolu Way Sand Isla Honolulu HI 96819		1,000.00	.00	1,000.00
11/07/86	Hawaiian AO, 524 Grant Way Honolulu HI 96819		300.00	.00	300.00
11/13/86	Hawaiian Asset Management & Invest.Corp 1270 Queen Emma St., #8 Honolulu HI 96813		1,000.00	.00	1,000.00
11/04/86	Hawaiian Dredging & Construction Co P.O. Box 4088 Honolulu HI 96813		500.00	.00	500.00
11/05/86	Hawaiian King Candies, Ltd. 2644 Waiwai Lp. Honolulu HI 96819		750.00	.00	750.00
10/24/86	Hawaiian Telephone Company P. O. Box 2200 Honolulu HI 96841		1,000.00	.00	1,027.00
11/03/86	Hayashi, G.S. 220 S. King Street Honolulu HI 96813		1,000.00	.00	1,000.00
10/30/86	Hayashi, Masao 2270 Kalakaua Ave. Honolulu HI 96815		2,000.00	.00	2,000.00
11/03/86	Hayashida, Ken 581 Kamoku St. Honolulu HI 96826		2,000.00	.00	2,000.00
10/28/86	Hee, Vivian 1724 Bertram Street Honolulu HI 96816		1,000.00	.00	1,000.00
10/28/86	Hee, Eric 2439 Kapiolani Blvd #17 Honolulu HI 96826		1,100.00	.00	1,100.00
	SUBTOTAL of contributions Over $100 This Page.....		12,650.00	.00	
	TOTAL This Period (last page this line only).....				12,650.00

EXHIBIT C-1

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[illegible] SPENDING COMMISSION
[illegible] AGGREGATE CONTRIBUTIO[illegible] OVER $100

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCC. CODE	AMOUNT OF THIS CASH CONTRIBUTION	VALUE OF THIS KIND CONTRIBUTION	PAGE 29 AGGREGATE TOTALS FROM DONOR
3/19/87	HAWAIIAN SOLO COMPANY P. O. BOX 3595 HONOLULU, HAWAII 96811		2,000.00	.00	2,000.00
3/18/87	HAWAIIAN TUNA PACKERS KEWALO BASIN HONOLULU, HAWAII 96814		500.00	.00	500.00
3/19/87	HAYASHI, G.S. 229 SOUTH KING ST. #1500 HONOLULU, HAWAII 96813		1,000.00	.00	1,000.00
3/18/87	HAYASHI, MASAO 2270 KALAKAUA AVE.#1700 HONOLULU, HAWAII 96815		250.00	.00	250.00
3/03/87	HAYASHIDA, SEY 581 KAMOKU STREET 2205 HONOLULU, HAWAII 96826		1,000.00	.00	1,000.00
3/24/87	HEALY TIBBITTS CONSTR. CO. 91-079 HANUA STREET EWA BEACH, HAWAII 96706	86	250.00	.00	250.00
3/20/87	HEE, ERIC 2439 KAPIOLANI BLVD.#1701 HONOLULU, HAWAII 96826	1	1,000.00	.00	1,000.00
3/16/87	HEE, KENDALL 1124 BERTRAM STREET HONOLULU, HAWAII 96816		1,000.00	.00	1,000.00
3/18/87	HEE, LESTER J. 46-239 KAHAHAI STREET KANEOHE, HAWAII 96744		200.00	.00	200.00
3/20/87	HEE, VIVIAN 1124 BERTRAM STREET HONOLULU, HAWAII 96816	7	500.00	.00	500.00
				SUB-TOTAL	7,700.00

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EXHIBIT C-2

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY

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DATE RECEIVED 1987	NAME AND ADDRESS OF DONOR	OCCUPATION IF A NATURAL PERSON OR NAME OF PARENT	COLUMN 1 AMOUNT OF THIS CASH CONTRIBUTION	COLUMN 2 VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	AGGREGATE AMOUNTS MADE TO DATE
9/4	YAMAMOTO, Rodney 2241 Aha Nui Place Honolulu, Hawaii 96821		1000.00		1000.0
8/27	YAMASAKI, Hazel 511 Kekupua Street Honolulu, Hawaii 96825		500.00		500.0
8/26	YAMASAKI, Hamaru c/o Hombushin Mission Int'l 95-1930 Waihona Street Mililani, Hawaii 96789		250.00		250.0
9/28	YAP, Carol 1150 Davenport Street Honolulu, Hawaii 96822		250.00		250.0
8/25	YAP, Chin Son 1088 Bishop Street, Suite 1123 Honolulu, Hawaii 96813		2000.00		2000.0
9/28	YAP Raymond C., Dr. 1150 Davenport Street Honolulu, Hawaii 96822		250.00		250.0
8/27	YASUDA, George 47-266-B Hui Iwa Street Kaneohe, Hawaii 96744		500.00		500.0
✓ 8/31	YASUDA, Tetsuo c/o Central Pacific Bank		2000.00		2000.0
✓ 8/31	YASUDA, Tomio c/o Central Pacific Bank		2000.00		2000.0
9/4	YASUE, Allan T. 2500 Pacific Tower, Bishop Square Honolulu, Hawaii 96813		200.00		200.0
8/11	YASUHIRO, Stanley T. 5302 Halu Place Honolulu, Hawaii 96816		2000.00		2000.0
			TOTAL COLUMN 1:	TOTAL COLUMN 2:	THESE IN-KIND CONTRIBU ARE ALSO EX FURES WHEN

SUBTOTAL of Contributions Over $100 This Page .....

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EXHIBIT D-1

9404357 0017

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY

Page 131 of

DATE RECEIVED (1982)	NAME AND ADDRESS OF DONOR	OCCUPATION OR PRINCIPAL BUSINESS OF EMPLOYER OR PARENT	COLUMN 1 AMOUNT OF THIS CASH CONTRIBUTION	COLUMN 2 VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	AGGREGATE TOTAL TO DATE
8/20	YAMA, Roy T. 3483 Ala Ilima Street Honolulu, Hawaii 96818		1000.00		1000.(
8/20	YAMA, Sally T. 3483 Ala Ilima Street Honolulu, Hawaii 96818		1000.00		1000.(
9/30	YAMAGUCHI, Isamu ECC Foreign Language Institute		2000.00		2000.
9/30	YAMAGUCHI, Katsumi ECC Hongyo Foreign Language Institute		2000.00		2000.(
8/25	YAMAGUCHI, Michael S. 47-443 Aimili Place Kaneohe, Hawaii 96744		1500.00		1500.(
8/27	YAMAKI, Berlye F. 1755 Hoolkaika Place Pearl City, Hawaii 96782		250.00		250.(
10/19	YAMAMOTO, Bert A. 1687 Pensacola Street, No. 802 Honolulu, Hawaii 96822		750.00		750.(
8/12	YAMAMOTO, David H. 98-1699 Kaonki Street Aiea, Hawaii 96701		250.00		250.(
8/31	YAMAMOTO, Elaine c/o Central Pacific Bank		2000.00		2000.(
8/27	YAMAMOTO, Helen 98-1698 Kaonki Street Aiea, Hawaii 96701		250.00		250.(
9/4	YAMAMOTO, Jean E. 3240 Ala Loulani Street Honolulu, Hawaii 96818		948.00		948.(
			TOTAL COLUMN 1:	TOTAL COLUMN 2:	NOTE: IN CONTRIBU ARE ALSO E TURES WHE

SUBTOTAL of Contributions Over $100 This Page .....

TOTAL This Period (last page this line only) .....

EXHIBIT D-2

2404357001 8

STATE OF HA
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY

FUTURE PAC FAC

DATE RECEIVED 1987	NAME AND ADDRESS OF DONOR	OCCUPATION OF A NATURAL PERSON OR NAME OF PARENT	AGGREGATE AMOUNT OF THIS CONTRIBUTION	DESCRIPTION	CUMULATIVE TOTAL FOR 1987
8/17	[illegible], Frederick H. 3645 Ala Wai Blvd #PH-1 Honolulu 96815		250		250
9/11	[illegible], Kokio 95-186 Waiuka Place Mililani 96789		1,500		1,500
8/17	[illegible], Marilyn 2305 Kuu Hwy Honolulu 96819		250		250
9/14	Fongtani and Associates 2104 So. King St Honolulu 96826		250		250
9/14	[illegible], Douglas K. 1154 Fort St Mall #315 Honolulu 96813		250		250
9/14	[illegible], Joan S. 1154 Fort St Mall #315 Honolulu 96813		1,000		1,000
8/17	[illegible], Maurice I. 60 No. Beretania St #102 Honolulu 96817		750		750
10/5	[illegible], Stanley T. 2646 Rooke Ave Honolulu 96817		2,000		2,000
10/15	Korean Buddhist Dae Han So Temple of Hawaii 2559 Waiomao Road Honolulu 96816		2,000		2,000
9/14	[illegible], Nimie 820 Oahu St Honolulu 96816		500		500
9/4	[illegible], Ilan c/o Central Pacific Bank		2,000		2,000
			TOTAL COLUMN I:	TOTAL COLUMN II:	

SUBTOTAL of Contributions Over $100 This Page .....

TOTAL This Period (last page this line only) .....

EXHIBIT D-2(A)

2404357 00019

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY: FRIENDS FOR FASI

DATE RECEIVED 1987	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) CUMULATIVE TOTAL $ FROM DONOR
8/24	KIRIMITSU, Walter S. 333 Queen St Suite 900 Honolulu 96813		500		500
9/4	KITAGAWA, Koichi c/o Hadamitzky Hawaii Int'l 99-030 Waihona St Waipahu 96786		250		250
8/24	KITAMURA, Barry N. 333 Queen St 9th Floor Honolulu 96813		500		500
9/14	Kiyo's Transmission Service 878 Queen St Honolulu 96813		500		500
9/4	KRUEGER, W. F. 381 Puiwa Road Honolulu 96817		250		250
8/24	KO, Jum Y. 810-6 Kealia St Honolulu 96826		250		250
8/24	KO, Robert Y. H. 810-6 Kealia St Honolulu 96826		250		250
8/24	KOBAYASHI, Franklyn M. Aiea Bowling Center Inc Aiea Shopping Center Aiea 96701		500		500
✓9/5	KOBAYASHI, Hiroshi c/o Central Pacific Bank		2,000		2,000
✓9/4	KOBAYASHI, Masaaki c/o Central Pacific Bank		2,000		2,000
10/5	Koga Engineering & Construction Inc 846 So. Hotel St Honolulu 96813		2,000		2,000
			TOTAL COLUMN 1:	TOTAL COLUMN 2:	NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page .....
2. TOTAL This Period (last page this line only) .....

EXHIBIT D-3

7404357 0020

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
FRIENDS FOR FADI

DATE RECEIVED 1982	NAME AND ADDRESS OF DONOR	OCCUPATION OF A NATURAL PERSON, PRINCIPAL BUSINESS OF FIRM	COLUMN 1 AMOUNT OF THIS CAMPAIGN CONTRIBUTION	COLUMN 2 VALUE OF THIS NON-CASH CONTRIBUTION DESCRIPTION	COLUMN 3 AGGREGATE TOTAL FROM DONOR
9/4	IWASHITA, Yoshinori c/o Central Pacific Bank		2,000		2,000
9/4	IKE, Charlotte 47-120 Hiilelua Road Kaneohe 96744		250		250
9/4	IKE, David 47-129 Hiilelua Road Kaneohe 96744		250		250
9/4	IKE, Deanne 1724 Bertram St Honolulu 96816		2,000		2,000
9/4	IKE, Eric 2419 Kapiolani Blvd #1703 Honolulu 96826		2,000		2,000
9/4	Ice Dairy Corporation 449 Kapiolani Ave Honolulu 96815		500		500
9/4	IKE, Kendall 1724 Bertram St Honolulu 96816		1,000		1,000
8/17	Heller, Hesterly, Van Horn & Kimura 733 Bishop St Suite 2590 Honolulu 96813		2,000		2,000
9/14	HELLREICH, Philip Dr 40 Aulike St Suite 111 Kailua 96734		250		250
8/17	HENNI, Isaac 15 Woodcrest Court Hillsborough, CA 94010		500		500
8/17	HEWITT, Jane P. 1465 Kalanikai Place Honolulu 96821		500		500
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED.

1. SUBTOTAL of Contributions Over $100 This Page .....
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EXHIBIT D-4

2404357 0021

Price's advice to candidates: Ask U.S. panel

Local candidates worried about whether they ve received foreign campaign contributions in olation of federal law should work with the ederal Election Commission to see where they and, state Attorney General Warren Price d yesterday.

rice said he is reviewing the controversy er a federal ban on foreign contributions to cal elections. The move was requested by the ate Campaign Spending Commission.

And he said a legal argument could be made at the federal law shouldn't apply to local ces, since the rule that extends the ban on reign contributions to local elections seems to beyond the statute itself.

But he said that is a matter for lawyers representing individual candidates and the federal government to hash out.

"We're simply advising the state commission. And we really don't have jurisdiction on this. We can't advise individual campaigns," Price said.

"All we're trying to find out, for the practicality, is what are the federal government's intentions on this, and I think we kind of found that out.

"What I'm saying is that there is some dispute as to exactly what this law says, but our advice is going to be for each candidate to work with the federal government to work out those disputes."

Warren Price
"We don't have jurisdiction"

Advertiser 2/4/89

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EXHIBIT E

Star Bulletin
A-6 □ Thursday, February 2, 1989

Cayetano says bias is behind funds ban

□ The lieutenant governor says it's 'a manifestation of the anti-Asian feeling'

By Richard Borreca and Charles Memminger
Star-Bulletin

Lt. Gov. Ben Cayetano suggests that the federal ban on foreign campaign contributions might be racially or ethnically motivated as local officeholders continue to question why they have to honor the ban.

"For these things to be coming up now is a manifestation of the anti-Asian and anti-Japanese feeling that is sweeping the mainland," Cayetano told the Senate Ways and Means Committee.

Lt. Gov. Ben Cayetano

The FBI has launched a preliminary investigation into foreign donations after it was disclosed last week that Mayor Frank Fasi had returned $24,000 in campaign contributions from a Japanese developer.

A review of state Campaign Spending Commission records shows that at least five other local politicians have received contributions from principals of two Japanese golf course development companies.

Last night, Cayetano repeated his charge, saying

See DONATIONS, Page A-6

EXHIBIT
71-A

?40435700023

DONATIONS: Cayetano says bias to blame

Continued from Page A-1

he is bothered "by the pinpointing of people with foreign-sounding names" by the federal government.

"Why has this come up now?" Cayetano said.

He added that he recently had lunch with the new directors of Pacific Resources Inc. from Australia. If they had donated to his campaign, no one would notice because they had Anglo-Saxon surnames, Cayetano said.

"I think there is a growing fear of foreign influence in the United States, and this is why it is coming up now," Cayetano said.

A spokesman for the Federal Election Commission in Washington, D.C., denied the charge, saying that since the FEC was created in 1971 there have been 25 violations of the foreign national contribution ban.

The original law forbidding foreigners from giving to political campaigns was passed in 1938 as part of the Foreign Nationals Exclusion Act," said Scott Moxley, FEC public affairs specialist.

In 1974, U.S. Sen. Lloyd Bentsen had the law amended to change "foreign principals to foreign nationals and keep them from giving to any political candidates in order to preserve U.S. independence in its political process, Moxley said.

Local politicians say they understand that Congress can set the rules for federal elections but are mystified as to how Congress can control a state or county election.

"I don't see the authority for the rules promulgated by the FEC," Cayetano said.

"It is very presumptuous for the FEC to disallow this," Sen. Anthony Chang said during a debate on the Senate floor yesterday.

But Moxley said the FEC in 1986 ruled against a local candidate running for office in San Francisco who got money from a foreign national.

"The attorney argued that the section didn't apply to local elections because it was for federal offices, but the FEC attorney refuted the argument, making it clear that the prohibition extends to local and state elections," Moxley said.

Cayetano has received donations from Japanese nationals, and he ran into some Republican criticism yesterday on the floor of the Senate.

"It is not surprising that Lt. Gov. Ben Cayetano is one of the Hawaii politicians guilty of accepting illegal campaign donations from foreign nations," Sen. Rick Reed said.

"What is surprising is Cayetano's cavalier attitude about returning at least $9,000 he received in violation of federal law," he said.

"To say it's too difficult to return campaign funds now known to be illegally gotten displays an unacceptable level of arrogance and disdain for the law," Reed said.

Cayetano later answered back, calling Reed "stupid" and politically motivated.

"Before he of all people questions my ethics and honesty, I suggest that he, who has a history of smearing other people, look at himself," Cayetano said.

Both Cayetano and Gov. John Waihee have accepted money from foreign nationals. Cayetano says if the law requires him to do so, he will return the money.

Japanese golf course developer Yasuo Yasuda and officers of his companies contributed at least $3,000 to Waihee's campaign, according to Campaign Spending Commission records.

Yasuda returned to Japan yesterday after admitting to U.S. Immigration and Naturalization Service investigators he had a criminal record in Japan he did not disclose on his visa application. Yasuda's attorney said the record was old, involved minor offenses and had been officially expunged in Japan. Nevertheless, they agreed that Yasuda would return voluntarily and reapply to return to Hawaii.

Fasi said he has returned $24,000 in contributions made by foreign nationals or foreign-controlled corporations. His office released a list of names of people to whom he has returned money. Most of those on the list were connected to Yasuda's two companies, Y.Y. Valley Corp. or Royal Hawaiian Country Club, according to state Department of Commerce and Consumer Affairs records.

Yasuda is building a Maunawili country club with two golf courses.

A review of campaign spending records showed that some of those same contributors gave money to Waihee and other local politicians.

According to the records, Waihee received $1,000 from Yasuda; $1,000 from Ken Y. Hayashida, the secretary-treasurer of Y.Y. Valley and Royal Hawaiian; and $1,000 from Masanori Kobayashi, president of Royal Hawaiian.

Kobayashi also contributed $1,000 to the primary election campaign of city Councilman Leigh-Wai Doo, records show. He also gave $2,000 to Fasi, which has been returned, Fasi said.

Doo also received $1,000 from Hayashida. Doo could not be reached for comment.

Royal Hawaiian gave $250 contributions to state Sens. James Aki and Ann Kobayashi and city Councilman David Kahanu. Kahanu and Aki said they will return the money.

Sen. Kobayashi said she'll abide "by whatever the law is."

A Waihee spokeswoman said the campaign organization would "take appropriate steps to do whatever has to be done including returning the money."

EXHIBIT E1-B

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 7, 1989

Anthony Locricchio, Esquire
903 Maunawili Circle
Kailua, HI 96734

Dear Mr. Locricchio:

We have received your letter on February 14, 1989, regarding the possibility of a violation of the Federal Election Campaign Act of 1971, as amended ("the Act").

The 1976 amendments to the Act and Federal Election Commission regulations require that a complaint meet certain specific requirements. Your letter does not meet these requirements. Consequently, the Commission can take no action at this time to investigate this matter.

However, if you desire the Commission to look into the matter discussed in your letter to determine if the Act has been violated, a formal complaint as described in 2 U.S.C. Section 437g(a)(1) must be filed. Requirements of this section of the law and Commission regulations at 11 C.F.R. Section 111.4 which are a prerequisite to Commission action are detailed below:

(1) A complaint must be in writing.
(2 U.S.C. Section 437g(a)(1))

(2) Its contents must be sworn to and signed in the presence of a notary public and shall be notarized.
(2 U.S.C. Section 437g(a)(1))

(3) A formal complaint must contain the full name and address of the person making the complaint.
(11 C.F.R. Section 111.4)

(4) A formal complaint should clearly identify as a respondent each person or entity who is alleged to have committed a violation. (11 C.F.R. Section 111.4)

(5) A formal complaint should clearly identify the source of information upon which the complaint is based. (11 C.F.R. Section 111.4)

(6) A formal complaint should contain a clear and concise recitation of the facts describing the violation of a

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statute or law over which the Commission has jurisdiction. (11 C.F.R. Section 111.4)

(7) A formal complaint should be accompanied by supporting documentation if known and available to the person making the complaint. (11 C.F.R. Section 111.4)

Finally, please include your telephone number, as well as the full names and addresses of all respondents.

Enclosed is a copy of Commission regulations, and your attention is directed to 11 C.F.R. Section 111.4 through Section 111.10 that deal with preliminary enforcement procedures. Also, enclosed is a compilation of Federal Election Campaign laws on which these regulations are promulgated. I trust these materials will be helpful to you should you wish to file a legally sufficient complaint with the Commission. The file regarding this correspondence will remain confidential for a 15 day time period during which you may file an amended complaint as specified above.

If we can be of any further assistance, please do not hesitate to contact me at (202) 376-8200.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
Excerpts
Procedures

cc: respondents

9404357002 6

FEDERAL ELECTION COMMISSION
89 APR 11 AM 11:22

(See MUR 2430)

March 29, 1989

Mr. D. L. McDonald
Chairman Federal Election Commission
999 E St. N. W.
Washington, D. C., 20463

Lawrence Noble
General Counsel
Federal Elections Commission
999 E St N. W.
Washington, D. C., 20463

Attention: Lois G. Lerner
Associate General Counsel

Dear Sirs:

I represent the undersigned individuals and organizations who are herein filing their complaint with the Federal Election Commission with regard to over $21,000.00 (Twenty-One Thousand dollars) in campaign contributions from foreign nationals. The Governor has admitted that his campaign has received contributions of $21,000.00 from foreign nationals which he has allegedly returned. Attempts to confirm which foreign national contributions were returned have thus far proven unsuccessful. These contributions appear to be violation of 2 U.S.C. 441(E) Sec A-319(a).

WRITTEN COMPLAINT (2 U.S.C. Section 437G (a) (1))
The undersigned complainants allege:

A. Governor John Waihee at times within the three year statute of limitations for investigation by the FEC has admitted receiving, accepting and presumably spending some twenty-one thousand dollars ($21,000.00) in campaign contributions through his campaign organization CITIZENS FOR WAIHEE, from foreign nationals individuals who are not federally authorized residents of the United States under U.S. Immigration laws.

The State of Hawaii official in charge of elections, the Lieutenant Governor (who has also admitted receiving similar foreign national campaign contributions see separate complaint) has stated that the above law does not apply to State officials campaigns for election. Complainants seek a clear ruling from the

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commission that political contributions from foreign nationals who are not authorized residents of the United States are prohibited under the above reference act.

The Chairman of the State Senate Judiciary has held that the above Federal Law is a violation of the right of a state to control it's own state and local elections and that the issue of pre-emption by the Federal Government can not be applied to contributions made by foreign nationals to State and local campaigns and ballot initiative issues. Because of these statements a great deal of confusions exists within Hawaii and other states who are involved in significant foreign investment within the state. The complainants urge action and rulings on this complaint by the Commission.

B. Governor John Waihee at times within the three year statue of limitations for investigations by the FEC has further received campaign contributions through his campaign organization from Corporations formed in the state of Hawaii which are wholly owned and controlled by foreign nationals who would not be permitted to make contributions individually to Federal, State, and local campaigns for elective office. The intent of the above entitled bill was to keep foreign nationals out of influencing the internal political process in the United States. This section of this complaint seeks a ruling from the Commission as to whether or not that intent is in fact violated by the acceptance of contributions from corporations wholly or substantially owned and controlled by foreign nationals.

Governor Waihee's address is Governor John Waihee, Governor's Office 5th Floor, Hawaii State Capitol Building, Honolulu Hawaii 96813.

C. The following foreign nationals and corporations controlled by foreign nationals have made apparently illegal campaign contributions to the campaign of Governor John Waihee some of which knowingly may have acted with the apparent purposes of seeking political favors from the Waihee administration.

1. Han Kuk Chun, a Korean national, who is a resident alien living in Japan. While traveling under his actual name on his Korean passport, he has used the alias Yasuo Yasuda for the formation of two Hawaii Corporations Royal Hawaiian Country Club Inc. and Y. Y. Valley Inc., the stock of which he owns the substantial portion. He at no time has held green card status in the United States. Chun failed to state his past criminal record on his United States Visa application and entered the country in violation of Immagration Naturalization Service (INS) regulations. On February 2 of this year INS officials required him to leave the United States and the matter remains open as to whether further action will be taken by INS.

A verified copy of the report of his contribution has been submitted to the Commission as exhibit (A).

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Address: Han Kuk Chun's Japan address may be 22-18 Sakae Bashi-Cho, Neyegawa City, Osaka, Japan. An address that the Hawaii State Court has deemed sufficient for service of Chun is 581 Kamoku Suite 2404, Honolulu Hawaii 96826. His immigration attorney is William McCorriston of the firm of Goodsill Anderson Quinn and Stifel, P.O. Box 3196, Honolulu, Hawaii 96801

Specific allegation: Han Kuk Chun made a contribution to the election campaign of Governor John Waihee using the name Yasuo Yasuda in the amount of $1000.00 (One thousand dollars) see Exhibit ( ). Yasuda, which is an alias, is Chairman of the Board & Director of Royal Hawaiian Country Club Inc. and Chairman of the Board, President and Director of Y. Y. Valley Corp.. The contribution may have been in the amount of $11,000 (eleven thousand dollars) if it is proven that the funds listed below were in fact the property of Han Kuk Chun rather than those associates who were named as the contributors in the disclosure forms filed with the State of Hawaii.

He used a local Hawaii address on his contribution as though he were a local resident and the Governor's campaign staff possibly may not have been aware of his actual foreign national status. But because of extensive publicity concerning the foreign ownership of the Hawaii projects of Han Kuk Chun then known as Yasuo Yasuda, that error is unlikely.

> That contribution was made at a time when appointees of the Governor were considering the transfer of valuable state land known as "Old Government Road" to Han Kuk Chun's corporation Royal Hawaiian Country Club Inc. and Y. Y. Valley Inc..
>
> The Governor's Campaign Director, William Paty, was the Director of the Department of Land and Natural Resources on April 3, 1987 when the contribution was made by Han Kuk Chun using an alias "Yasuo Yasuda"

Associated and made part of this complaint is a series of campaign contributions made by officers and associates of Han Kuk Chun and/or his corporations. These contributions which appear to be foreign national funds total $10,000.00 (ten thousand dollars) in campaign contributions to the campaign of Governor John Waihee. The complainants ask that these contributions be investigated. Those contributions described below are alleged to be from four alien residents, Masanori Kobayashi, 1525 Wilder Ave. Honolulu Hawaii 96822 ($3000.00) see exhibits (1), Yoshinori "Ken" Hayashida, 712 Paoo Street Honolulu, Hawaii 96825 ($3000.00) see exhibits ( ) and Hiroshi Kobayashi, 921 Aliamanu Place Honolulu, Hawaii 96818, brother of Masanori ($2000.00) and Masanori Inoue business associate of Han Kuk Chun of $2000.00. See exhibits( ).

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We have filed this complaint against these individuals because it appears that the money from those sources may have come directly from foreign nationals and was not from the personal income of the contributors. It would appear from the campaign contributions to the campaign of Mayor Frank Fasi (see accompanying complaint being sent under separate cover) that the funds contributed from the same individuals may not have been in the possession of the contributors and may have been additional contributions from Han Kuk Chun. (see supplemental portion of this complaint for additional data regarding this $10,000.00 contribution.)

As the third count, the head of the Japan Travel Bureau Masao Hayashi, who according to his office, is in the United States only on an E-I Visa (non resident visa for limited business and tourist purposes) made a contribution of $2000.00) which was accepted and noted by Citizens for Waihee on 10/30/86 (see exhibit) and another contribution of $250.00 (two hundred and fifty dollars) in April of 1987 see Exhibit ( ) for a total of $2250.00 in campaign contributions. Hayashi is a foreign national and apparently does not have resident status in the United States and lists his address on the contribution form as 2270 Kalakaua Ave. Honolulu, Hawaii 96813 making it appear falsely that he is a local (Hawaii) resident.

The Japan Travel Bureau International Inc., (JTB) appears to be a Corporation owned in it's entirety by foreign nationals. JTB also makes a separate contribution over and above the personal contribution of General Manager Hayashi to the Campaign of Governor John Waihee of $210.00 (two hundred and ten dollars) in October of 1986 that contribution also appears to violate the intent of the Federal Act. Again a local business address is used on the contribution listing. See exhibit ( ).

The forth count is a campaign contribution by Roy Hiroshige to the Waihee Campaign of $250.00 (two hundred and fifty dollars). The address of the contributor is listed as 1-31-12 Higashigaoka, Meguro Ku Tokyo, Japan 152 see exhibit ( ). On it's face this contribution appears to be from a non resident foreign national and should be investigated.

The fifth count is a campaign contribution from Ohbayashi- Hawaii Corporation 1001 Bishop Street, Honolulu Hawaii 96813 campaign contribution of Two Thousand dollars ($2000.00). Ohbayashi Hawaii Corporation is listed in the State of Hawaii register as a foreign owned corporation doing business in Hawaii see exhibit ( ) 9/12/88.

The sixth count concerns a series of contributions from Japan Airlines a total contribution of $500.00 see exhibit ( ). Japan Airlines is a foreign based and foreign controlled Corporation.

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The following three counts (7 through 9) raise the additional question of whether or not the intent of the prohibition against foreign nationals becoming involved in state and local political campaigns within the United States also would apply to Political Action Committees formed by foreign nationals through their United States Corporations:

The seventh count is a campaign contribution from Gem of Hawaii-PAC (Political Action Committee) of $1000.00 made on 7/31/87 see exhibit (). Gem Department Stores is a Hawaii Corporation under Seyu Inc-Hawaii fully owned and controlled by foreign nationals. Another contribution on 4/29/88 from the same political action committee is listed at $300.00 using the same 1199 Dillingham Blvd. Hononlulu Hawaii 96818. See exhibit ( ).

The eighth count is a campaign contribution from another political action committee controlled by a foreign national group of stockholders, on April 1, 1987, Mauna Lani Resorts PAC gave a contribution of $1000.00 to the Waihee campaign, address listed was P. O. Box 4959 Kawaihae, Hawaii 96743, see exhibit( ). A second contribution was made five days later, an additional $1000.00 is contributed by Mauna Lani Resort Inc. P.O. Box 4959 Kawaihae Hawaii 96743. This hotel is also owned and controled by foriegn national corportins and stockholders. See exhibit ( ).

The ninth count includes a Banking institution, Central Pacific Bank, a significant portion of whose stock while not a majority is apparently owned by foreign nationals and is included for this reason so that a ruling may be made on degree of ownership and or control of the entity making the contribution. Again this entity is set up as a Political Action Committee. The contribution from CPB PAC State (Central Pacific Bank) is made on 10/15/86 in the amount of $1000.00 with an address of 50 N. King Street, Honolulu, Hawaii 96817. A second contribution from the same PAC was made on 11/19/86 see exhibit ( ). A third contribution from the same PAC is made for $1000.00 on 4/2/87.

The tenth count is related to a contribution from Mizutani Takayuki contribution of $500.00 who lists his address as 801 Kaheka Street Honolulu, who lists as his address c/o Daiei see exhibit( ) 11/21/86. Mr. Takayuki is the Vice President of Daiei and is in Hawaii only on a working visa which would not qualify him to make contributions to local campaigns. It appears the contributor is a foreign national and who lists as his address a foreign owned corporation.

The eleventh count concerns a $500.00 contribution to the Waihee campaign from Daiei Hawaii Investment, Inc. using the same address as listed above in count ten, and dated 5/24/88 See exhibit ( ).

The twelfth count is a contribution from Nitto Hawaii Co. LTD a foreign owned corporation that operates the Makaha Valley Resort Hotel and Country Club. The contribution is for $550.00 and

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the address shown on exhibit ( ) is 84-627 Makaha Valley Road, Waianae, Hawaii 967923 on 3/15/87 and 5/9/88 see exhibit ( ).

The thirteenth count is a contribution from American Hawaii Cruises, 550 Kearney Street San Francisco California, whose stock is owned by a foreign national. The contribution is for a total $1250.00 according to exhibit ( ) dated 9/19/86. Another contribution on 9/12/88 for $1000.00 from the same party and address is shown in exhibit ( ).

The fourteenth count is a contribution from Pan Pacific Construction, Inc. totaling $500.00 on 6-30-88 listing an address of 2621 Waiwai Loop Honolulu Hawaii 96819. Pan-Pacific Construction is apparently owned in whole or significantly by foreign nationals.

The fifteenth count is a contribution made on the same day by Pan Pacific Development Inc. for the same amount as count fourteen, listing as their address 1001 Bishop St. #2350 Honolulu Hawaii 96813. Pan Pacific appears to be a corporation owned and controlled by foreign nationals in whole or a significant percentage thereof. See Exhibit ( ) for 14 and 15.

The sixteenth count is a $2000.00 contribution from Hawaii Omori Corporation whose parent company, Omari Corporation (a foriegn corporation owned and controled by foriegn nationals) owns controlling interest in said corporation. Address P. O. Box 1570 Lahaina, Hawaii 96761. 10/29/86 see exhibit ( ).

The seventeenth count is a $1000.00 contribution from Azabu U.S.A. Corporation whose parent company, Azabu Buildings Company LTD is a foreign corporation which owns and controls Azabu U.S.A.. See exhibit ( ).

The eighteenth Count is a contribution from Kumugai Properties whose parent company is Kumagai-Gumi a foriegn Corporation who owns and controls Kumagi Properties. The contribution is $500.00 and was made on 8/15/87. See exhibit ( ).

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STANDING: The Act allows any United States Citizen or organization of citizens to file a complaint under this Act. The complaining parties are citizens of the United States and residents of the State of Hawaii and/or an association of citizens and have affixed their notarized signatures hereto.

JURISDICTION: The undersigned believe that the Federal Election Commission has sole Jurisdiction to Investigate the subject matter of this complaint except as otherwise specifically stated herein and in those matters concurrent jurisdiction.

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Intenticnal Nature of Acts

As to the question of intentional Acts by the Governor and his campaign staff in the limited area of the legality of acceptance of campaign contributions from foreign nationals, the Commission should be aware that the State Campaign Spending Commissioner in Hawaii has reportedly advised state and local candidates for office that the federal law in this area did not apply to Hawaii persons running for State or Local offices.

Complainants are unaware of specific written opinions issued by either the State Campaign Spending Commission or the office of the Attorney General of the State of Hawaii or written request for opinion by either of those bodies made by a candidate for state or local office made prior to the time this matter was made public on or about January 26, 1989. However oral request for ruling that foreign national campaign contributions were permitted, may have been made and in fact are reported to have been made by candidates seeking office.

Further, complainants are not aware of any written request by a foreign national to either the State Campaign Spending officials or the Office of the Attorney General of the State of Hawaii which would have sought a declaratory ruling that such campaign contributions were legal.

By way of background for investigators, Hawaii which has historically always been a place of extensive "foreign" investment has in recent years placed first (second or third depending on which study is relied on) in the United States with regard to a parallel influx of foreign dollars from a variety of foreign countries.

Complainants have sought to receive from the Governors Office a copy of a list of recently alleged returned campaign contributions to foreign nationals. Despite two attempts to acquire the list, the Governor's office has failed to provide the list of returned contributions. The contributions were returned only after extensive public revelation of the contributions and debate thereon. Complainants have no way of knowing whether the attached counts of alleged violations represent the same monies returned recently by the Governors office or different funds.

The press reported the Governor returned approximately $21,000.00 (twenty-one thousand dollars). Complainants are unable to verify or deny that funds were returned

within the past few weeks nor to whom they may have been returned because of the failure to make said list public at this time or to provide complainants with verification by any means.

Supplemental Complaint Relating to Count One and Two

1. The contributions ($3000.00) to the Waihee Campaign of Masanori Kobayashi, an alleged Japanese National, and the President of Royal Hawaiian Country Club and presumed holder of "green card status" in the United States in the amount of $1000.00 made on the same day as the Yasuo Yasuda contribution April 3, 1987. In addition the he also allegedly gave a contribution of $2000.00 (two thousand dollars) to the Waihee campaign on November 3, 1986. Those contributions, if he acted as a pass through for additional contributions from Han Kuk Chun alias "Yasuo Yasuda" or other foreign nationals, would then make him a co-conspirator in the attempt to circumvent the Federal Election Commission Act, and/or a co-conspirator in order to violate the Hawaii State campaign spending limit if the funds in reality came from Yasuo which would put his contributions over the aggregate $2000.00 allowed.

The area of concern that follows, warrant investigation because, while Masanori Kobayashi used his local address on these campaign donations to Governor Waihee ($3000.00), he for some unexplained reason, did in fact (according to the attached reports filed by the Fasi campaign- see also accompanying complaint against Frank Fasi, Mayor of Honolulu) make a $2000.00 campaign contribution to the Fasi Campaign using not only an address other than his own but the address of " c/o Central Pacific Bank". During that same time, several other contributions to the Fasi campaign are made in like amount all using the "c/o Central Pacific Bank" address. At least two and possibly several of those contributions were made by persons who are foreign nationals and have no resident status in the United States which would not warrant a valid contribution. It is that pattern of conduct on Masanori Koybayashi's part that gives rise to this portion of the complaint.

If in fact it is shown that the funds in question were not Masanori Kobayashi's funds but those of "Yasuo Yasuda" or another foreign national, then State violations also occur because the spending limits have been exceeded.

A copy of the report of both contributions is attached hereto as exhibit ___.

2. The contributions totaling ($3000.00) of Yoshinori Hayashida (also known as "Ken" Hayashida) an alleged Japanese National who is Secretary-Treasurer of Royal Hawaiian Country Club Inc. and holds the same position in a second "Yasuda" owned Hawaii Corporation known as Y. Y. Valley Corporation, is also presumed to be the holder of green card status in the United States. His contribution to the Waihee campaign was also for $1000.00 (One

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thousand dollars) and made on the same day, April 3, 1987 as the two previously cited contributions.

In addition Yoshinori "Ken" Hayashida also allegedly gave a contribution of $2000.00 (two thousand dollars) to the Waihee campaign on November 3, 1986. These contributions, if he acted only as a pass through for additional contributions for "Yasuo Yasuda" or other foreign nationals, would make him a co-conspirator in the attempt to circumvent the Federal Election Commission Act and/or a co-conspirator in order to violate the Hawaii State campaign spending limit.

BASIS FOR RAISING THIS SECTION OF COMPLAINT

Both areas warrant investigation because, while Yoshinori "Ken" Hayashida used the local address of Yasuo Yasuda which is also the address listed for the two corporations instead of his own address on these campaign donations to Governor Waihee ($3000.00), he (as well as Masanori Kobayashi) for some unexplained reason, did in fact (according to the attached reports filed by the Fasi campaign- see also accompanying complaint against Frank Fasi, Mayor of Honolulu) make a $2000.00 campaign contribution to the Fasi Campaign using not his own address but the address of " c/o Central Pacific Bank". Other contributions to the Fasi campaign are made within that same week are made in like amount all using the "c/o Central Pacific Bank" address. At least two and possibly more of those contributions were made by persons who are foreign nationals. These include Yasuo Yasuda and Tetsuo Yasuda who have no resident status in the United States, which would warrant a valid contribution. It is that pattern of conduct on Yoshinori Hayashida's part that gives rise to this section of the complaint.

Because of the dual addressees given by the parties and the questions raised by the amounts, the Federal Election Commission may wish to have it's investigators subpena the bank records of Central Pacific Bank in Hawaii whose address is 220 South King Street Honolulu, Hawaii 96813 and/or the bank records of the above referenced campaigns to show which banks the original checks to the Waihee campaign (and/or Fasi Campaign) were drawn on and if transfers or deposits made into the personal bank accounts of the individuals listed at or about the time of the contribution were made in like amounts from foreign sources not eligible to make contributions.

3. The contribution to the Waihee Campaign of Hiroshi Kobayashi totaling $2000.00 (who is the brother of Masanori Kobayashi and has identified himself as an agent for Royal Hawaiian Country Club Inc. and Y. Y. Valley Corporation on several occasions). This contribution is included for investigation in this complaint because while Hiroshi Kobayashi is an apparent Japanese National who holds "green card status" in the United States which would allow him to make such a contribution, there does exist the possibility that, as in the case of his brother who made $2000.00 of his $3000.00 worth of campaign contributions on

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November 2, 1986, as did Hiroshi Kobayashi on that same day these funds were not in the personal possession of the Kobayashi brothers. The concern arises as it does in the above two cases because even though Hiroshi Kobayashi gave his local address in this campaign contribution he did not do so in the accompanying complaint where he also used the "c/o Central Pacific Bank" when that was not his address. Complainants are concerned that these funds herein cited may have in fact been additional funds from Han Kuk Chun alias Yasuo Yasuda and/or other foreign nationals. (See above.)

4. A contribution has been discovered from Mitsunori Inoue also a foreign national who may or may not have green card status. Inoue has filed an affidavit in Circuit Court of the State of Hawaii, in which he states that he is a principle in an assumed name organization known as the Associates Seven along with Yasuo Yasuda. He under oath denies living at the address 581 Kamoku Street Honolulu, Hawaii at the time service was made on him in another matter. He however lists that same address as his residence on the 11/3/86 campaign contribution to the Waihee campaign made on the same date as all the other parties associated with Han Kuk Chun and for the identical $2000.00 amount. See exhibit (E).

ADDITIONAL BACKGROUND INFORMATION

Your office should also be aware that the Attorney General of Hawaii, Warren Price, an appointee of Governor Waihee has stated that he can not give an opinion on whether or not the Federal Act would be violated if State and local candidates for office accept contributions from foreign nationals. (See Exhibit ___ attached hereto from the Honolulu Advertiser.) See also editorials and various news reports on this matter attached collectively as Exhibit ___.

One of complainants reasons for filing this complaint at this time is the failure of the State officials to address this matter even though the law has been in effect for over 17 years. There is also a concern over the State and county governments ability to investigate themselves given the stance of State officials who have publicly expressed that the Federal Commissions stance is racially motivated. (See news clippings generally Exhibit ___).

Lastly and also a very important factor in your viewing our complaint, the undersigned complainants have a long history of opposition to State and City approval of Han Kuk Chun alias Yasuo Yasuda's golf courses in Maunawili Valley where we reside. It is our opinion he and his associates have made campaign contributions at least some of which violate federal laws for the purposes of acquiring public lands and permits which would not otherwise have

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been available and/or have been allowed to violate permit conditions without being subject to sanction because of his campaign contributions.

We are also concerned that his lawyers are the personal attorneys for the local government officials to whom we must address our grievances and feel we can not receive impartial due process review of our lawful concerns when such influences including campaign contributions that violate federal law are permitted.

We state our concern within our complaint so that as you investigate our charges you do so aware of our concern and any possible bias or shading that may stem from our experience. We have attempted to keep such shading out of the complaint but realize the impossibility of doing that totally as we have been frustrated with the lack of concern our State and local officials have exhibited over the period of time the matters herein complained of have occurred.

As to those areas that are factually interlocking with regard to concurrent Federal-State Jurisdiction (which would be the questions raised as to the contributions made in the name of the resident aliens which may be deemed to violate state statute or federal statute depending on whether they originated outside the United States and therefore exceed the state spending limits) we have referred that limited matter to the State of Hawaii and because of the possible federal question, to the Commission.

We would request that this matter be investigated fully. Further complaints will be directed to your attention as the data is finalized.

The undersigned having appeared before a notary, acting on information and belief, do make this complaint and have sworn to the truth of the statements contained herein to the best of their knowledge and understanding of those facts which they have personal knowledge. They have acted in reliance on the accuracy of the disclosure reports filed by the Governors campaign organization and obtained through the Hawaii Campaign spending commission.

The undersigned authorize the Commission to contact Anthony P. Locricchio as our representative and authorize him to act in our stead wherein that representation is permitted under the act.

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ANTHONY P. LOCRICCHIO
903 Maunawili Circle
Kailua, Hawaii 96734
Personally and as attorney for:

MCA. Pres.
Maunawili Community Association
by it's President Victoria S. Creed
P.O. Box 943
Kailua, Hawaii 96734

Victoria S. Creed
1057 Lunaanela Street
Kailua, Hawaii 96734

Karin L. Kosoc
968 Maunawili Rd.
Kailua, Hawaii 96734

Donna Wong
1525 Uluhao Street
Kailua, Hawaii 96734

On this 29th day of March 1989. appeared before me duly sworn Anthony P. Locricchio, Victoria Creed, Karen Kosoc, and Donna Wong, and in my presence did affix their signatures individually and/or as representatives of their organization to the foregoing letter of complaint.

L.S.

NOTARY PUBLIC, STATE OF HAWAII
My commission expires 3-26-1990.

9404357003 8

CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER 100

CITIZENS FOR [illegible]

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCC. CODE	AMOUNT OF THIS CASH CONTRIBUTION	
3/27/87	YAMASHITA, PAUL M. 2407 HELELEA PLACE HONOLULU, HAWAII 96822		250.00	
4/06/87	YAMASHITA, RUSSELL H. 927 KINAU STREET #D406 HONOLULU, HAWAII 96813		300.00	.00
3/20/87	YANAJCHI, JUDY K. 94-1069 AWANANI STREET WAIPAHU, HAWAII 96797	1	500.00	.00
5/15/87	YANAGAWA, PETER N. 222 S. VINEYARD ST. #603 HONOLULU, HAWAII 96813		250.00	.00
3/27/87	YANG, NORMAN Y. J. 45-496 KANEOHE BAY DRIVE KANEOHE, HAWAII 96744	7	250.00	.00
4/03/87	YASUDA, YASUO 531 KAYOKU STREET #2404 HONOLULU, HAWAII 96826		1,000.00	.00
3/17/87	YASUE, ALLAN T. 1001 BISHOP ST., #2500 HONOLULU, HI 96813		1,900.00	.00
3/27/87	YBL, NICHOLAS 7759 WAIKAPU LOOP HONOLULU, HAWAII 96825		1,500.00	.00
3/20/87	YEE, ALAN 1400 PENSACOLA ST. #1204 HONOLULU, HAWAII 96822	16	250.00	.00
4/30/87	YEE, ALBERT L. Y. 1344 HOAKOA PLACE HONOLULU, HAWAII 96821		250.00	.00

This is to certify that this is a true and accurate copy of the Campaign Spending Commission record.

JACK M.K. GONZALES
Executive Director

SUB-TOT.

EXHIBIT A

9404357000039

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

CITIZENS FOR JOHN D. WAIHEE

Date Received	Name and Address of Donor	Occupation	Amount of This Cash Contribution	In Kind Contrib.	Aggregate Totals From Donor
11/04/86	Kim's Garage 1681 E Kapiolani Blvd. Honolulu HI 96814		200.00	.00	200.00
11/13/86	King Center 2490 Kalakaua Ave. Honolulu HI 96815		300.00	.00	300.00
11/20/86	King, Nakamura & Chun-Hoon 900 Fort St. Mall #300 Honolulu HI 96813		1,200.00	.00	1,200.00
10/22/86	Kinoshita, Joseph 830 Mililani Street Honolulu HI 96813	Attorney	500.00	.00	500.00
11/03/86	Kiriuitsu, Walter S 333 Queen St., #900 Honolulu HI 96813		1,500.00	.00	1,500.00
11/03/86	Kitamura, Henry 333 Queen St., #900 Honolulu HI 96813		1,500.00	.00	1,500.00
10/24/86	Kobashigawa, James 1022 Kalihi Street Honolulu HI 96819		200.00	.00	200.00
10/22/86	Kobashigawa, Natsua 1022 Kalihi Street Honolulu HI 96819		1,000.00	.00	1,000.00
11/06/86	Kobashigawa Enterprises, Inc. 1136 N. King St. Honolulu HI 96817		200.00	.00	200.00
11/13/86	Kobayashi, Bert T. Jr. 6061 Summer Street Honolulu HI 96821		200.00	.00	200.00
11/03/86	Kobayashi, Hiroshi 921 Aliapapu Place Honolulu HI 96818		2,000.00	.00	2,000.00
11/03/86	Kobayashi, Masanori 1525 Wilder Avenue Honolulu HI 96822		2,000.00	.00	2,000.00
11/04/86	Koga, Garrick 94-398 Kakalu Loop Mililani Town HI 96789		200.00	.00	200.00
			11,000.00	.00	
1. SUBTOTAL of contributions Over $100 This Page.....					11,000.00
2. TOTAL This Period (last page this line only).....					

EXHIBIT B

9404357000440

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

CITIZENS FOR JOHN D. WAIHEE

Date Received	Name and Address of Donor	Occupation	Amount of This Cash Contribution	In Kind Contrib.	Aggregate Totals From Donor
10/31/86	Hawaii Milk Marketing Coop PAC P.O. Box 717 Waianae HI 96792		500.00	.00	500.00
11/06/86	Hawaii Optometric PAC 1109 12th Avenue Honolulu HI 96816		500.00	.00	500.00
10/23/86	Hawaii Painting & Walcovering, Inc. 229 Ekolu Way Sand Isla Honolulu HI 96819		1,000.00	.00	1,000.00
11/07/86	Hawaiian AO, 524 Grant Way Honolulu HI 96819		300.00	.00	300.00
11/13/86	Hawaiian Asset Management & Invest.Corp 1270 Queen Emma St., #8 Honolulu HI 96813		1,000.00	.00	1,000.00
11/04/86	Hawaiian Dredging & Construction Co P.O. Box 4088 Honolulu HI 96813		500.00	.00	500.00
11/05/86	Hawaiian King Candies, Ltd. 2644 Waiwai Lp. Honolulu HI 96819		750.00	.00	750.00
10/24/86	Hawaiian Telephone Company P. O. Box 2200 Honolulu HI 96841		1,000.00	.00	1,027.00
11/03/86	Hayashi, G.S. 220 S. King Street Honolulu HI 96813		1,000.00	.00	1,000.00
10/30/86	Hayashi, Masao 2270 Kalakaua Ave. Honolulu HI 96815		2,000.00	.00	2,000.00
11/03/86	Hayashida, Ken 581 Kamoku St. Honolulu HI 96826		2,000.00	.00	2,000.00
10/28/86	Hee, Vivian 1724 Bertram Street Honolulu HI 96816		1,000.00	.00	1,000.00
10/28/86	Hee, Eric 2439 Kapiolani Blvd #17 Honolulu HI 96826		1,100.00	.00	1,100.00
			12,650.00	.00	
1. SUBTOTAL of contributions Over $100 This Page.....					12,650.00
2. TOTAL This Period (last page this line only).....					

EXHIBIT C

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...IZENS FOR ...ALLE

ATE CEIVED	NAME AND ADDRESS OF DONOR	OCC. CODE	AMOUNT OF THIS CASH CONTRIBUTION	VALUE OF THIS INKIND CONTRIBUTION	AGGREGATE TOTALS FROM DONOR
14/87	HAWAIIAN SOLO COMPANY P. O. BOX 3435 HONOLULU, HAWAII 96801		2,000.00	.00	2,000.00
18/87	HAWAIIAN TUNA PACKERS KEWALO BASIN HONOLULU, HAWAII 96814		500.00	.00	500.00
19/87	HAYASHI, G.S. 220 SOUTH KING ST. #1100 HONOLULU, HAWAII 96813		1,000.00	.00	1,000.00
13/87	HAYASHI, MASAO 2270 KALAKAUA AVE.#1200 HONOLULU, HAWAII 96815		250.00	.00	250.00
05/87	HAYASHIDA, KEN 581 KAMOKU STREET #203 HONOLULU, HAWAII 96826		1,000.00	.00	1,000.00
29/87	HEALY TIBBITTS CONST. CO. 91-059 HANUA STREET EWA BEACH, HAWAII 96706	86	250.00	.00	250.00
20/87	HEE, ERIC 2439 KAPIOLANI BLVD.#1703 HONOLULU, HAWAII 96826	1	1,000.00	.00	1,000.00
14/87	HEE, KENDALL 1724 BERTRAM STREET HONOLULU, HAWAII 96816		1,000.00	.00	1,000.00
18/87	HEE, LESTER J. 46-270 KAHAHAI STREET KANEOHE, HAWAII 96744		200.00	.00	200.00
20/87	HEE, VIVIAN 1724 BERTRAM STREET HONOLULU, HAWAII 96816	9	500.00	.00	500.00
				SUB-TOTAL	7,700.00

EXHIBIT D

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

CITIZENS FOR JOHN D. WAIHEE

Date Received	Name and Address of Donor	Occupation	Amount of This Cash Contribution	In Kind Contrib.	Aggregate Totals From Donor
10/22/86	Ing, Dennis A. P.O. Box 441 Honolulu HI 96809		200.00	.00	200.00
11/03/86	Ing, Loretta M 1356 Kaaleku Street Honolulu HI 96825		200.00	.00	200.00
11/03/86	Inoe, Mitsunori 581 Kaaoku St. Honolulu HI 96826		2,000.00	.00	2,000.00
10/23/86	Inouye, Lance 2306 Hoonanea Street Honolulu HI 96822		100.00	.00	107.50
11/03/86	Inouye, Robert 3755 Maunaloa Avenue Honolulu HI 96816		200.00	.00	200.00
11/20/86	Inter Island Glass, Service 531-A Grant Way Honolulu HI 96819		200.00	.00	200.00
10/23/86	International Brotherhood of Elec.Worker 2305 S. Beretania, #207 Honolulu HI 96826		1,500.00	.00	1,500.00
10/29/86	International Furusato 1180 Kona Street Honolulu HI 96814		200.00	.00	200.00
10/23/86	International Holdin, Capital Corp. 1111 Bishop St. Honolulu HI 96813		500.00	.00	500.00
10/23/86	International Savings & Loan Assn. 1111 Bishop Street Honolulu HI 06913		500.00	.00	500.00
11/20/86	Irie, Dennis M 98-1540 Aksaka St. Aiea HI 96701		500.00	.00	500.00
10/22/86	Island Fender Shop 426 Ward Avenue Honolulu HI 96814		300.00	.00	300.00
11/04/86	Isonaga, Herbert S. 1021 Smith St., Rm. 224 Honolulu HI 96817		200.00	.00	200.00
	1. SUBTOTAL of contributions Over $100 This Page.....		6,600.00	.00	6,600.00
	2. TOTAL This Period (last page this line only).....				

EXHIBIT E

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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

CITIZENS FOR JOHN D. WAIHEE

Date Received	Name and Address of Donor	Occupation	Amount of This Cash Contribution	In Kind Contrib.	Aggregate Totals From Donor
10/31/86	Hawaii Milk Marketing Coop PAC P.O. Box 717 Waianae HI 96792		500.00	.00	500.00
11/06/86	Hawaii Optometric PAC 1109 12th Avenue Honplulu HI 96816		500.00	.00	500.00
10/23/86	Hawaii Painting & Walcovering, Inc. 229 Ekolu Way Sand Isla Honolulu HI 96819		1,000.00	.00	1,000.00
11/07/86	Hawaiian AO, 524 Grant Way Honolulu HI 96819		300.00	.00	300.00
11/13/86	Hawaiian Asset Management & Invest.Corp 1270 Queen Emma St., #8 Honolulu HI 96813		1,000.00	.00	1,000.00
11/04/86	Hawaiian Dredging & Construction Co P.O. Box 4088 Honolulu HI 96813		500.00	.00	500.00
11/05/86	Hawaiian King Candies, Ltd. 2644 Waiwai Lp. Honolulu HI 96819		750.00	.00	750.00
10/24/86	Hawaiian Telephone Company P. O. Box 2200 Honolulu HI 96841		1,000.00	.00	1,027.00
11/03/86	Hayashi, G.S. 220 S. King Street Honolulu HI 96813		1,000.00	.00	1,000.00
10/30/86	Hayashi, Masao 2270 Kalakaua Ave. Honolulu HI 96815		2,000.00	.00	2,000.00
11/03/86	Hayashida, Ken 581 Kamoku St. Honolulu HI 96826		2,000.00	.00	2,000.00
10/28/86	Hee, Vivian 1724 Bertram Street Honolulu HI 96816		1,000.00	.00	1,000.00
10/28/86	Hee, Eric 2439 Kapiolani Blvd #17 Honolulu HI 96826		1,100.00	.00	1,100.00
			12,650.00	.00	
	1. SUBTOTAL of contributions over $100 THIS Page.....				12,650.00
	2. TOTAL This Period (last page this line only).....				

EXHIBIT F

9404357004 4

CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

CITIZENS FOR MAIHEE

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCC. CODE	AMOUNT OF THIS CASH CONTRIBUTION	VALUE OF THIS INKIND CONTRIBUTION	AGGREGATE TOTALS FROM DONOR
5/14/87	HAWAIIAN SOLO COMPANY P. O. BOX 3435 HONOLULU, HAWAII 96801		2,000.00	.00	2,000.00
5/18/87	HAWAIIAN TUNA PACKERS . KEWALO BASIN HONOLULU, HAWAII 96814		500.00	.00	500.00
3/19/87	HAYASHI, G.S. 220 SOUTH KING ST. #1300 HONOLULU, HAWAII 96813		1,000.00	.00	1,000.00
3/19/87	HAYASHI, MASAO 2270 KALAKAUA AVE.#1200 HONOLULU, HAWAII 96815		250.00	.00	250.00
4/03/87	HAYASHIDA, KEN 581 KAMOKU STREET #204 HONOLULU, HAWAII 96826		1,000.00	.00	1,000.00
3/23/87	HEALY TIBBITTS CONST. CO. 91-059 HANUA STREET EWA BEACH, HAWAII 96706	86	250.00	.00	250.00
3/20/87	HEE, ERIC 2439 KAPIOLANI BLVD.#1703 HONOLULU, HAWAII 96826	1	1,000.00	.00	1,000.00
3/16/87	HEE, KENDALL 1724 BERTRAM STREET HONOLULU, HAWAII 96816		1,000.00	.00	1,000.00
5/18/87	HEE, LESTER J. 46-290 NAHAIAI STREET KANEOHE, HAWAII 96744		200.00	.00	200.00
3/20/87	HEE, VIVIAN 1724 BERTRAM STREET HONOLULU, HAWAII 96816	9	500.00	.00	500.00
				SUB-TOTAL	7,700.00

EXHIBIT G

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

CITIZENS FOR JOHN D. WAIHEE

Date Received	Name and Address of Donor	Occupation	Amount of This Cash Contribution	In Kind Contrib.	Aggregate Totals From Donor
07/17/86	Iwamoto, Karen H. 3443 Hardesty Street Honolulu HI 96816		128.00	.00	128.00
08/19/86	Iwanaga, Richard P. O. Box 11127 Honolulu HI 96828		1,000.00	.00	1,000.00
09/01/86	Izumi, Lillian T. 94-221 Moena Place Waipahu HI 96797		350.00	.00	350.00
08/18/86	Izuo, Keo 926 15th Avenue Honolulu HI 96816		55.00	.00	255.00
09/01/86	Izuo, Keo P. O. Box 1197 Honolulu HI 96807		1,000.00	.00	1,000.00
06/25/86	Japan Travel Bureau Int'l Inc. 2270 Kalakaua Ave. Honolulu HI 96815		10.00	.00	210.00
05/16/86	Japo I. Yokoyama, Contractor 801 Alua Street Wailuku HI 96793		1,000.00	.00	1,000.00
03/21/86	Johnson, Lawrence M. P.O. Box 2900 Honolulu HI 96846		100.00	.00	600.00
06/25/86	Johnson Reese Luersen Lowrey 12 South King Street Honolulu HI 96813		800.00	.00	800.00
07/08/86	Judd, Clement M. 2116 Pililani Place Honolulu HI 96822		50.00	.00	150.00
06/30/86	Jung, Judith P. 38 So. Judd Street Honolulu HI 96817		15.00	.00	115.00
05/16/86	K. Miyahira Bldg Contractor, Inc. 2154 Kaohu Street Wailuku HI 96793		1,000.00	.00	1,000.00
09/01/86	K. Nagata, Ltd., 721-C Umi Street Honolulu HI 96819		1,500.00	.00	1,500.00
			7,008.00	.00	
1. SUBTOTAL of contributions over $100 this Page.....					7,008.00
2. TOTAL This Period (last page this line only).....					

EXHIBIT H

7 4 0 4 3 5 7 0 0 4 6

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

CITIZENS FOR JOHN D. WAIHEE

Date Received	Name and Address of Donor	Amount of This Cash Contribution	In Kind Contrib.	Aggregate Totals From Donor
06/20/88	Hilton Hotels Corporation P.O. Box 5567 Beverly Hills, CA 90210	2,000.00	0.00	2,000.00
06/30/88	Hirai, Wallace A. 1257 S. King Street #B Honolulu, HI 96814	100.00	0.00	2,000.00
05/16/88	Hiraoka, William T. 3212 Woodlawn Drive Honolulu, HI 96822	500.00	0.00	750.00
07/06/88	Hirata, Edward Y. 46-255 Ikiiki Street Kaneohe, HI 96744	200.00	0.00	200.00
06/30/88	Hirata, James 1919 Date Street Honolulu, HI 96826	250.00	0.00	500.00
07/06/88	Hiroshige, Roy 1-31-12 Higashigaoka Meguro Ku Tokyo, JP 152	250.00	0.00	250.00
05/09/88	Hirota, Alexander 2825 S. King Street honolulu, HI 96826	50.00	0.00	150.00
06/30/88	Hirota, Dennis I. 1279 Puualoha Street Kailua, HI 96734	500.00	0.00	750.00
06/30/88	Ho, Beverly 1212 Akiahala Street Kailua, HI 96734	2,000.00	0.00	2,000.00
06/08/88	Hoe, Raymond E. 3100-9 Kuhio Hwy Lihue, HI 96766	250.00	0.00	250.00
06/13/88	Hoe, Yap & Sugimoto 707 Richards Street, Ste 526 Honolulu, HI 96813	775.00	0.00	775.00
		6,875.00	0.00	

1. SUBTOTAL of contributions over $100, This Page 6,875.00

EXHIBIT I

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

CITIZENS FOR JOHN D. WAIHEE

Date Received	Name and Address of Donor	Amount of This Cash Contribution	In Kind Contrib.	Aggregate Totals From Donor
09/12/88	Ohbayashi Hawaii Corporation 1001 Bishop Street Honolulu, HI 96813	2,000.00	0.00	2,000.00
09/23/88	Ohigashi, Lee 60 Nakoa Drive Wailuku, HI 96793	250.00	0.00	250.00
09/23/88	Ohye, Sonya H. 1333 Heulu Street, #407 Honolulu, HI 96822	2,000.00	0.00	2,000.00
09/13/88	Okada, Robert 3424 Wela Street Honolulu, HI 96815	400.00	0.00	400.00
09/12/88	Okamoto, Gary T. 3311 Alani Drive Honolulu, HI 96822	1,500.00	0.00	2,000.00
09/12/88	Okamoto, M. 46-224 Koaena Kaneohe, HI 96744	250.00	0.00	250.00
09/10/88	Okamoto, Himeno, Hisaka & Furusho 707 Richards St. No. 728 Honolulu, HI 96813	250.00	0.00	250.00
09/13/88	Oki, Leonard 3034 Kalawao Street Honolulu, HI 96822	1,000.00	0.00	2,000.00
09/12/88	Okita, Kunimitsu & Associates 1100 Ward Ave., #750 Honolulu, HI 96814	2,000.00	0.00	2,000.00
09/12/88	Onishi, Harold M. 1427 Kealia Drive Honolulu, HI 96817	250.00	0.00	250.00
09/23/88	Ortiz, George P.O. Box 10 Windsor, CA 95492	500.00	0.00	500.00
		10,400.00	0.00	

1. SUBTOTAL of contributions over $100, This Page 10,400.00

EXHIBIT J

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

CITIZENS FOR JOHN D. WAIHEE

Date Received	Name and Address of Donor	Amount of This Cash Contribution	In Kind Contrib.	Aggregate Totals From Donor
05/16/88	Izuo, Keo/Karen P.O. Box 1197 Honolulu, HI 96807	100.00	0.00	150.00
05/16/88	J M Sueda Inc. 96-1219 Waihona Street Pearl City, HI 96782	125.00	0.00	125.00
06/08/88	J&J Realty, Inc. 100 Pauahi Street, #215 Hilo, HI 96720	250.00	0.00	250.00
06/08/88	JHK Tanaka, Inc. 101 Silva St. Hilo, HI 96720	1,000.00	0.00	1,000.00
06/13/88	Japan Air Lines 165 S. King Street Honolulu, HI 96813	250.00	0.00	500.00
06/06/88	Jenner Electric P.O. Box 26297 Honolulu, HI 96825	250.00	0.00	250.00
06/06/88	Johnson, Jon R. P.O. Box 30829 Honolulu, HI 96820	250.00	0.00	500.00
06/30/88	Joseph, Lucette 1821 Palipaa Place Honolulu, HI 96821	2,000.00	0.00	2,000.00
06/20/88	K.H. Hotel, Inc. 820 Mililani Street, #820 Honolulu, HI 96813	150.00	0.00	150.00
06/30/88	Kagamoto, Janet T. 861 Kii Street Mililani Town, HI 96789	1,000.00	0.00	1,000.00
06/30/88	Kagawa, Shoso 1311 Kapiolani Blvd. Honolulu, HI 96814	2,000.00	0.00	2,000.00
		7,375.00	0.00	

1. SUBTOTAL of contributions over $100, This Page 7,375.00

EXHIBIT K

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

CITIZENS FOR WAIHEE

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCC. CODE	AMOUNT OF THIS CASH CONTRIBUTION	VALUE OF THIS INKIND CONTRIBUTION	AGGREGATE TOTALS FROM DONOR
4/02/87	ISHIMI, LAWRENCE 45-584 APUAKEA ST. KANEOHE, HI 96744		200.00	.00	200.00
4/01/87	ISLAND FLOORING COMPANY 744 KOHOU STREET HONOLULU, HAWAII 96817	86	200.00	.00	200.00
5/14/87	ISONAGA, HERBERT S. 1021 SMITH STREET #224 HONOLULU, HAWAII 96817		250.00	.00	250.00
3/16/87	ITAGAKI, ROBERT 98-1439 AKAAKA STREET AIEA, HAWAII 96701		1,600.00	.00	1,600.00
5/13/87	ITO, NANCY A. 45-603 APUAPU STREET KANEOHE, HAWAII 96744		250.00	.00	250.00
3/31/87	IWAMOTO, ROY M. 2106 YOUNG STREET HONOLULU, HAWAII 96814		250.00	.00	250.00
4/20/87	IWANAGA, RICHARD P. O. BOX 11127 HONOLULU, HAWAII 96828		750.00	.00	750.00
5/27/87	J. BRIAN HUGHES & ASSOC. 1670 KALAKAUA AVE #504 HONOLULU, HAWAII 96826	1	150.00	.00	150.00
5/19/87	J. M. ELECTRIC INC. 94-497 UKEE STREET WAIPAHU, HAWAII 96797	82	375.00	.00	375.00
4/03/87	JAPAN AIR LINES 165 S. KING STREET HONOLULU, HAWAII 96813	91	250.00	.00	250.00
				SUB-TOTAL	4,275.00

EXHIBIT K-1

STATE OF HAWAII
PAIGE SPENDING COMMISSI
AGGREGATE CONTRIBUTIONS 07/ 81OC

ITEMS FOR WAIMEE

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCC. CODE	AMOUNT OF THIS CASH CONTRIBUTION	VALUE OF THIS INKIND CONTRIBUTION	PAGE 2 AGGREGATE TOTALS FROM DONOR
6/30/87	EUGENE E. LEUCHT ARCH. P. O. BOX 5375 HILO, HAWAII 9672?	1	1,000.00	.00	1,000.00
7/31/87	EVANS, JOHN K. 4127 ORTEGA BLVD. JACKSONVILLE,FLORIDA32210		500.00	.00	500.00
7/31/87	FRITO-LAY OF HAWAII P. O. BOX 29877 HONOLULU, HAWAII 96822	26	2,000.00	.00	2,000.00
6/30/87	FUJITA & ASSOCIATES, INC. 747 AMANA STREET #215 HONOLULU, HAWAII 96814	1	1,000.00	.00	1,000.00
6/30/87	FUJITA, AKIRA 94-415 KAUOPUA STREET MILILANI TOWN, HI 96789	1	2,000.00	.00	2,000.00
6/30/87	FUJITA, CRAIG T. 1314 HALA DRIVE HONOLULU, HAWAII 96817	1	1,000.00	.00	1,000.00
6/30/87	FUJITA, GLEN T. 94-415 KAUOPUA STREET MILILANI TOWN, HI 96789	1	2,000.00	.00	2,000.00
6/30/87	FUJITA, IRVIN 1314 HALA DRIVE HONOLULU, HAWAII 96817	1	2,000.00	.00	2,000.00
6/30/87	FUJITA, ROY H. 1314 HALA DRIVE HONOLULU, HAWAII 96817	1	2,000.00	.00	2,000.00
7/31/87	GEN OF HAWAII-PAC 1199 DILLINGHAM BLVD. HONOLULU, HAWAII 96817	23	1,000.00	.00	1,000.00

SUB-TOTAL 14,500.00

EXHIBIT L

2043570001

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

CITIZENS FOR JOHN D. WAIHEE

Date Received	Name and Address of Donor	Amount of This Cash Contribution	In Kind Contrib.	Aggregate Totals From Donor
06/06/88	Fukumoto, Ray S. 3489 Manoa Road Honolulu, HI 96822	250.00	0.00	250.00
06/08/88	Fukunaga, Jane H. 3281 Pamekani Place Honolulu, HI 96822	500.00	0.00	500.00
06/30/88	Furuya, Gregg K. 605-W Mananai Place Honolulu, HI 96818	200.00	0.00	200.00
04/29/88	GEM Political Action Committee 1199 Dillingham Blvd. Honolulu, HI 96817	300.00	0.00	300.00
06/13/88	Gaci, Inc. 715 South King Street Suite416 Honolulu, HI 96813	500.00	0.00	500.00
06/13/88	Garden Isle Cablevision, L.P. P.O. Box 1028 Kapaa, HI 96746	200.00	0.00	200.00
06/30/88	Geolabs Hawaii 2006 Kalihi Street Honolulu, HI 96819	2,000.00	0.00	2,000.00
06/30/88	George Iwasaki Architect & Assoc. P.O Box 5469 Kailua-Kona, HI 96745	2,000.00	0.00	2,000.00
06/30/88	Gerding, James R. 1001 Bishop Street #2400 Honolulu, HI 96813	1,750.00	0.00	1,750.00
06/30/88	Gesteuyala, Alice 2432 Pauoa Road Honolulu, HI 96813	250.00	0.00	500.00
06/06/88	Gima, Stanley S. 334 Hololani Street Pukalani, HI 96788	2,000.00	0.00	2,000.00
		9,950.00	0.00	

1. SUBTOTAL of contributions over $100, This Page 9,950.00

EXHIBIT A

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

TIZENS FOR MAIHEE

DATE CEIVED	NAME AND ADDRESS OF DONOR	OCC. CODE	AMOUNT OF THIS CASH CONTRIBUTION	VALUE OF THIS INKIND CONTRIBUTION	AGGREGATE TOTALS FROM DONOR
/11/87	MATSUNAGA, CLYDE K. 65 KOOLA STREET HILO, HI 96720	1	1,000.00	.00	1,000.00
/19/87	MATSUO, GAYLE 1569 KAMALUI PLACE HONOLULU, HAWAII 96816		1,500.00	.00	1,500.00
/19/87	MATSUO, JANE S. 1569 KANALUI PLACE HONOLULU, HAWAII 96815		1,400.00	.00	1,400.00
/19/87	MATSUO, JOREEN C. 107 KAIOLOHIA WAY HONOLULU, HAWAII 96825		1,600.00	.00	1,600.00
/19/87	MATSUO, LARRY 567 SOUTH KING ST. #300 HONOLULU, HAWAII 96813	1	1,500.00	.00	1,500.00
/19/87	MATSUO, LYLE DR. 107 KAIOLOHIA WAY HONOLULU, HAWAII 96825	7	1,600.00	.00	1,600.00
/19/87	MATSUO, MARK T. 1569 KANALUI PLACE HONOLULU, HAWAII 96815		1,500.00	.00	1,500.00
/12/87	MAUI-MOLOKAI SEA CRUISES P.O. BOX 515 KAHULUI, HI 96732		250.00	.00	250.00
/18/87	MAUNA KEA PROPERTIES, INC. P. O. BOX 218 KAMUELA, HAWAII 96743	25	250.00	.00	250.00
/01/87	MAUNA LANI RESORT PAC P. O. BOX 4959 KAMAIHAE, HAWAII 96743	31	1,000.00	.00	1,000.00

SUB-TOTAL 11,600.00

EXHIBIT N

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

CITIZENS FOR HAINEE

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCC. CODE	AMOUNT OF THIS CASH CONTRIBUTION	VALUE OF THIS INKIND CONTRIBUTION	PAGE: 91 AGGREGATE TOTALS FROM DONOR
/06/87	MAUNA LANI RESORT, INC. P. O. BOX 6959 KAWAIHAE, HAWAII 96743		1,000.00	.00	1,000.00
/23/87	MCCARTER, ARTHUR 1454 ENUPUA STREET HONOLULU, HAWAII 96821	--	250.00	.00	250.00
/30/87	MCCARTER, INC. P.O. BOX 10279 HONOLULU, HI 96816		2,000.00	.00	2,000.00
/06/87	MCCAW CABLEVISION-HAWAII 7192 KALANIANAOLE HWY#230 HONOLULU, HAWAII 96825		1,000.00	.00	1,000.00
/18/87	MEDEIROS, DICK MEDEIROS TRUCKING 87-299 MALIONA ST. WAIANAE, HAWAII 96792	91	200.00	.00	200.00
/30/87	MELNYK, PETER 268 AIKANE PLACE KAILUA, HI 96734	1	2,000.00	.00	2,000.00
/15/87	MENDE, JANICE K. 694 HAHAIONE STREET HONOLULU, HI 96825	16	200.00	.00	200.00
/22/87	METRO BUILDERS, INC. 2130-3 NORTH KING STREET HONOLULU, HAWAII 96819	86	500.00	.00	500.00
/31/87	MEW, RICHARD S STELLA 1605 ALA ANIANI STREET HONOLULU, HAWAII 96817		1,600.00	.00	1,600.00
/30/87	MIJO, GARY S. P. O. BOX 4037 HONOLULU, HAWAII 96813		500.00	.00	500.00
				SUB-TOTAL	9,250.00

EXHIBIT 2

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

CITIZENS FOR JOHN D. WAIHEE

Date Received	Name And Address of Donor	Occupation	Amount of This Cash Contribution	In Kind Contrib.	Aggregate Totals From Donor
10/22/86	Brooks, Wendell Jr 1587 Kalaniuka Circle Honolulu HI 96821		200.00	.00	200.00
11/03/86	Bruce's Modern Floor 3467 Waialae Avenue Honolulu HI 96816		500.00	.00	500.00
10/31/86	Build-Pac Hawaii P.O. Box 17459 Honolulu HI 96817	PAC	500.00	.00	500.00
10/22/86	C & H Ichii Gen. Contractors, Inc. 272 Mohouli Street Hilo HI 96720		500.00	.00	500.00
10/22/86	C. Brewer & Company, Ltd. P. O. Box 1824 Honolulu HI 96805		200.00	.00	200.00
11/04/86	C. Lee Design &, Assoc. 2333 Kapiolani Blvd. Honolulu HI 96826		200.00	.00	200.00
11/20/86	C. Yoo Construction 1512 C Kona St. Honolulu HI 96814		200.00	.00	200.00
10/31/86	C.K. Kong Backhoe Service 47-262 Ahaolelo Road Kaneohe HI 96744		200.00	.00	200.00
11/19/86	CPB PAC State 50 H. King St. Honolulu HI 96817		500.00	.00	500.00
10/23/86	CTK Joint Venture P.O. Box 30968 Honolulu HI 96820		2,000.00	.00	2,000.00
11/03/86	Caderas, Peter 500 Lunalilo Home Road Honolulu HI 96825		900.00	.00	900.00
10/29/86	Calvin Kim & Assoc., Inc. 1017 Palm Drive Honolulu HI 96814		1,000.00	.00	1,000.00
11/13/86	Carnazzo, Louis 33 H. Kainalu Dr. Kailua HI 96734		200.00	.00	200.00
	1. SUBTOTAL of contributions over $100 This Page		7,100.00	.00	7,100.00
	2. TOTAL This Period (last page this line only)				

EXHIBIT P

2404357 00055

CITIZENS FOR JOHN D. WAIHEE

Date Received	Name and Address of Donor	Occupation	Amount of This Cash Contribution	In Kind Contrib.	Aggregate Totals From Donor
10/15/86	ABC Glass Company 99-1096 Iwaena St., #8 Aiea HI 96701		250.00	.00	250.00
10/20/86	Aeroshops c/o 1001 Bishop St.,#26 Honolulu HI 96813		2,000.00	.00	2,000.00
10/08/86	Albert C. Kobayashi, Inc. 94-535 Ukee Street Waipahu HI 96797		250.00	.00	250.00
10/20/86	Amfac Hawaii, Inc. P.O. Box 3230 Honolulu HI 96801		2,000.00	.00	2,000.00
10/14/86	Amioka, Wallace S. 4844 Matsonia Dr. Honolulu HI 96816		200.00	.00	200.00
10/15/86	Amasaki, Alice 927 17th Ave. Honolulu HI 96816		200.00	.00	200.00
10/15/86	Bancontrol FHB Main branch Honolulu HI 96817		2,000.00	.00	2,000.00
10/06/86	Bocken, R. Charles 1021 Iiwi Street Honolulu HI 96816		200.00	.00	200.00
10/20/86	Boydston, P. E. 6893 Niumalu Loop Honolulu HI 96825		150.00	.00	150.00
10/15/86	CPB PAC State 50 N. King St. Honolulu HI 96817		1,000.00	.00	1,000.00
10/08/86	Calvin Kim & Assoc., Inc. 828 Fort Street, #201 Honolulu HI 96813		1,000.00	.00	1,000.00
10/20/86	Cassidy, Loretta 7521 SW Dominion Drive McLean VA 22102		1,000.00	.00	1,000.00
10/20/86	Cassidy, Gerald 7521 SW Dominion Drive McLean VA 22102		1,000.00	.00	1,000.00
	1. SUBTOTAL of contributions Over $100 This Page.....		11,250.00	.00	11,250.00
	2. TOTAL This Period (last page this line only).....				

EXHIBIT P-1

2404357005 6

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

CITIZENS FOR WAIHEE

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCC. CODE	AMOUNT OF THIS CASH CONTRIBUTION	VALUE OF THIS INKIND CONTRIBUTION	AGGREGATE TOTALS FROM DONOR
3/20/87	COPP, ROBERT E. JR. 91-821 HANAKAHI STREET EWA BEACH, HAWAII 96706	1	500.00	.00	500.00
3/19/87	CORNUELLE, HERBERT & JEAN 3711 POKA PLACE HONOLULU, HAWAII 96816	16	250.00	.00	250.00
3/30/87	COSTA, ALFRED G. 1151 AKUMU STREET KAILUA, HAWAII 96734		250.00	.00	250.00
3/13/87	COY LONG TILE P. O. BOX 17627 HONOLULU, HAWAII 96817	86	200.00	.00	200.00
4/02/87	CPB PAC-STATE 229 S. KING ST. HONOLULU, HI 96813		1,000.00	.00	1,000.00
3/13/87	CREATIVE CONSTRUCTION 1259 S. BERETANIA ST. #21 HONOLULU, HAWAII 96814	86	250.00	.00	250.00
3/16/87	CRONIN, FRIED, SEKIYA, KEKINA & FAIRBANKS 841 BISHOP-DAVIS1900 HONOLULU, HAWAII 96813	11	400.00	.00	400.00
3/16/87	CUMMINS, PATRICK 47-475 AIALII STREET KANEOHE, HAWAII 96744		1,000.00	.00	1,000.00
3/13/87	D & C PLUMBING, INC. P.O. BOX 1117 KANEOHE, HAWAII 96744	86	250.00	.00	250.00
3/18/87	DAMRON, GLORIA J. 377 KEAHOLE STREET #200 HONOLULU, HAWAII 96825		500.00	.00	500.00
			SUB-TOTAL		4,600.00

EXHIBIT P-2

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY

Page 4 of 12

DATE RECEIVED	NAME AND ADDRESS OF PERSON	OCCUPATION OR IF A GROUP, PRINCIPAL TYPE OF PERSONS	(COLUMN A) AMOUNT OF THIS CONTRIBUTION	(COLUMN B) VALUE OF NON-MONETARY CONTRIBUTION DESCRIPTION	(COLUMN C) AGGREGATE TOTAL FROM COLUMN
11/21/86	Ushijima & Hoshibara 1001 Bishop Street, Inc. 1717 Honolulu, Hawaii 96813	Attorneys	500.00		500.00
11/21/86	Kekula Capital Corporation 2800 28th Street, Suite 321 Santa Monica, CA 90405-2914		2,000.00		2,000.00
11/21/86	Hanalei Optical, Inc. 848 S. Beretania Street Honolulu, Hawaii 96813		200.00		200.00
11/21/86	Lawyers Supporting Quellett c/o P.O. Box 894 Honolulu, Hawaii 96807		500.00		500.00
11/21/86	Tatsuyuki Mizutani c/o Otel Hotel, Inc. 801 Kaheka Street Honolulu, Hawaii 96814		500.00		500.00
11/21/86	Dutton Bosch 73-1667 Hawaii Belt Road Kailua, Kona 96740		2,000.00		2,000.00
11/21/86	Roy T. Tabuyama 1188 Bishop Street, Ste. 3404 Honolulu, Hawaii 96813		500.00		500.00
11/21/86	Walton Development, Inc. 820 Fort Street, 4th Floor Honolulu, Hawaii 96813		2,000.00		2,000.00

1. SUBTOTAL of Contributions Over $100 this Page — 8,200.00
2. TOTAL this Period (last page this line only)

EXHIBIT 9

9404357005 8

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

CITIZENS FOR JOHN D. WAIHEE

Date Received	Name and Address of Donor	Amount of This Cash Contribution	In Kind Contrib.	Aggregate Totals From Donor
06/08/88	Crowell, Robert H. 3828 Mariposa Drive Honolulu, HI 96816	250.00	0.00	250.00
06/30/88	Cruthers, Evan 345 Queen Street #200 Honolulu, HI 96813	2,000.00	0.00	2,000.00
06/30/88	D & C Plumbing, Inc. P.O. Box 1117 Kaneohe, HI 96744	250.00	0.00	250.00
06/13/88	D'Araujo, Jr., John R. 7112 Kukii Street Honolulu, HI 96825	225.00	0.00	225.00
07/06/88	DEL Partners 677 Ahua Street Honolulu, HI 96819	1,650.00	0.00	1,650.00
06/09/88	DHM, Inc. 1188 Bishop Street, Suite 2405 Honolulu, HI 96813	250.00	0.00	250.00
05/24/88	Daiei Hawaii Investment, Inc. 801 Kaheka Street Honolulu, HI 96814	500.00	0.00	500.00
05/16/88	Damron, Gloria 377 Keahole Street, #200 Honolulu, HI 96825	250.00	0.00	750.00
06/30/88	Daniel, Dennis 5633 Kanau St. Honolulu, HI 96821	375.00	0.00	375.00
07/06/88	Daniel G. Ching & Associates 1188 Bishop Street #2309 Honolulu, HI 96813	250.00	0.00	250.00
06/08/88	Davi, Richard 1899 Laukahi Street Honolulu, HI 96821	250.00	0.00	250.00
		6,250.00	0.00	

1. SUBTOTAL of contributions over $100, This Page 6,250.00

EXHIBIT R

STATE OF HAWAII
[redacted] SPENDING COMMISSION
[redacted] CONTRIBUTIONS OVER $100

CITIZENS FOR [redacted]

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCC. CODE	AMOUNT OF THIS CASH CONTRIBUTION	VALUE OF THIS INKIND CONTRIBUTION	PAGE: 57 AGGREGATE TOTALS FROM DONOR
/05/87	NAKAOKA, MASAICHI 515 KAUI STREET HONOLULU, HI 96817		500.00	.00	500.00
/19/87	NAKASONE, CAROL A. 1028-17TH AVENUE HONOLULU, HAWAII 96816	- 9	250.00	.00	250.00
/23/87	NAKATSUKA, CLAIRE 905 SPENCER STREET, #303 HONOLULU, HI 96822		500.00	.00	500.00
/23/87	NAKATSUKA, ELLSWORTH 905 SPENCER STREET, #303 HONOLULU, HI 96822		500.00	.00	500.00
/21/87	NEUFFER, GEORGE 1698 LAUKAHI STREET HONOLULU, HAWAII 96821	1	2,000.00	.00	2,000.00
/27/87	NG, ALLEN 657 COOKE STREET #300 HONOLULU, HAWAII 96813	1	850.00	.00	850.00
/19/87	NISHIKAWA, GARY 45-111 KOAKAKA PLACE KANEOHE, HI 96744	16	2,000.00	.00	2,000.00
/28/87	NITTO HAWAII CO., LTD. 94-627 WAIAWA VALLEY ROAD WAIANAE, HI 96792	96	500.00	.00	500.00
/30/87	NODA, EDWARD 7087 ENU WAI PLACE HONOLULU, HI 96825		2,000.00	.00	2,000.00
/30/87	NODA, LORRAINE 7937 ENU WAI PLACE HONOLULU, HI 96825		1,300.00	.00	1,300.00

SUB-TOTAL 10,400.00

EXHIBIT 5

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

CITIZENS FOR JOHN D. WAIHEE

Date Received	Name and Address of Donor	Amount of This Cash Contribution	In Kind Contrib.	Aggregate Totals From Donor
07/06/88	Ng Mew, Richard YH . 1605 Amoamo Street Honolulu, HI 96817	500.00	0.00	500.00
06/30/88	Nishihama, Sachiko 583 Kamoku Street, #3501 Honolulu, HI 96826	1,605.00	0.00	1,605.00
06/30/88	Nishihama, Sadao 1001 Bishop Street #1760 Honolulu, HI 96813	1,975.00	0.00	1,975.00
06/30/88	Nishikawa, Marie M. 45-111 Moakaka Place Kaneohe, HI 96744	725.00	0.00	725.00
06/30/88	Nishimoto, James 94-549 Mulehu Street Mililani Town, HI 96789	1,000.00	0.00	1,000.00
06/30/88	Nishimura, Lennox K. 2525 Date Street #2806 Honolulu, HI 96826	375.00	0.00	1,275.00
06/30/88	Nishimura, Mitsushi 810 Richards Street No. 604 Honolulu, HI 96813	500.00	0.00	500.00
06/08/88	Nishimura, Paul E. 2964 Kahaloa Drive Honolulu, HI 96822	500.00	0.00	500.00
05/09/88	Nitto Hawaii Co. Ltd. 84-527 Makaha Valley Road Waianae, HI 96792	50.00	0.00	550.00
06/30/88	Noda, Edward 7087 Ehu Wai Place Honolulu, HI 96825	250.00	0.00	2,000.00
06/13/88	Noda, Lorraine 7087 Ehu Wai Place Honolulu, HI 96825	125.00	0.00	1,425.00
		7,605.00	0.00	

1. SUBTOTAL of contributions over $100, This Page 7,605.00

EXHIBIT I

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

CITIZENS FOR JOHN D. WAIHEE

Date Received	Name and Address of Donor	Occupation	Amount of This Cash Contribution	In Kind Contrib.	Aggregate Totals from Donor
09/15/86	A & E Painting, Inc. 331 Sand Island Parkway Honolulu HI 96819		500.00	.00	500.00
09/15/86	Abe, Mary 98-1971 Nilou Street Aiea HI 96701		250.00	.00	450.00
09/20/86	Abreu, E M 187 Poipu Drive Honolulu HI 96825		750.00	.00	750.00
09/11/86	Adaniya, Ruth 1465 Kawaloka Street Pearl City HI 96782		150.00	.00	360.00
09/20/86	Adaniya, Fred S. 98-2053 Pohiolo Street Aiea HI 96701		200.00	.00	312.00
09/15/86	Agarlud, Joshua C. 1086 Ala Lilikoi Street Honolulu HI 96818	Government	200.00	.00	300.00
09/17/86	Ahnee, Theresa P 3145 K Kalihi Street Honolulu HI 96819		50.00	.00	259.00
09/10/86	Akamai Plumbing, Inc 1457 Pule Place Honolulu HI 96816		150.00	.00	150.00
09/15/86	Allen Ng & Associates 837 Cooke Street Honolulu HI 96813		1,000.00	.00	1,000.00
09/15/86	Allied Plumbing & Mechanical Contractors P.O. Box 7102 Honolulu HI 96821		425.00	.00	425.00
09/19/86	Aloha Lift Truck Sales 1005 N. Nimitz Hwy. Honolulu HI 96817		2,000.00	.00	2,000.00
09/15/86	Aloha Produce Corporation P.O. Box 29806 Honolulu HI 96820		250.00	.00	250.00
09/19/86	American Hawaii Cruises 550 Kearny Street San Francisco CA 94108	Tourism	250.00	.00	1,250.00
			6,175.00	.00	
	1. SUBTOTAL of contributions Over $100 This Page.....				6,175.00
	2. TOTAL This Period (last page this line only).....				

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EXHIBIT _4

01/30/89
08:15:17

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

CITIZENS FOR JOHN D. WAIHEE

Date Received	Name and Address of Donor	Amount of This Cash Contribution	In Kind Contrib.	Aggregate Totals From Donor
09/12/88	A & E Painting, Inc. 231 Sand Island Parkway Road Honolulu, HI 96819	500.00	0.00	1,250.00
09/12/88	Akiona, Paul JR P.O. Box 831 Kaneohe, HI 96744	250.00	0.00	500.00
09/23/88	Alan T. Sanborn, Architect 4405 Kukui Grove St., 2 Lihue, HI 96766	700.00	0.00	700.00
09/12/88	Alexander, Earle III M. P.O. Box 4150 Honolulu, HI 96813	1,275.00	0.00	1,275.00
09/12/88	Aloha Brochures Honolulu, HI 96813	250.00	0.00	250.00
09/12/88	Aloha State Tour & Trans. Co. P.O. Box 22612 Honolulu, HI 96822	250.00	0.00	250.00
09/12/88	Alvin Zane & Associates 1314 S. King Street #964 Honolulu, HI 96814	250.00	0.00	250.00
09/22/88	Amelco Corporation 19208 So. Vermont Avenue Gardena, CA 90248	1,000.00	0.00	1,125.00
09/12/88	American Hawaii Cruises 550 Kearny Street San Francisco, CA 94108	1,000.00	0.00	1,000.00
09/12/88	Anbe, Aruga, Ishizu Architecrs, In 1451 So. King St. #504 Honolulu, HI 96814	2,000.00	0.00	2,000.00
09/12/88	Andrew Lee Light Form Space Arch 1426 Makaloa Street, #8 Honolulu, HI 96814	1,000.00	0.00	1,000.00
		8,475.00	0.00	

1. SUBTOTAL of contributions over $100, This Page 8,475.00

EXHIBIT V

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

CITIZENS FOR JOHN D. WAIHEE

Date Received	Name and Address of Donor	Amount of This Cash Contribution	In Kind Contrib.	Aggregate Totals From Donor
05/23/88	Pace Air Cond. Equip. Co. 1881 Kalani Street Honolulu, HI 96819	250.00	0.00	350.00
05/16/88	Pacific Beach Hotel 2490 Kalakaua Ave. Honolulu, HI 96815	550.00	0.00	1,050.00
06/30/88	Pacific Fence, Inc. P.O. Box 8194 Honolulu, HI 96815	500.00	0.00	500.00
06/30/88	Pahia, Chester 45-145A Lilipuna Road Kaneohe, HI 96744	250.00	0.00	250.00
06/30/88	Pahia, Joanne E. 45-145-A Lilipuna Road Kaneohe, HI 96744	250.00	0.00	750.00
05/23/88	Pan Tours Hawaii, Inc. 1017 Kapahulu Ave., 2nd Floor Honolulu, HI 96816	250.00	0.00	250.00
06/30/88	Pan-Pacific Construction, Inc. 2621 Waiwai Loop Honolulu, HI 96819	500.00	0.00	500.00
06/30/88	Pan-Pacific Development, Inc. 1001 Bishop St. Pauahi #2350 Honolulu, HI 96813	500.00	0.00	500.00
06/08/88	ParEn, Inc. 567 So. King Street, Ste 300 Honolulu, HI 96813	1,000.00	0.00	1,000.00
06/13/88	Paradise Cove 1580 Makaloa Street Suite 1200 Honolulu, HI 96814	500.00	0.00	500.00
05/16/88	Paradise Optical Company 848 S. Beretania St. Honolulu, HI 96813	50.00	0.00	150.00
		4,600.00	0.00	

1. SUBTOTAL of contributions over $100, This Page 4,600.00

EXHIBIT W

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCCUPATION OF A NATURAL PERSON OR NAME OF PARENT	CONTRIBUTION	DESCRIPTION	AGGREGATE TOTAL FROM DONOR
10/23/86	PAIA GENERAL STORE, INC. P.O. Box 490 PAIA, HI 96779		100.00		100.00
10/23/86	MAUI EXCAVATION & CONSTRUCTION 270 HOOKAHI STREET WAILUKU, HI 96793		100.00		100.00
10/23/86	TOMBERGA, RICHARD H. 377 S. KEY ROAD WAILUKU, HI 96793	BUSINESSMAN	500.00		500.00
10/23/86	HAWAII OPTICAL CORPORATION P.O. Box 490 LAHAINA, HI 96761		2,000.00		2,000.00
10/23/86	H & K DISTRIBUTORS, INC. 760 PUMA STREET WAILUKU, HI 96793		500.00		500.00
11/2/86	NCM REAL ESTATE APPRAISERS 270 HOOKAHI STREET WAILUKU, HI 96793			290.35 TELEVISION	290.35
			SUBTOTAL (THIS PAGE) 1	SUBTOTAL (THIS PAGE) 2	NAMES (IF ANY) OF CANDIDATES ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page → 3,990.35
2. TOTAL This Period (last page this line only) → _____

9404357000 65

EXHIBIT X

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

CITIZENS FOR MAIHEE

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCC. CODE	AMOUNT OF THIS CASH CONTRIBUTION	VALUE OF THIS IN-KIND CONTRIBUTION	AGGREGATE TOTALS FROM DONOR
3/11/87	ARTHUR Y. MORI & ASSOC. 1314 SO. KING ST., #955 HONOLULU, HI 96814		500.00	.00	500.00
3/04/87	ASAHINA, RALPH 933 OWEN STREET HONOLULU, HI 96817		250.00	.00	250.00
3/13/87	ASATO, HARRY S. 1611 ALA AOLANI HONOLULU, HI 96819		500.00	.00	500.00
3/27/87	ASATO, PAISY 99-1679 HOAPONO PLACE AIEA, HAWAII 96701		250.00	.00	250.00
3/26/87	ASHMORE, JEFFREY 558 LAUIKI STREET 8A HONOLULU, HAWAII 96826	16	150.00	.00	150.00
3/25/87	AT&T WESTPAC 795 FOLSOM STREET, #210 SAN FRANCISCO, CA 94107		1,000.00	.00	1,000.00
3/27/87	AZAGU U.S.A. CORPORATION 410 ATKINSON DR. HONOLULU, HI 96814		1,000.00	.00	1,000.00
3/15/87	B & S CONDO CLEANERS 3177 KALIHI STREET HONOLULU, HI 96819	30	250.00	.00	250.00
3/11/87	BADUA, PHILAMER C. 510 LILIHA PLACE HONOLULU, HI 96817	16	250.00	.00	250.00
3/13/87	BALTAZAR L. SANCHEZ CO'L. 94-373 KAHUANANI STREET WAIPAHU, HAWAII 96797	86	2,000.00	.00	2,000.00
				SUB-TOTAL	6,150.00

EXHIBIT Y

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $[illegible]00

CITIZENS FOR WAIHEE

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCC. CODE	AMOUNT OF THIS CASH CONTRIBUTION	VALUE OF THIS IN-KIND CONTRIBUTION	AGGREGATE TOTALS FROM DONOR
5/[illegible]/87	KUMOO, WRAY M. 745 FORT STREET, 8TH FLR HONOLULU, HAWAII 96813	11	500.00	.00	500.00
5/18/87	KONO, HIDETO 2111 BROWN WAY HONOLULU, HAWAII 96822		125.00	.00	125.00
3/05/87	KOTAKE, RICHARD S. 94-376 KEEMUHIWA STREET MILILANI, HI 96789		1,000.00	.00	1,000.00
5/15/87	KUDO, BENJAMIN A. 3666-B LILIHOE PLACE HONOLULU, HAWAII 96816	11	500.00	.00	500.00
5/13/87	KUMIO BUILDERS, INC. 1020 KEALAMOKU ST. #303 HONOLULU, HAWAII 96814	86	750.00	.00	750.00
3/25/87	KUMAGAI PROPERTIES, INC. 1595 KAPIOLANI BLVD., #1404 HONOLULU, HI 96814	25	500.00	.00	500.00
3/20/87	KUNG, JONSON 912 7TH AVENUE HONOLULU, HAWAII 96815	1	500.00	.00	500.00
4/01/87	KUNIMITSU, RONALD 1014 MOKUMAO STREET HONOLULU, HAWAII 96825	1	1,500.00	.00	1,500.00
5/30/87	KUNIYOTO, T. 1504 ULUMAO STREET KAILUA, HAWAII 96734		500.00	.00	500.00
5/22/87	KURIHARA PAINTING COMPANY 95-1356 WAIHONA STREET PEARL CITY, HAWAII 96782	84	250.00	.00	250.00

SUB-TOTAL 6,[illegible]75.00

EXHIBIT 2

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
FRIENDS FOR FASI

DATE RECEIVED 1987	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
8/24	KIRIMITSU, Walter S. 333 Queen St Suite 900 Honolulu 96813		500		500
9/4	KITAGAWA, Shuichi c/o Honbushin Mission Int'l 95-030 Waihonu St Wahiawa 96786		250		250
8/24	KITAMURA, Henry N. 333 Queen St 9th Floor Honolulu 96813		500		500
9/14	Kiyo's Transmission Service 878 Queen St Honolulu 96813		500		500
9/4	KNUTSON, W. F. 381 Puiwa Road Honolulu 96817		250		250
8/24	KO, June Y. 810-6 Kaalon St Honolulu 96826		250		250
8/24	KO, Robert Y. H. 810-6 Kaalon St Honolulu 96826		250		250
8/24	KOBAYASHI, Franklyn N. Aiea Bowling Center Inc Aiea Shopping Center Aiea 96701		500		500
✓9/4	KOBAYASHI, Hiroshi c/o Central Pacific Bank		2,000		2,000
✓9/4	KOBAYASHI, Masanori c/o Central Pacific Bank		2,000		2,000
10/5	Koga Engineering & Construction Inc 846 So. Hotel St Honolulu 96813		2,000		2,000
			TOTAL COLUMN 1:	TOTAL COLUMN 2:	NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED.

1. SUBTOTAL of Contributions Over $100 This Page .....
2. TOTAL This Period (last page this line only) .....

EXHIBIT 1

9404357006 8

9 4 0 4 3 5 7 0 0 6 9

Price's advice to candidates: Ask U.S. panel

Local candidates worried about whether they have received foreign campaign contributions in violation of federal law should work with the Federal Election Commission to see where they stand, state Attorney General Warren Price said yesterday.

Price said he is reviewing the controversy over a federal ban on foreign contributions to local elections. The move was requested by the state Campaign Spending Commission.

And he said a legal argument could be made that the federal law shouldn't apply to local races, since the rule that extends the ban on foreign contributions to local elections seems to go beyond the statute itself.

But he said that is a matter for lawyers representing individual candidates and the federal government to hash out.

"We're simply advising the state commission. And we really don't have jurisdiction on this. We can't advise individual campaigns," Price said.

"All we're trying to find out, for the practicality, is what are the federal government's intentions on this, and I think we kind of found that out.

"What I'm saying is that there is some dispute as to exactly what this law says, but our advice is going to be for each candidate to work with the federal government to work out those disputes."

Warren Price
"We don't have jurisdiction"

EXHIBIT 2

Advertiser 2/4/87

Adm. Exhibit 2/17/87 0070

Price: U.S. unlikely to prosecute politicos

By Stu Glauberman
Advertiser Government Bureau

State Attorney General Warren Price has told the Campaign Spending Commission that federal law enforcement agents are not likely to act against Hawaii politicians who have listed contributions from foreign nationals on their campaign reports.

"It is our understanding that neither the U.S. attorney in Hawaii nor the Federal Bureau of Investigation plans to take any action should a listed contribution turn out to be impermissible as interpreted by the FEC (Federal Election Commission)," Price wrote Thursday in a letter to the commission's executive director Jack M.K. Gonzales.

Price said federal enforcement agencies might find unlisted contributions a more likely area for criminal prosecution.

The attorney general was responding to Gonzales' Feb. 2 request for an opinion on the legality of a federal rule that appears to make it illegal for foreign nationals to contribute to local and state campaigns. State law does not prohibit such contributions, which have been accepted in the past.

The state has no jurisdiction to enforce federal election laws and rules, Price said.

He concluded that the federal rule banning foreign contributions — which Federal Election Commission officials said also applies to state and local elections — "may be impermissibly overbroad," meaning it appears to go beyond the scope of statute it is intended to implement.

Price said the question of whether present federal law bans foreign contributions to candidates who are seeking non-federal offices is "an issue of law."

Whether campaign contributions from foreigners should be allowed under Hawaii law is a question of "policy" that should be addressed by the Legislature, he said.

He advised Gonzales to continue to advise candidates to contact the FEC directly.

Gonzales discussed the issue with

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Star Bulletin 2/2/89

Racism behind donations curbs, Cayetano says

☐ He blames the 'anti-Asian feeling' on the mainland

■ Gov. Waihee is accused A-6

By Richard Borreca
and Charles Memminger
Bureaus

Local officeholders continue to question why they have to honor a federal ban on foreign campaign donations that Lt. Gov. Ben Cayetano yesterday suggested might be racially or ethnically motivated.

"For these things to be coming up now is a manifestation of the anti-Asian and anti-Japanese feeling that is sweeping the mainland," Cayetano told the Senate Ways and Means Committee.

The FBI has launched a preliminary investigation into foreign donations after it was disclosed last week that Mayor Frank Fasi had returned $34,000 in campaign contributions from a Japanese developer.

A review of state Campaign Spending Commission records shows that at least five other local politicians have received contributions from princi-

See DONATIONS: Page A-6

9404357007 1

EXHIBIT 3

DONATIONS: Cayetano says bias to blame

Continued from Page A-1

pair of two Japanese golf course development companies.

Last night, Cayetano repeated his charge, saying he is bothered "by the pinpointing of people with foreign-sounding names" by the federal government.

Lt. Gov. Ben Cayetano

"Why has this come up now?" Cayetano said.

He added that he recently had lunch with the new directors of Pacific Resources Inc. from Australia. If they had donated to his campaign, no one would notice because they had Anglo-Saxon surnames, Cayetano said.

"I think there is a growing fear of foreign influence in the United States, and this is why it is coming up now," Cayetano said.

A spokesman for the Federal Election Commission in Washington, D.C., denied the charge, saying that since the FEC was created in 1971 there have been 35 violations of the foreign national contribution ban.

The original law forbidding foreigners from giving to political campaigns was passed in 1938 as part of the Foreign Nationals Exclusion Act," said Scott Moxley, FEC public affairs specialist.

In 1974, U.S. Sen. Lloyd Bentsen had the law amended to change foreign principals to foreign nationals and keep them from giving to any political candidates in order to preserve U.S. independence in its political process, Moxley said.

Local politicians say they understand that Congress can set the rules for federal elections but are mystified as to how Congress can control a state or county election.

"I don't see the authority for the rules promulgated by the FEC," Cayetano said.

"It is very presumptuous for the FEC to disallow this," Sen. Anthony Chang said during a debate on the Senate floor yesterday.

But Moxley said the FEC in 1986 ruled against a local candidate running for office in San Francisco who got money from a foreign national.

"The attorney argued that the section didn't apply to local elections because it was for federal offices, but the FEC attorney rejected the argument, making it clear that the prohibition extends to local and state elections," Moxley said.

Cayetano has received donations from Japanese nationals, and he ran into some Republican criticism yesterday on the floor of the Senate.

"It is not surprising that Lt. Gov. Ben Cayetano is one of the Hawaii politicians guilty of accepting illegal campaign donations from foreign nations," Sen. Rick Reed said.

"What is surprising is Cayetano's cavalier attitude about returning at least $9,000 he received in violation of federal law," he said.

"To say it's too difficult to return campaign funds now known to be illegally gotten displays an unacceptable level of arrogance and disdain for the law," Reed said.

Cayetano later answered back, calling Reed "stupid" and politically motivated.

"Reed is too stupid to understand that the issue raises some troublesome questions."

Both Cayetano and Gov. John Waihee have accepted money from foreign nationals. Cayetano says if the law requires him to do so, he will return the money.

Japanese golf course developer Yasuo Yasuda and officers of his companies contributed at least $3,000 to Waihee's campaign, according to Campaign Spending Commission records.

Yasuda returned to Japan yesterday after admitting to U.S. Immigration and Naturalization Service investigators he had a criminal record in Japan he did not disclose on his visa application. Yasuda's attorney said the record was old, involved minor offenses and had been officially expunged in Japan. Nevertheless, they agreed that Yasuda would return voluntarily and reapply to return to Hawaii.

Fasi said he has returned $34,000 in contributions made by foreign nationals or foreign-controlled corporations. His office released a list of names of people to whom he has returned money. Most of those on the list were connected to Yasuda's two companies, Y.Y. Valley Corp. or Royal Hawaiian Country Club, according to state Department of Commerce and Consumer Affairs records.

Yasuda is building a Maunawili country club with two golf courses.

A review of campaign spending records showed that some of those same contributors gave money to Waihee and other local politicians.

According to the records, Waihee received $1,000 from Yasuda; $1,000 from Ken Y. Hayashida, the secretary-treasurer of Y.Y. Valley and Royal Hawaiian; and $1,000 from Masanori Kobayashi, president of Royal Hawaiian.

Kobayashi also contributed $1,000 to the primary election campaign of city Councilman Leigh-Wai Doo, records show. He also gave $2,000 to Fasi, which has been returned, Fasi said.

Doo also received $1,000 from Hayashida. Doo could not be reached for comment.

Royal Hawaiian gave $200 contributions to state Sens. Jeanne Ahi and Ann Kobayashi and city Councilman David Kahaau. Kahaau and Ahi said they will return the money.

Sen. Kobayashi said she'll abide "by whatever the law is."

Complaint made to FEC for donation to Waihee

By Richard Borreca
Star-Bulletin

A complaint charging Gov. John Waihee's campaign with improperly accepting a $1,000 contribution from Japan-based developer Yasuo Yasuda was filed today with the Federal Election Commission.

The complaint was filed by attorney Anthony Locricchio for the Maunawili Community Association.

It alleges that Waihee accepted a $1,000 contribution from Yasuda, whose company is developing two golf courses in Maunawili, at the same time that a state agency was deciding on Yasuda's request regarding a public road on the project property.

The federal election law prohibits office seekers from accepting contributions from foreign nationals. The FEC cannot impose jail sentences, but those found guilty of violating the law are subject to fines.

A spokesman for Waihee this morning declined to comment, saying he hadn't seen the complaint. But he noted that the governor's campaign staff is reviewing federal laws regarding contributions by foreign nationals and may return any improper donations.

Locricchio alleges that after Yasuda contributed to Waihee's campaign organization, William Paty, director of the state Department of Land and Natural Resources, transferred title to the public road to the developer. Paty also is the former chairman of Waihee's election committee.

Asked if he thought the contribution amounted to a payment from the developer to Waihee in return for help with the golf course, Locricchio said, "It should be explored."

"Losing public access to the road through one of the most beautiful spots in Hawaii is a loss to all of us," he said.

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Star Bulletin
A-6 ☐ Thursday, February 2, 1989

Cayetano says bias is behind funds ban

☐ The lieutenant governor says it's 'a manifestation of the anti-Asian feeling'

By Richard Borreca and Charles Memminger
Star-Bulletin

Lt. Gov. Ben Cayetano suggests that the federal ban on foreign campaign contributions might be racially or ethnically motivated as local officeholders continue to question why they have to honor the ban.

"For these things to be coming up now is a manifestation of the anti-Asian and anti-Japanese feeling that is sweeping the mainland," Cayetano told the Senate Ways and Means Committee.

Lt. Gov. Ben Cayetano

The FBI has launched a preliminary investigation into foreign donations after it was disclosed last week that Mayor Frank Fasi had returned $24,000 in campaign contributions from a Japanese developer.

A review of state Campaign Spending Commission records shows that at least five other local politicians have received contributions from principals of two Japanese golf course development companies.

Last night, Cayetano repeated his charge, saying

See DONATIONS: Page A-6

EXHIBIT 3

DONATIONS: Cayetano says bias to blame

Continued from Page A-1

he is bothered "by the pinpointing of people with foreign-sounding names" by the federal government.

"Why has this come up now?" Cayetano said.

He added that he recently had lunch with the new directors of Pacific Resources Inc. from Australia. If they had donated to his campaign, no one would notice because they had Anglo-Saxon surnames, Cayetano said.

"I think there is a growing fear of foreign influence in the United States, and this is why it is coming up now," Cayetano said.

A spokesman for the Federal Election Commission in Washington, D.C., denied the charge, saying that since the FEC was created in 1971 there have been 25 violations of the foreign national contribution ban.

The original law forbidding foreigners from giving to political campaigns was passed in 1938 as part of the Foreign Nationals Exclusion Act," said Scott Moxley, FEC public affairs specialist.

In 1974, U.S. Sen. Lloyd Bentsen had the law amended to change foreign principals to foreign nationals and keep them from giving to any political candidates in order to preserve U.S. independence in its political process, Moxley said.

Local politicians say they understand that Congress can set the rules for federal elections but are mystified as to how Congress can control a state or county election.

"I don't see the authority for the rules promulgated by the FEC," Cayetano said.

"It is very presumptuous for the FEC to disallow this," Sen. Anthony Chang said during a debate on the Senate floor yesterday.

But Moxley said the FEC in 1986 ruled against a local candidate running for office in San Francisco who got money from a foreign national.

"The attorney argued that the section didn't apply to local elections because it was for federal offices, but the FEC attorney rejected the argument, making it clear that the prohibition extends to local and state elections," Moxley said.

Cayetano has received donations from Japanese nationals, and he ran into some Republican criticism yesterday on the floor of the Senate.

"It is not surprising that Lt. Gov. Ben Cayetano is one of the Hawaii politicians guilty of accepting illegal campaign donations from foreign nations," Sen. Rick Reed said.

"What is surprising is Cayetano's cavalier attitude about returning at least $9,000 he received in violation of federal law," he said.

"To say it's too difficult to return campaign funds now known to be illegally gotten displays an unacceptable level of arrogance and disdain for the law," Reed said.

Cayetano later answered back, calling Reed "stupid" and politically motivated.

"Before he of all people questions my ethics and honesty, I suggest that he, who has a history of smearing other people, look at himself," Cayetano said.

Both Cayetano and Gov. John Waihee have accepted money from foreign nationals. Cayetano says if the law requires him to do so, he will return the money.

Japanese golf course developer Yasuo Yasuda and officers of his companies contributed at least $3,000 to Waihee's campaign, according to Campaign Spending Commission records.

Yasuda returned to Japan yesterday after admitting to U.S. Immigration and Naturalization Service investigators he had a criminal record in Japan he did not disclose on his visa application. Yasuda's attorney said the record was old, involved minor offenses and had been officially expunged in Japan. Nevertheless, they agreed that Yasuda would return voluntarily and reapply to return to Hawaii.

Fasi said he has returned $24,000 in contributions made by foreign nationals or foreign-controlled corporations. His office released a list of names of people to whom he has returned money. Most of those on the list were connected to Yasuda's two companies, Y.Y. Valley Corp. or Royal Hawaiian Country Club, according to state Department of Commerce and Consumer Affairs records.

Yasuda is building a Maunawili country club with two golf courses.

A review of campaign spending records showed that some of those same contributors gave money to Waihee and other local politicians.

According to the records, Waihee received $1,000 from Yasuda; $1,000 from Ken Y. Hayashida, the secretary-treasurer of Y.Y. Valley and Royal Hawaiian; and $1,000 from Masanori Kobayashi, president of Royal Hawaiian.

Kobayashi also contributed $1,000 to the primary election campaign of city Councilman Leigh-Wai Doo, records show. He also gave $2,000 to Fasi, which has been returned, Fasi said.

Doo also received $1,000 from Hayashida. Doo could not be reached for comment.

Royal Hawaiian gave $250 contributions to state Sens. James Aki and Ann Kobayashi and city Councilman David Kahanu. Kahanu and Aki said they will return the money.

Sen. Kobayashi said she'll abide "by whatever the law is."

A Waihee spokeswoman said the campaign organization would "take appropriate steps to do whatever has to be done including returning the money."

24043570074

Honolulu Advertiser

Editorials

Tuesday, January 31, 1989

Foreign campaign $$

Word that political donations by most foreign nationals to state and local candidates have been illegal since 1971 has come as a bolt out of the blue here — especially to the state Campaign Spending Commission, which thought the federal law only applied to federal races.

The issue came up last week in stories by The Advertiser's James Dooley concerning a campaign donation from a Japanese developer that Mayor Fasi returned. But in this era of foreign investment the issue has statewide ramifications — and maybe national ones also, if officials in other states were as unaware as ours were of the law.

Right now there are mostly questions:

How widespread were such donations? Must they be returned? How far back? If, as a Federal Elections Commission official said, contributions are allowed from foreign nationals who have permanent resident status, how can a politician tell from old spending records what was illegal?

In Hawaii, corporations can contribute to state and local candidates. But what about local firms controlled by foreigners? How can future contributions be screened to keep out illegal donations?

Revelations about the past may be interesting. But what's most needed now from both federal and state officials is an educational campaign for politicians, potential donors, and the public. From now on, there should be no excuses if the law is broken.

While foreign investment has been welcomed by many people as important for Hawaii's development, one concern has been that foreign interests might seek political influence to enhance their investments.

The new revelation may restrict such foreign influence in Hawaii politics, and that will be a plus.

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EXHIBIT 4

9404357000776

Star-Bulletin 2/23/94

Alien donations

HAVING belatedly learned that contributions from foreigners to state and local political campaigns are banned under federal law, legislators are working to make state law conform. They should be encouraged in this effort.

A bill banning contributions by non-resident aliens is under consideration in the state Senate's Judiciary Committee.

Not only would it reconcile state and federal law, but, as committee chairman Ron Menor noted, it would meet a need to establish a state policy regarding foreign influence on Hawaii's elections. With billions of dollars flowing into the state in investments from Japan, Australia, Canada and other nations, the need for such a policy is evident.

Those investments should be welcomed. Political interference by investors should not.

Most Hawaii residents would probably agree with Menor's statement that foreign influence on state and local elections through campaign contributions is undesirable. That rules for contributions from people of all races. This is not an attempt to discriminate against any race or nationality.

HAWAII
Tuesday, January 31, 1989 ■ Star-Bulletin •

■ Surfboard maker found off Hawaii Kai A-4
■ Officer tells of bar's back-booth sex A-4
■ Waihee gets plan for Kahului Harbor A-5

FBI asked to probe foreign contributions

☐ The U.S. Attorney says such gifts to isle candidates were illegal

By Charles Memminger
Star-Bulletin

U.S. Attorney Daniel Bent said today that he's asked the FBI to make a preliminary investigation into foreign contributions to local politicians.

"At this point, we have no evidence that any local or state candidate has solicited or accepted illegal campaign contributions surreptitiously or covertly from foreign nationals," Bent said in a news release.

"Such evidence would be required for there to be a criminal violation."

However, the U.S. Attorney's office decided to look into the issue after it became apparent in recent news stories that local officials were not aware that a federal law prohibits such contributions.

In fact, officials of the state's Campaign Spending Commission said state law in Hawaii does not view such foreign contributions as illegal.

But federal law clearly prohibits foreign nationals from contributing to federal, state or local campaigns, Bent said.

He explained that Congress wanted to protect "the internal affairs of the United States from foreign influence."

What's more, Bent said, "Federal law enforcement has expressed concern that organized crime figures, including the yakuza (Japanese organized crime groups), view Hawaii as fertile ground for money laundering, real property investment and the exportation of their traditional organized crime activities."

He also said it would be a crime if any corporation were to be used as a conduit for foreign contributions.

It is not known to what extent foreign nationals have been contributing to local campaign coffers.

However, Mayor Frank Fasi last week announced that he was returning $20,000 in contributions from Japan businessman Yasuo Yasuda, developer of the controversial Royal Hawaiian Country Club in Maunawili Valley, and his fellow executives.

Yesterday, attorney Anthony Locricchio, representing three Windward Oahu groups, delivered a letter to the U.S. Attorney's office urging it to request all local politicians to name any foreign contributors.

But Assistant U.S. Attorney Michael Burke said it is not up to the U.S. Attorney to tell candidates to compile lists of foreign contributors.

He said the candidates should hire their own lawyers to advise them.

"The U.S. Attorney isn't to act as legal counsel for private entities," Burke said.

The three groups also wanted Hawaii's congressional delegation, the U.S. attorney general and the U.S. Attorney's office to investigate such donations.

They are angered over the proposed golf course development in their area by Japanese developers and any political contributions they may have made.

U.S. Rep. Pat Saiki this morning said she had not yet received a letter from Locricchio's groups but said:

"If enough evidence warrants an investigation by the U.S. Attorney, I would support it. But to take that action now seems a little premature."

In an unrelated matter, Yasuda is being investigated by U.S. Immigration officials for failing to disclose an alleged criminal record in Japan.

Investigators from the U.S. Immigration and Naturalization Service visited the Campaign Spending Commission offices yesterday to see how much money Yasuda or his companies have contributed to the campaigns of Fasi and Gov. John Waihee.

The INS has been trying to determine if Yasuda, also known by the Korean name Han Kuk Chun, has a criminal record in Japan that he failed to disclose when he applied for a visa to the United States.

He was meeting with INS officials again today.

INS investigator John Gershkoff said Yasuda's fate may be made public this afternoon. If it is found that he did not declare a criminal record, he could be charged with visa fraud.

Assistant U.S. Attorney Burke said the government has charged some 60 people with visa fraud since 1984, including a number of Japanese developers who entered the country illegally. In most of the cases, the defendants pleaded guilty, were fined and then allowed to return home.

EXHIBIT 4

9404357007/7

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Star Bulletin 2/3/89

WHAT DO YOU THINK?

The question for today is 'What do YOU think about Hawaii political candidates accepting campaign contributions from foreign sources?

Mary Ann Bautista of Aiea, court clerk. "I don't think it should be allowed, especially when there's so much foreign investment here. The politicians should return the money."

Colin Rushing of Kailua, a high school sophomore. "I don't think it's really right if (donors) might influence decisions and make the politicians biased, especially when the contributor comes to them (for) such requests."

Gloria Adem of Honolulu, a paralegal. "I don't think it's OK. I feel contributions should be made by the people who vote for the candidates and not from outside interests. Money from foreigners could possibly give them more influence here. I don't think the politicians who received foreign money should be punished. They may have been misinformed about the law. It's clear now, though, and they should be held for it. If they don't, there should be some sort of reprimand."

Ruby Shibuya of Pauoa Valley, an accounts supervisor. "I don't think it's a good thing. It might influence a politician's decision for the foreign company that made a contribution to his campaign. I don't think the politicians should be punished because they accepted the money based on information from the state government. I do think they should give the money back, though."

Roy Kaonga of Hawaii, a tax associate. "I guess it's no different from some big company contributing to a person aspiring to political office. I think it's OK for foreigners to have investments here, and I'm sure that's why we have so much. They want to get as much out of a politician as anyone. But, if it's against the law, the politicians should be punished. You have to have something to keep them from doing it, if it's illegal."

Jim Monke of Honolulu, a state consultant. "I don't think it's a good idea, and I'm kind of surprised at the information that's been brought out. It seems to me that it should be relatively clear that they shouldn't accept foreign campaign contributions. I don't think it has come about because of foreign investments, or that there was any criminal intent, but it could give that appearance. Any informed politician should be aware of who he's getting his money from."

Asked downtown by Murray Ende, Star-Bulletin writer. Photos by Mike Tsukamoto

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 17, 1989

Anthony P. Locricchio, Esquire
903 Maunawili Circle
Kailua, HI 96734

RE: MUR 2846

Dear Mr. Locricchio:

This letter acknowledges receipt on April 11, 1989, of your clients' complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), by Citizens For Waihee, Han Kuk Chan, Masanori Kobayashi, Yoshinori Hayashida, Hiroshi Kobayashi, Masao Hayashi, Roy Hiroshige, Mizutani Takayuki, Masanori Inoue, Councilman David Kahanu, Councilman Leigh-Wai Doo, Tetsuo Yasuda, Japan Travel Bureau International, Inc., Ohbayashi Hawaii Corporation, Japan Airlines, GEM of Hawaii PAC, Mauna Lani Resort PAC, Mauna Lani Resort, Inc., CPD PAC State, Daiei Hawaii Investment, Inc., Nitto Hawaii Co., Ltd., American Hawaii Cruises, Pan-Pacific Development, Inc., Pan-Pacific Construction, Inc., Hawaii Omori Corporation, Azabu Buildings Company, Ltd., Kusugai Properties, Inc., Friends of Frank Fasi, the campaign of Senator James Aki, and the campaign of Senator Ann Kobayashi. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 2846. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints. If you have any questions, please contact Retha Dixon, Docket Chief, at (202) 376-3110.

Sincerely,

Lawrence M. Noble
General Counsel

George F. Rishel

By: George F. Rishel
Acting Associate General
Counsel

Enclosure
Procedures

9404357007 9

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 17, 1989

Mr. Tetsuo Yasuda
c/o Central Pacific Bank
220 S. King Street
Honolulu, HI 96813

RE: MUR 2846
Tetsuo Yasuda

Dear Mr. Yasuda:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2846. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

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If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: George F. Rishel
Acting Associate General
Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570081

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 17, 1989

Friends of Frank Fasi
Chinese Cultural Plaza
Suite 203
Honolulu, HI 96801

RE: MUR 2846
Friends of Frank Fasi

Gentlemen:

The Federal Election Commission received a complaint which alleges that Friends of Frank Fasi may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2846. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Friends of Frank Fasi in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

9404357008 2

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: George F. Rishel
Acting Associate General
Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 17, 1989

Kumugai Properties, Inc.
1585 Kapiolani Blvd.
#104
Honolulu, HI 96814

Re: MUR 2846
Kumugai Properties, Inc.

Gentlemen:

The Federal Election Commission received a complaint which alleges that Kumugai Properties, Inc. may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2846. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Kumugai Properties, Inc. in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

9404357000884

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: George F. Rishel
Acting Associate General
Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570085

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 17, 1989

Citizens For Waihee
800 S. Beretania
Suite 24A
Honolulu, HI 96801

Re: MUR 2846
Citizens For Waihee

Gentlemen:

The Federal Election Commission received a complaint which alleges that Citizens For Waihee may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2846. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Citizens For Waihee in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

2043570086

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: George F. Rishel
Acting Associate General
Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570087

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 17, 1989

Azabu Buildings Co., Ltd.
410 Aikinson Drive
Honolulu, HI 96814

RE: MUR 2846
Azabu Buildings Co.,
Ltd.

Gentlemen:

The Federal Election Commission received a complaint which alleges that the Azabu Buildings Co., Ltd. may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2846. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Azabu Buildings Co., Ltd. in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

2043570088

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: George F. Rishel
Acting Associate General
Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570089

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 17, 1989

American Hawaii Cruises
550 Kearny Street
San Francisco, CA 94108

Re: MUR 2846
American Hawaii
Cruises

Gentlemen:

The Federal Election Commission received a complaint which alleges that American Hawaii Cruises may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2846. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against American Hawaii Cruises in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

2040357090

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Comaission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: George F. Rishel
Acting Associate General
Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Stateeent

24043570091

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 17, 1989

Hawaii Omori Corporation
PO Box 1570
Lahaina, HI 96761

RE: MUR 2846
Hawaii Omori
Corporation

Gentlemen:

The Federal Election Commission received a complaint which alleges that the Hawaii Omori Corporation may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2846. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Hawaii Omori Corporation in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

2404357009 2

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: George F. Rishel
Acting Associate General
Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

4043570093

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 17, 1989

Mr. Ben Cayetano
Lt. Governor
PO Box 3226
Honolulu, HI 96801

Re: MUR 2846
Lt. Governor Ben
Cayetano

Dear Mr. Cayetano:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2846. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: George F. Rishel
Acting Associate General
Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

2404357009 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 17, 1989

Mr. Masao Hayashi
2270 Kalakaua Avenue
Honolulu, HI 96813

RE: MUR 2846
Masao Hayashi

Dear Mr. Hayashi:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2846. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

9404357009 96

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: George F. Rishel
Acting Associate General
Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570097

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 17, 1989

GEM of Hawaii PAC
1199 Dillingham Blvd.
Honolulu, HI 96817

Re: MUR 2846
GEM of Hawaii PAC

Gentlemen:

The Federal Election Commission received a complaint which alleges that the GEM of Hawaii PAC may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2846. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the GEM of Hawaii PAC in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

9 4 0 4 3 5 7 0 0 9 8

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: George F. Rishel
Acting Associate General
Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

9404357009 9

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 17, 1989

CPB PAC State
c/o Central Pacific Bank
220 S. King Street
Honolulu, HI 96813

RE: MUR 2846
CPB PAC State

Gentlemen:

The Federal Election Commission received a complaint which alleges that CPB PAC State may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2846. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against CPB PAC State in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: George F. Rishel
Acting Associate General
Counsel

Enclosures
1. Complaint
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3. Designation of Counsel Statement

9404357010 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 17, 1989

Councilman David Kahanu
City Council
530 S. King Street
Honolulu, HI 96813

Re: MUR 2846
Councilman David
Kahanu

Dear Mr. Kahanu:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2846. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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2 4 0 4 3 5 7 0 1 0 2

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: George F. Rishel
Acting Associate General
Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570103

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 17, 1989

Councilman Leigh-Wai Doo
Honolulu Holly
Room 202
530 S. King Street
Honolulu, HI 96813

Re: MUR 2846
Councilman Leigh-Wai Doo

Dear Mr. Doo:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2846. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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9043570104

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: George F. Rishel
Acting Associate General
Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

9404357010 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 17, 1989

Mr. Hiroshi Kobayashi
921 Aliamanu Place
Honolulu, HI 96818

RE: MUR 2846
Hiroshi Kobayashi

Dear Mr. Kobayashi:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2846. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: George F. Rishel
Acting Associate General
Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570107

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 17, 1989

Japan Air Lines
165 S. King Street
Honolulu, HI 96813

Re: MUR 2846
Japan Air Lines

Gentlemen:

The Federal Election Commission received a complaint which alleges that Japan Air Lines may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2846. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Japan Air Lines in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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2404357018

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: George F. Rishel
Acting Associate General
Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570109

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 17, 1989

Pan-Pacific Development, Inc.
1001 Bishop Street
Pauahi #2350
Honolulu, HI 96813

RE: MUR 2846
Pan-Pacific Development, Inc.

Gentlemen:

The Federal Election Commission received a complaint which alleges that Pan-Pacific Development, Inc. may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2846. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Pan-Pacific Development, Inc. in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

9 4 0 4 3 5 7 0 1 1 0

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: George F. Rishel
Acting Associate General
Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

7404357011 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 17, 1989

Pan-Pacific Construction, Inc.
2621 Waiwai Loop
Honolulu, HI 96819

RE: MUR 2846
Pan-Pacific Construction, Inc.

Gentlemen:

The Federal Election Commission received a complaint which alleges that Pan-Pacific Construction, Inc. may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2846. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Pan-Pacific Construction, Inc. in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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2 4 0 4 3 5 7 0 1 1 2

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: George F. Rishel
Acting Associate General
Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570113

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 17, 1989

Mr. Masanori Kobayashi
1525 Wilder Avenue
Honolulu, HI 96822

RE: MUR 2846
Masanori Kobayashi

Dear Mr. Kobayashi:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2846. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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2 4 0 4 3 5 7 0 1 1 4

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: George F. Rishel
Acting Associate General
Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570115

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 17, 1989

Mauna Lani Resort PAC
PO Box 4959
Kawaihae, HI 96743

Re: MUR 2846
Mauna Lani Resort
PAC

Gentlemen:

The Federal Election Commission received a complaint which alleges that the Mauna Lani Resort PAC may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2846. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Mauna Lani Resort PAC in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

2 4 0 4 3 5 7 0 1 1 6

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: George F. Rishel
Acting Associate General
Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570117

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 17, 1989

Mauna Lani Resort, Inc.
PO Box 4959
Kawaihae, HI 96743

Re: MUR 2846
Mauna Lani Resort, Inc.

Gentlemen:

The Federal Election Commission received a complaint which alleges that Mauna Lani Resort, Inc. may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2846. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Mauna Lani Resort, Inc. in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

2043570118

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: George F. Rishel
Acting Associate General
Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570119

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 17, 1989

Campaign of Senator James Aki
State Capitol
Room 231
Honolulu, HI 96813

RE: MUR 2846
Campaign of Senator
James Aki

Gentlemen:

The Federal Election Commission received a complaint which alleges that the campaign of Senator James Aki may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2846. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the campaign of Senator James Aki in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: George F. Rishel
Acting Associate General
Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

2404357012 1

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 17, 1989

Campaign of Senator
Ann Kobayashi
State Capitol
Room 227
Honolulu, HI 96813

RE: MUR 2846
Campaign of Senator
Ann Kobayashi

Gentlemen:

The Federal Election Commission received a complaint which alleges that the campaign of Senator Ann Kobayashi may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2846. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the campaign of Senator Ann Kobayashi in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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2404357012 2

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: George F. Rishel
Acting Associate General
Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570123

FEDERAL ELECTION COMMISSION
WASHINGTON D C 20463

April 17, 1989

Mr. Yoshinori ("Ken") Hayashida
712 Paoo Street
Honolulu, HI 96825

Re: MUR 2846
Yoshinori Hayashida

Dear Mr. Hayashida:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2846. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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2404357024

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: George F. Rishel
Acting Associate General
Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570125

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 17, 1989

Mr. Roy Hiroshige
1-31-12 Higashigaoka
Meguro Ku Tokyo, JP
152

Re: MUR 2846
Roy Hiroshige

Dear Mr. Hiroshige:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2846. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: George F. Rishel
Acting Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570127

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 17, 1989

Ohbayashi Hawaii Corporation
1001 Bishop Street
Honolulu, HI 96813

RE: MUR 2846
Ohbayashi Hawaii
Corporation

Gentlemen:

The Federal Election Commission received a complaint which alleges that the Ohbayashi Hawaii Corporation may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2846. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Ohbayashi Hawaii Corporation in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

2043570128

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: George F. Rishel
Acting Associate General
Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

9404357012 9

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 17, 1989

Japan Travel Bureau
International, Inc.
2270 Kalakaua Avenue
Honolulu, HI 96815

Re: MUR 2846
Japan Travel Bureau
International, Inc.

Gentlemen:

The Federal Election Commission received a complaint which alleges that Japan Travel Bureau International, Inc. may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2846. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Japan Travel Bureau International, Inc. in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

2043570130

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: George F. Rishel
Acting Associate General
Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570131

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 17, 1989

Mr. Mizutani Takayuki
c/o Daiei (USA), Inc.
801 Kaheka Street
Honolulu, HI 96814

RE: MUR 2846
Mizutani Takayuki

Dear Mr. Takayuki:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2846. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

2043570132

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: George F. Rishel
Acting Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

9404357013 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 17, 1989

Daiei Hawaii Investment, Inc.
801 Kaheka Street
Honolulu, HI 96814

Re: MUR 2846
Daiei Hawaii
Investment, Inc.

Gentlemen:

The Federal Election Commission received a complaint which alleges that Daiei Hawaii Investment, Inc. may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2846. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Daiei Hawaii Investment, Inc. in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

9 4 0 4 3 5 7 0 1 3 4

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: George F. Rishel
Acting Associate General
Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

2404357013 5

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 17, 1989

Nitto Hawaii Co., Ltd.
84-627 Makaha Valley Road
Waianae, HI 96792

RE: MUR 2846
Nitto Hawaii Co., Ltd.

Gentlemen:

The Federal Election Commission received a complaint which alleges that Nitto Hawaii Co., Ltd. may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2846. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Nitto Hawaii Co., Ltd. in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

9 4 0 4 3 5 7 0 1 3 6

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: George F. Rishel
Acting Associate General
Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570137

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

April 17, 1989

Mr. Masanori Inoue
581 Kamoku Street
Honolulu, HI 96822

Re: MUR 2846
Masanori Inoue

Dear Mr. Inoue:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2846. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

2043570138

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: George F. Rishel
Acting Associate General
Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

9404357013 9

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 17, 1989

Mr. Han Kuk Chan
a.k.a. Yasuo Yasuda
581 Kaaoku
Suite 2404
Honolulu, HI 96826

RE: MUR 2846
Han Kuk Chan

Dear Mr. Chan:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2846. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

2043570140

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: George F. Rishel
Acting Associate General
Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570141

06C 2603

GEM OF HAWAII, INC.

RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION
89 MAY -1 AM 10: 54

89 MAY -1 PM 2:37

April 25, 1989

Mr. Lawrence M. Noble
General Counsel
Federal Elections Commission
999 East Street N. W.
Washington, D.C. 20463

RE: MUR 2846
GEM of Hawaii PAC

Dear Mr. Noble:

We have been advised by letter dated April 17, 1989 that the GEM Political Action Committee may have violated the Federal Election Campaign Act of 1971, as amended. This is in response to that transmittal.

In February of 1989, I placed a call to the Federal Elections Commission, and spoke with Patricia Klein, to inquire as to the legality of GEM PAC's contributions to candidates running for various offices in the State of Hawaii and the City and County of Honolulu. We were informed by Ms. Klein that political contributions by foreign nationals or corporations to any State, Local or Federal candidate or election is prohibited by Federal law. We were aware of this.

However, we were also informed that a corporation that is a wholly-owned subsidiary of a foreign parent and incorporated in the state in which the contribution is made may contribute to candidates for political office, as long as the monies do not originate from foreign accounts and the foreign principals do not make policy decisions as to whom the recipients should be.

The GEM PAC was formed by, and is comprised of, residents of the State of Hawaii; we are United States citizens. As its committee chair, and government affairs officer for GEM of Hawaii, I, with the consensus of the committee, decide on the direction of our contributions and in what amounts. I have no contacts with Japan on political matters, whether they be affiliations or contributions. I should also inform you that the GEM PAC funds are derived from multiple small entrepreneurs which operate concessions in the GEM stores.

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1199 Dillingham Boulevard • Honolulu, Hawaii 96817
EXECUTIVE OFFICE: (808) 841-8224 • ADMINISTRATION: (808) 847-1128 • Fax: (808) 845-7769

We receive little or no corporate funding. Also, there is no involvement by our parent company in the day to day operations and administration of the GEM Department Stores.

I am hoping that this information will help you and suffice in your investigation of this matter.

If you have any questions, I can be reached at (808) 841-6224.

Very truly yours,

Edean S Ring

Edean S. Ring
Chairperson
GEM PAC

24043570143

OGC 2607

RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION

89 MAY -1 AM 9:15

OFFICE OF THE LIEUTENANT GOVERNOR
STATE CAPITOL
HONOLULU, HAWAII 96813

BENJAMIN J. CAYETANO
LIEUTENANT GOVERNOR

(808) 548-2544

April 26, 1989

Federal Election Commission
Washington, D.C. 20463

Attn: Mr. George F. Rishel
Acting Associate General Counsel

RE: MUR 2846

Dear Mr. Rishel:

This is to acknowledge my receipt of your letter dated April 17, 1989, addressed to me wherein you make reference to a Complaint which the Federal Election Commission has received against me and which you have assigned the above-referenced number. You also enclosed a copy of the Complaint.

In reviewing the enclosed Complaint, I note that the Complaint is not directed against me. I am mentioned only in a copy of a newspaper article which was attached as an exhibit to the Complaint.

Yesterday, I had a telephone conversation with Mr. Anthony Locricchio, the attorney who signed the Complaint filed with the FEC. Mr. Locricchio told me it was not his or his clients' intent to name me as a "defendant" in the Complaint.

Please review this matter. If there is another complaint naming me, I would appreciate your forwarding it to me. If I am not named in any complaint I would like to know as soon as possible.

Please contact me if you have any questions at (808) 548-2086 or (808) 548-2544.

Very truly yours,

Benjamin J. Cayetano

Benjamin J. Cayetano
Lieutenant Governor
State of Hawaii

BJC:jk

2404357014 4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 3, 1989

The Honorable Benjamin J. Cayetano
Office of the Lieutenant Governor
State Capitol
Honolulu, Hawaii 96813

RE: MUR 2846

Dear Mr. Cayetano:

This will confirm your May 2, 1989, telephone conversation with Patty Reilly of the Office of the General Counsel. As Ms. Reilly indicated, it is the policy of the Federal Election Commission to notify all persons named in a complaint and its attachments who are alleged to be in possible violation of the Federal Election Campaign Act of 1971, as amended. Persons so notified are thus afforded with an opportunity to respond. See 2 U.S.C. § 437g(a)(1).

At this juncture, the Office of the General Counsel has not made any recommendations to the Commission regarding whether or not there is reason to believe violations of the Act may have occurred. Any response that you submit will be considered prior to any further Commission action in this matter.

If you have any further questions, please contact Ms. Reilly at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

2404357014 5

TANIGAWA & TANIGAWA
Attorneys at Law
Suite 1570 Pacific Tower
1001 Bishop Street
Honolulu, Hawaii 96813

Herbert H. Tanigawa
Michael K. Tanigawa

Telephone
(808) 521-8354

April 24, 1989

Patty Reilly, Esq.
General Counsel's Office
Federal Election Committee
999 E. Street, NW
Washington, D.C. 20463

Re: MUR 2846
Japan Travel Bureau International, Inc.

Dear Ms. Reilly:

I am the attorney representing Japan Travel Bureau International, Inc. in the matter of MUR 2846.

With respect to the complaint attached to the letter addressed to Japan Travel Bureau International, Inc. from George F. Rishel of your Office dated April 17, 1989, it is our position that no action should be taken in this matter.

I have enclosed a copy of the certificate of incorporation of Japan Travel Bureau International, Inc. which shows that Japan Travel Bureau International, Inc. is in fact a U.S. corporation organized and created under the laws of the State of New York. As a New York corporation, Japan Travel Bureau International, Inc. is not a "foreign principal" under 22 U.S.C. 611(b)(2) and therefore it is not a "foreign national" under 2 U.S.C. 441(e)(b)(1).

Also enclosed for your convenience is a copy of Advisory Opinion 1983-31 which indicates that the Federal Election Commission does not consider U.S. corporations to be foreign nationals or foreign principals even though they are wholly owned subsidiaries of a foreign corporation.

2404357014 6

If I can provide you with any further information to assist you in your investigation of this matter, please feel free to call me.

Sincerely,

Michael K. Tanigawa

MICHAEL K. TANIGAWA
Attorney for Japan Travel
Bureau International Inc.

MKT:ctk

Enclosures

9404357014 7

OGC 2625

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2846

NAME OF COUNSEL: TANIGAWA & TANIGAWA

ADDRESS: Suite 1550 Pacific Tower
1001 Bishop Street
Honolulu, Hawaii 96813

TELEPHONE: (808) 521-8354

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

JAPAN TRAVEL BUREAU INTERNATIONAL, INC.

4/25/89
Date

By [signature]
Signature

RESPONDENT'S NAME: JAPAN TRAVEL BUREAU INTERNATIONAL, INC.

ADDRESS: Suite 1201
2270 Kalakaua Avenue
Honolulu, Hawaii 96815

HOME PHONE:

BUSINESS PHONE: (808) 922-0220

9404357014 8

940435701149

CERTIFICATE OF INCORPORATION

OF

JAPAN TRAVEL BUREAU INTERNATIONAL INC.

Under Section 402 of the
Business Corporation Law

The undersigned, being natural persons of at least 21 years of age and acting as the incorporators of the corporation, hereby being formed under the Business Corporation Law, certify that:

FIRST: The name of the corporation is

JAPAN TRAVEL BUREAU INTERNATIONAL INC.

SECOND: The corporation is formed for the following purposes:

[illegible] and to establish offices or offices for the purpose [illegible] and furnishing information in reference [illegible] travel by land or railroads, steamships, air [illegible] and other means of travel [illegible] and to establish offices and furnish [illegible] with respect to parts of the [illegible] and information relative to [illegible] routes, and other places [illegible] travelers to all parts of the [illegible] and to do, furnish, and perform [illegible] and to do all and generally, to do in [illegible] for travelers by railroads, steamships, air [illegible] and all other means of travel; and to [illegible] for the transportation of persons and baggage [illegible] and to appoint agents and representatives of [illegible], airplanes, steamers, and bus companies [illegible] for the [illegible] of railroads, airplanes, steamships, buses and generally to do every act and thing that may be necessary, proper, convenient or useful for the carrying on of the general business of travel service.

To secure and furnish accommodations in hotels, inns, boarding houses and other places for the accommodation of travelers in all parts of the world.

To arrange for transportation of passengers, goods, wares and merchandise, and personal property of every kind and description from and to any point or place in the United States or elsewhere by means of transportation and to make all necessary arrangements for that purpose with railroad, shipping, airline, express or other companies and with individuals.

To act for insurance companies in soliciting and receiving applications for accident, health, baggage, and life insurance, the collection of premiums and doing such other business as may be delegated to agents by such companies and in general to act as insurance agents in reference to the issuance of baggage and, or accident insurance tickets primarily for the purpose of covering risks of travel.

To act as forwarding, shipping, freight, and passenger agent, clearance and custom house broker; to do any and all lawful things as agent for or intermediary between shippers or passengers and carriers which may seem calculated to promote their interests.

To engage in, conduct and operate the business of general exporters, importers, jobbers and traders, as principals, factors, brokers, agents or commission merchants with respect to goods, wares, merchandise and commodities of any kind and nature whatsoever; to buy and sell at wholesale and retail, receive, export, import, ship, trade and otherwise deal in goods, wares, merchandise and commodities of any kind and nature whatsoever.

To apply for, obtain, register, purchase, lease or otherwise acquire, and to hold, use, exercise, operate, sell, assign or otherwise dispose of, any trade-mark, trade-name, patent, invention, improvement, license, concession and process used in connection with or secured under letters patent of the United States or any other country or otherwise, and to use, exercise, receive, operate under, develop, and grant any and all trade-marks, trade-names, patents, inventions, improvements, licenses, concessions and processes.

To acquire the stock and trade, good will, franchises, assets and property of any person or persons, partners, or corporations domestic or foreign engaged in business of the same general nature as that for which this corporation is formed and, in connection therewith to pay for the same in cash, stocks or bonds of this corporation or otherwise, and to assume all or part of the liabilities of any such person or persons, partner or corporation.

To have, in furtherance of the corporate purposes, all of the powers conferred upon corporations organized under the Business Corporation Law subject to any limitations set forth or contained in this Certificate of Incorporation or in the laws of the State of New York.

THIRD: The city, incorporated village or town and the county within the State of New York in which the office of the corporation is to be located are as follows:

City	County
New York	New York

FOURTH: The aggregate number of shares which the corporation shall have authority to issue is two hundred (200), all of which are without par value, and all of which are of the same class.

FIFTH: The Secretary of State is designated as the agent of the corporation upon whom process against the corporation may be served. The post office address within or without the State of New York to which the Secretary of State shall mail a copy of any process against the corporation served upon him is

[illegible]

[illegible]

[illegible]

STATE OF NEW YORK)
: ss.:
COUNTY OF NEW YORK)

On the date hereinafter set forth, before me came KAZUO IWATA, KAZUO HIRO and THOMAS T. HAYASHI to me known to be the individuals who are described in, and who signed the foregoing certificate of incorporation and they acknowledged to me that they signed the same.

Dated: Dec. 11, 1963

Notary Public

ARLENE M. D'AMICO
Notary Public, State of New York
No. 24-0574116 Qual. in Kings Co.
Cert. Filed in New York County
Commission Expires March 30, 1965

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940435701 53

CERTIFICATE OF INCORPORATION

OF

JAPAN TRAVEL BUREAU

INTERNATIONAL INC.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED DEC 24 1963
TAX $ 10.00
FILING FEE $ 50.00

Thomas T. Hayashi
522 Fifth Ave.
New York, New York

State of New York
DEPARTMENT OF STATE } ss.:

17379

I CERTIFY That I have compared the preceding copy with the original Certificate of Incorporation of

JAPAN TRAVEL BUREAU INTERNATIONAL INC.,

filed in this department on the 24th day of December, 1963, and that such copy is a correct transcript therefrom and of the whole of such original.

Witness my hand and the official seal of the Department of State at the City of Albany, this sixteenth day of September, one thousand nine hundred sixty-four.

John P. Lomenzo
Secretary of State

Form CD-504

7404357015 4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463 999 E. Street, NW

November 10, 1983

83 NOV 10 P4:12

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

ADVISORY OPINION 1983-31

Mr. Jim C. Curlett
Boltzmann, Wise & Shepard
755 Paye Mill Road,
Suite A-230
Palo Alto, California 94304

Dear Mr. Curlett:

This responds to your letter of September 27, 1983, requesting an advisory opinion on behalf of Syntex Laboratories, Inc., Syva Company, and Syntex Chemical, Inc., ("the companies") concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations, to proposed contributions and expenditures in connection with state and local campaigns for political office and with respect to state and local ballot measures.

You state that the companies are domestic subsidiary corporations of Syntex-U.S.A., a Delaware corporation that is itself a wholly-owned subsidiary of Syntex Corporation, a Panamanian corporation. You further state that the companies have adopted articles of organization for the creation of a committee known as the "Syntex Good Government Committee" ("the Committee") for the purpose of making contributions and expenditures in connection with state and local campaigns for political office and with respect to state and local ballot measures. You note that other corporations may be admitted to membership on the Committee, and that no corporation will be eligible to be represented on the Committee if it is a foreign national within the meaning of 2 U.S.C. §441e.

According to the Articles of Organization ("the Articles") enclosed with your request, the activities of the Committee will be managed by three individuals appointed from time to time by the Boards of Directors of the companies, with one member being appointed by each such Board of Directors. You note that these individuals, who are solely responsible for exercising the decision-making authority of the Committee, must all be citizens

of the United States or persons lawfully admitted for permanent residence in the United States (i.e., not foreign nationals within the meaning of 2 U.S.C. § 441e). In addition, the Articles state that no individual who is a foreign national will participate in any way in the decision-making processes of the Committee with regard to political contributions or expenditures and that the Committee will not solicit or accept any recommendations from any foreign nationals with respect thereto. The Articles also state that members of the Boards of Directors of the companies who are foreign nationals will abstain from voting on matters concerning the Committee or its activities.

In light of these facts, you ask whether the Committee is permitted to make the proposed contributions and expenditures in connection with state and local campaigns for political office and with respect to state and local ballot measures in California and possibly other states.

The Commission notes initially that under the Act, foreign nationals are prohibited from making contributions, directly or through any other person, in connection with any election to any political office. See 2 U.S.C. §441e. The term "foreign national" is defined by 2 U.S.C. §441e(b)(1) to mean a "foreign principal" as such term is defined specifically by 22 U.S.C. § 611(b). Section 611(b) defines "foreign principal" as including:

> (1) a government of a foreign country and a foreign political party;
>
> (2) a person outside of the United States, unless it is established that such person is an individual and a citizen of and domiciled within the United States, or that such person is not an individual and is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States; and
>
> (3) a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.

The Commission concludes that since none of the corporations involved in establishing the Committee is a foreign principal as that term is defined in 22 U.S.C. § 611(b), the Act would not prohibit the Committee from using funds contributed to it by the companies in connection with campaigns for state or local political office and state or local ballot measures in California and other states. See Advisory Opinion 1982-10. The Commission

views the Committee's Articles of Organization as offering sufficient assurances that no individual who is a foreign national will participate in any manner in the decision-making processes of the Committee with regard to the proposed spending for political activities. See Advisory Opinions 1983-19, 1982-34, 1982-10, 1981-36, and 1980-111, copies enclosed.

The Commission expresses no opinion regarding application of any other Federal statute or state statute to the described activity since any issues thereunder are not within the Commission's jurisdiction.

This response constitutes an advisory opinion concerning application of the Act, or regulations prescribed by the Commission, to the specific transaction or activity set forth in your request. See 2 U.S.C. § 437f.

Sincerely yours,

Danny L. McDonald
Chairman for the
Federal Election Commission

Enclosures (AOs 1983-19, 1982-34, 1982-10, 1981-36 and 1980-111)

3214043572157

0000 24 47

KOBAYASHI, WATANABE, SUGITA, KAWASHIMA & GODA
ATTORNEYS AT LAW
HAWAII TOWER, 6th FLOOR
745 FORT STREET
HONOLULU, HAWAII 96813-3889
TELEPHONE (808) 544-8300

Alvin S.C. Chang*
Alan M. Goda*
Lyle Y. Hamada*
J. Douglas Ing*
Cheryl R. Kakazu*
James Kawashima*
Bert T. Kobayashi, Jr.*
John T. Komeiji*
Wray H. Kondo*
Benjamin A. Kudo*
Dale W. Lee*
Ronald Y.K. Lepong*
Lex R. Smith*
Kenneth Y. Sugita*
Robert T. Takamatsu*
Jeffrey N. Watanabe*
Cynthia Wheeler*
Randall Y. Yamamoto*

*A Law Corporation

OF COUNSEL
George B. Arvanitis
Bert T. Kobayashi, Sr.
Russell K. Kong

Jan M.L.Y. Aoki
Ferdinand G. Arganza
Kate Fekeman
Wendell H. Fuji
Charles W. Gall
Roxanne M. Goo
Lyle S. Hosoda
Robert K. Ichikawa
David B. Kaapu
Donna Y. Kanemaru
Pamela J. Larson
Michael A. Lorusso
Alan K. Maeda
David L. Monroy
Joseph A. Olds
Fred Trinconte

May 1, 1989

HAND DELIVERED

69 MAY -3 PM 2:26

BY DHL COURIER

Federal Election Commission
Office of General Counsel
999 E Street, N.W.
Washington, D. C. 20463

Attention: Patty Reilly

Re: MUR 2846
Ohbayashi Hawaii Corporation

Dear Ms. Reilly:

Our law firm represents Ohbayashi Corporation in the above-referenced matter. Enclosed for your review and file is the original Statement of Designation of Counsel form executed by the President of Ohbayashi Hawaii Corporation.

This letter is also to request a twenty (20) day extension of time to submit a response to the Federal Election Commission in the above-referenced matter. Our firm received copies of Mr. Rishel's correspondence and the enclosures regarding the above-referenced matter on April 27. The extension of time is needed to review all of the relevant facts and circumstances before submitting a response.

Since Ohbayashi received Mr. Rishel's correspondence on April 21, we request that the deadline to respond be extended from May 6 to May 26, 1989.

69 MAY -3 PM 3:41

24043570158

Thank you for your courtesy and consideration in this matter. Please contact me if you have any questions or require additional information.

Very truly yours,

KEVIN S.C. CHANG
for
KOBAYASHI, WATANABE,
SUGITA, KAWASHIMA & GODA

KSCC:me

enclosure

cc: Ohbayashi Hawaii Corporation
(without enclosure)

9404357015 9

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2846

NAME OF COUNSEL: Kevin S. C. Chang

ADDRESS: 8th Floor, Hawaii Tower
745 Fort Street
Honolulu, Hawaii 96813

TELEPHONE: (808) 544-8300

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

April 28, 1989
Date

Signature Toshiharu Hino, President

RESPONDENT'S NAME: Ohbayashi Hawaii Corporation

ADDRESS: Suite 2680, Pacific Tower
1001 Bishop Street
Honolulu, Hawaii 96813

HOME PHONE:

BUSINESS PHONE: (808) 524-5163

2404357016O

OGC 2638

KOBAYASHI, WATANABE, SUGITA, KAWASHIMA & GODA
ATTORNEYS AT LAW
HAWAII TOWER, 8th FLOOR
745 FORT STREET
HONOLULU, HAWAII 96813-3689
TELEPHONE (808) 544-8300

Kevin S. C. Chang*
Alan M. Goda*
Lyle Y. Hiraide*
J. Douglas Ing*
Cheryl K. Kakazu*
James Kawashima*
Bert T. Kobayashi, Jr.*
John T. Komeiji*
Wray H. Kondo*
Benjamin A. Kudo*
Dale M. Lee*
Ronald Y. K. Leong*
Lex R. Smith*
Kenneth Y. Sugita*
Robert T. Takemoto*
Jeffrey N. Watanabe*
Cynthia Winegar*
Randall Y. Yamamoto*
*A Law Corporation

OF COUNSEL:
George R. Ariyoshi
Bert T. Kobayashi, Sr.
Robert K. Kong

Jon M. L. Y. Abiru
Ferdinand G. Aranza
Kate Feldman
Wendell H. Fuji
Charles W. Gall
Rosanna K. Goo
Lyle S. Hosoda
Robert K. Ichikawa
David B. Kaaze
Donna Y. Kanemoto
Pamela J. Larson
Michael A. Lilley
Alan K. Maeda
David L. Monroy
Jansen A. Orita
Fred Tajiri

May 1, 1989

HAND DELIVERED

89 MAY -3 PM 2:26

89 MAY -3 PM 3:41

BY DHL COURIER

Federal Election Commission
Office of General Counsel
999 E Street, N.W.
Washington, D. C. 20463

Attention: Patty Reilly

Re: MUR 2846
Mauna Lani Resort, Inc.
Mauna Lani Resort PAC

Dear Ms. Reilly:

Our law firm represents Mauna Lani Resort, Inc. and Mauna Lani Resort PAC (collectively referred to as "Mauna Lani") in the above-referenced matter. Because the client is located on another island, they will be sending the Statement of Designation of Counsel form directly to your office as a time-saving measure.

This letter is to request a twenty (20) day extension of time to submit a response to the Federal Election Commission in the above-referenced matter. Our firm received copies of Mr. Rishel's correspondence and the enclosures regarding the above-referenced matter on April 27. The extension of time is needed to review all of the relevant facts and circumstances before submitting a response.

Since Mauna Lani received Mr. Rishel's correspondence on April 21, we request that the deadline to respond be extended from May 6 to May 26, 1989.

2404357016 1

Thank you for your courtesy and consideration in this matter. Please contact me if you have any questions or require additional information.

Very truly yours,

Cheryl K Kakazu

CHERYL K. KAKAZU
for
KOBAYASHI, WATANABE,
SUGITA, KAWASHIMA & GODA

3452E

cc: Mauna Lani - Francine Duncan

9404357016 2

FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

May 17, 1989

Kevin S. C. Chang, Esquire
Kobayashi, Watanabe, Sugita,
Kawashima and Goda
Hawaii Tower, 8th Floor
745 Fort Street
Honolulu, Hawaii 96813-3889

RE: MUR 2846
Ohbayashi Hawaii
Corporation

Dear Mr. Chang:

The Office of the General Counsel is in receipt of your recent request for an extension of time to respond to the complaint in the above-captioned matter. After considering the circumstances as detailed in your letter, this Office will grant the requested twenty-day extension. Accordingly, your response is due no later than May 26, 1989.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

2404357016 3

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 12, 1989

Cheryl Kakazu
Kobayashi, Watanabe, Sugita,
Kawashima and Goda
Hawaii Tower, 8th Floor
745 Fort Street
Honolulu, Hawaii 96813-3889

RE: MUR 2646
Mauna Lani Resort, Inc.
Mauna Lani Resort PAC

Dear Ms. Kakazu:

The Office of the General Counsel is in receipt of your recent request for a extension of time to respond to the complaint in the above-captioned matter. After considering the circumstances as detailed in your letter, this Office will grant the requested twenty-day extension. Accordingly, your response is due no later than May 26, 1989.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

2043570164

FUJIYAMA, DUFFY & FUJIYAMA
ATTORNEYS AT LAW, A LAW CORPORATION
SUITE 2900, PAUAHI TOWER, BISHOP SQUARE
1001 BISHOP STREET
HONOLULU, HAWAII 96813

TELEPHONE
(808) 536-0666
TELECOPIER
(808) 536-0677

TO: FEDERAL ELECTIONS COMMISSION

Attn: Patty Reilly

FROM: JIM STONE

RE: MUR 2846

DATE: MAY 4, 1989

Via Telecopier
202-376-5280

This is a follow up to my phone message of today. -

Our law firm represents Daiei Hawaii Investments, Inc. and Takayuki Misutani in the above matter. Attached is our clients response to the inquiry made.

I'll be on vacation from May 5, 1989 through May 11, 1989. If you have any questions while I'm gone, please contact Colbert Matsumoto of our law firm.

Your cooperation and understanding is appreciated.

Thank you.

2404357016 5

06C26PS

RECEIVED
FEDERAL ELECTIONS COMMISSION
ADMINISTRATIVE DIVISION

89 MAY -8 AM 9:12

WALLACE S. FUJIYAMA
JAMES E. DUFFY, JR.
RODNEY M. FUJIYAMA
PAUL H. SATO
JAMES J. STONE
ARCHIE T. IRENAMA
RALPH S. LA FOUNTAINE
COLBERT M. MATSUMOTO
GLENN K. SATO
STEVEN J. T. CHOW

DAVID I. ARAKAWA
LESLIE S. ROBINSON
NANCY J. RYAN
SCOTT S. NAKAMOTO
HOLLY T. M. SHIKADA
WYNNE M. YAMAMOTO
WILLIAM H. YIM
BRUCE H. CAMPBELL
RICHARD A. KERSENBROCK, JR.
MARC T. M. FUJIMOTO

FUJIYAMA, DUFFY & FUJIYAMA
ATTORNEYS AT LAW, A LAW CORPORATION
SUITE 2700, PAUAHI TOWER, BISHOP SQUARE
1001 BISHOP STREET
HONOLULU, HAWAII 96813

TELEPHONE
(808) 526-0800
TELECOPIER
(808) 536-5117

May 3, 1989

89 MAY -9 PM 3:39

Federal Elections Commission
999 E St. N. W..
Washington, D. C., 20463

Attn: Patty Reilly

RE: MUR 2846
Daiei Hawaii Investments, Inc.
Takayuki Mizutani

Gentlemen:

Our law firm represents Daiei Hawaii Investments, Inc. and Takayuki Mizutani in the above matter. Attached for your review and consideration are statements of designation of counsel.

As the complainants indicated in their complaint, confusion existed as to the applicability of federal law to local political campaigns in Hawaii. This is because the statutory law, as opposed to the administrative regulations, apparently do not extend the law's jurisdiction to non-federal elections.

Further, I believe that the State Campaign Spending Commissioner in Hawaii advised people that the federal law did not apply to local campaigns. Clearly, it was not the intention of our clients to violate any federal laws, if applicable.

Rather than contesting the issue of the applicability of federal law to local campaigns, our clients have requested that the political contributions referred to by the complainants be returned to them. It's our understanding that the funds will be returned as requested.

2404357015 6

We trust the foregoing is a satisfactory response to your inquiry. Please don't hesitate to contact us if you have any further questions. Thank you.

Very truly yours,

FUJIYAMA, DUFFY & FUJIYAMA
Attorneys at Law, A Law
Corporation,

By _____
JAMES J. STONE

JJS:sy

2404357016 7

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2846

NAME OF COUNSEL: FUJIYAMA, DUFFY & FUJIYAMA ATTN: James J. Stone
Colbert M. Matsumoto

ADDRESS: 1001 Bishop Street
2700 Pauahi Tower
Honolulu, HI 96813

TELEPHONE: (808) 536-0802

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Daiei Hawaii Investment, Inc.

May 3, 1989
Date

By T. Mutamura
Signature

RESPONDENT'S NAME: Daiei Hawaii Investment, Inc.

ADDRESS: 801 Kaheka Street
Honolulu, HI 96814

HOME PHONE:

BUSINESS PHONE: (808) 949-1066

9404357016 8

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2846

NAME OF COUNSEL: FUJIYAMA, DUFFY & FUJIYAMA ATTN: James J. Stone
Colbert M. Matsumoto

ADDRESS: 1001 Bishop Street
2700 Pauahi Tower
Honolulu, HI 96813

TELEPHONE: (808) 536-0802

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

May 3, 1989
Date

T. Mizutani
Signature
Takayuki Mizutani

RESPONDENT'S NAME: Takayuki Mizutani

ADDRESS: c/o Daiei (USA), Inc.
801 Kaheka Street
Honolulu, HI 96814

HOME PHONE: (808) 373-3806

BUSINESS PHONE: (808) 949-1066

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86C2660

MAUNA LANI RESORT

May 2, 1989

89 MAY -5 PM 12:43

FEDERAL ELECTION COMMITTEE
Office of General Counsel
999 E Street, N.W.
Washington, D.C. 20463
Attn: Patty Reilly

Dear Ms. Reilly:

RE: MUR 2846 - MAUNA LANI RESORT, INC. / MAUNA LANI RESORT PAC

Ms. Cheryl Kakazu, counsel for Mauna Lani Resort, Inc. on the above referenced subject, asked that the Statement of Designation of Counsel form be sent directly to you.

Sincerely,

MAUNA LANI RESORT, INC.

Momi Shoemaker

Momi Shoemaker
Executive Assistant

ms

cc: Cheryl Kakazu w/encls.

Enclosure

9404357017 0

P.O. Box 4959, HCR 2 • Kohala Coast • Island of Hawaii 96743-4959
Telephone: (808) 885-4677 • TELEX: 753449 • FAX: (808) 885-6375

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2846

NAME OF COUNSEL: Kobayashi, Watanabe, Sugita, Kawashima & Goda

ADDRESS: 745 Fort Street, 9th Floor
Honolulu, Hawaii 96813

TELEPHONE: (808) 547-8300

89 MAY -5 PM 12:43

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

May 1, 1989
Date

Francine K. Duncan
Signature
Francine Duncan

RESPONDENT'S NAME: Mauna Lani Resort, Inc. & Mauna Lani Resort PAC

ADDRESS: P. O. Box 4959
Kamuhae, Hawaii 96743

HOME PHONE: 885-8043

BUSINESS PHONE: 885-6677

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AOC 2677

CARLSMITH, WICHMAN, CASE, MUKAI AND ICHIKI
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING LAW CORPORATIONS
1001 BISHOP STREET
PACIFIC TOWER, SUITE 2200
HONOLULU, HAWAII 96813
CABLE ADDRESS: CWCMI
TELEX 723-8770 CWCMI HR
TELECOPIER (808) 523-0842

HONOLULU OFFICE:
P. O. BOX 656
HONOLULU, HAWAII 96809
(808) 523-2500

GUAM OFFICE:
P. O. BOX 8F
AGANA, GUAM 96910
(671) 472-6813
TELEX 721-6448 CWCMI GM

LOS ANGELES OFFICE:
P. O. BOX 71169
LOS ANGELES, CALIFORNIA 90071-0169
(213) 955-1200

HILO OFFICE:
P. O. BOX 686
HILO, HAWAII 96721-0686
(808) 935-6644

KONA OFFICE:
P. O. BOX 1780
KAILUA-KONA, HAWAII 96745-1720
(808) 329-6464

MAUI OFFICE:
P. O. BOX 1086
WAILUKU, HAWAII 96793
(808) 242-4535

SAIPAN OFFICE
P. O. BOX 241 CHRB
SAIPAN, MP 96950
(670) 322-3455
TELEX 783-658 CWCMI SPN

May 5, 1989

VIA TELECOPIER

and

EXPRESS MAIL,
RETURN RECEIPT REQUESTED

Federal Election Commission
999 E Street N.W.
Washington, D.C. 20463

Attention: Patty Reilly, Esq.

Re: MUR 2846/Hawaii Omori Corporation

Gentlemen:

As indicated on the enclosed "Statement of Designation of Counsel," this law firm represents Hawaii Omori Corporation ("HOC") in connection with the above-referenced matter. We are responding to your letter to HOC dated April 17, 1989, which was received by HOC on April 21, 1989.

We understand the complaint filed by Anthony P. Locricchio to allege that HOC has violated 2 U.S.C. § 441e which prohibits foreign nationals from making, directly or through any other person, any contribution in connection with an election to a political office. For the reasons stated herein, we believe that the complaint should be dismissed and no action should be taken by the Commission against HOC since it has not violated 2 U.S.C. § 441e.

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89 MAY -8 AM 10:53

We believe that the complaint should be dismissed because we believe that 2 U.S.C. § 441e does not apply to "contributions" made to state or local elections. Although the regulations of the Commission (11 C.F.R. § 110.4(a)(1)) expressly state that foreign nationals may not make contributions to state or local elections, 2 U.S.C. § 441e does not expressly apply to state or local elections. In fact, it should be noted that the word "contribution" which is used in 2 U.S.C. § 441e is defined by 2 U.S.C. § 431(8)(A) as a gift, etc. "for the purpose of influencing any election for Federal office." Therefore, the complaint should be dismissed since 2 U.S.C. § 441e appears to apply only to elections for Federal office.

However, even if it is assumed that 2 U.S.C. § 441e applies to state or local elections, we still contend that HOC has not violated 2 U.S.C. § 441e because it is a U.S. domestic corporation. HOC is a corporation duly organized and formed under the laws of the State of Hawaii and whose principal business is within the State of Hawaii. Please see copy of Articles of Incorporation of HOC enclosed herewith for your review. Currently, sixty-five percent (65%) of the stock of HOC is owned by Shonan Kanko Kaihatsu Kabushiki Kaisha, a Japan corporation, and thirty-five percent (35%) is owned by Kabushiki Kaisha Omori Shoten, a Japan corporation. Inasmuch as HOC is a corporation organized under the law of a state within the United States, and has its principal place of business within the United States, we believe that HOC is not a "foreign national" or a "foreign principal" as defined by 2 U.S.C. § 441e(b)(1) and 22 U.S.C. § 611(b), respectively. We believe that previous opinions of the Federal Election Commission have also confirmed that a U.S. corporation whose principal place of business is within the United States is not a "foreign national." See, e.g., Advisory Opinion 1982-10.

Although there appears to be no judicial precedents on point, we understand that past Advisory Opinions of the Commission also take into account whether foreign nationals whom are officers or directors of the U.S. corporation participated in any way in the decision-making process with respect to the making of the political contribution to determine whether 2 U.S.C. § 441e has been violated. See, e.g., Advisory Opinion 1982-10. Inasmuch as there appears to

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be no judicial precedents on point, we cannot acknowledge that the position of the Commission is correct. However, if it is assumed that the Commission's interpretation is valid, we cannot state at this time that no foreign national participated in any way in the decision making with respect to the particular political contribution mentioned in the subject complaint. We note that while some of the members of the Board of Directors and officers of HOC are foreign nationals, the precise involvement, if any, of such foreign nationals with respect to this particular contribution requires further review by our office.

For the reasons stated above, we believe that the complaint against HOC should be dismissed and the Commission should find that no violation of 2 U.S.C. § 441e has occurred. Please be advised that HOC wishes to cooperate fully with the Commission in connection with the instant complaint. If you have any questions or require additional information in connection with this matter, please do not hesitate to contact us.

Very truly yours,

Karl K. Kobayashi

KK:cai
Enclosure
cc: Hawaii Omori Corporation

2404357017 4

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2846

NAME OF COUNSEL: Carlsmith, Wichman, Case, Mukai and Ichiki
Attention: Andy M. Ichiki, Esq.
Karl K. Kobayashi, Esq.

ADDRESS: Pacific Tower, Suite 2200
1001 Bishop Street
Honolulu, Hawaii 96813

TELEPHONE: (808) 523-2500

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

April 24, 1989
Date

Signature

RESPONDENT'S NAME: Masahiko Kobayashi, Exec. Vice President

ADDRESS: Hawaii Omori Corporation
P. O. Box 1570
Lahaina, Maui, HI 96761

HOME PHONE: 667-9240

BUSINESS PHONE: 667-6872

9404357017 5

DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

RECEIVED
FEB 27 [illegible]
DEPARTMENT OF REGULATORY AGENCIES
STATE OF HAWAII

In the Matter of the Incorporation

of

HAWAII ONDAI CORPORATION

ARTICLES OF INCORPORATION

and

AFFIDAVIT

ANDY M. ICHIKI
WOODDELL, MIKAI, WIRTZ, ICHIKI & WHITFIELD
600 Alexander Young Building
Honolulu, Hawaii 96813

Attorneys for Corporation

940435701/76

DEPARTMENT OF REGULATORY AGENCIES
STATE OF HAWAII

In the Matter of the Incorporation
of
HAWAII OMORI CORPORATION

ARTICLES OF INCORPORATION
OF
HAWAII OMORI CORPORATION

KNOW ALL MEN BY THESE PRESENTS:

That we, the undersigned, desiring to become incorporated as a corporation under and in accordance with the laws of the State of Hawaii, and to obtain the rights and benefits conferred by said laws upon corporations, do hereby associate ourselves together and unite and form a corporation, and do make and enter into the following Articles of Incorporation, the terms whereof it is agreed shall be equally obligatory upon the parties hereto and upon all who from time to time may hold stock in the corporation.

I.

The name of the corporation shall be HAWAII OMORI CORPORATION.

II.

The principal office of the corporation shall be

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located at 1187 Hmiopaka Place, Lahaina, Maui, Hawaii, and the mailing address of the corporation shall be 2103 Wells Street, Wailuku, Maui, Hawaii.

The corporation may have such other offices within and without the State of Hawaii as its business may from time to time require, and as its Board of Directors may designate.

III.

The purposes for which this corporation is organized are as follows:

(a) To buy, take leases of, otherwise acquire, hold, own, use, improve, develop, subdivide, convert into a horizontal property regime, maintain, equip, operate, grant, bargain, sell, convey, exchange, rent, lease, mortgage and otherwise dispose of and in any and every other manner deal in and with real property and any estate or interest therein, including easements, licenses, water rights, and privileges and any improvements thereon, including the development of office buildings, shopping centers, stores, parking lots, private clubs, hotels, residences, apartment houses, apartment hotels, restaurants, cafes, bars, and any other structure of whatsoever kind, whether in any way related to any other of the purposes or powers of the corporation.

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(h) To undertake and carry on any business, investment, transaction, venture or enterprise, whether manufacturing, agricultural, mercantile, trading, real estate, service, contracting, fiduciary, or otherwise, which may be undertaken and carried on by natural persons such as ranchers, financiers, merchants, manufacturers, contractors, agriculturists, brokers, agents, or otherwise; either directly in its own name or indirectly by agents or through the medium of the ownership of stock or other interest in any other business or enterprise established to carry on any of such pursuits, and so to do not only as principal, but also as agent, contractor, or attorney for any other person, firm or corporation;

(c) To buy or otherwise acquire, own, hold, use, improve, develop, subdivide, mortgage, lease or take on lease, sell, convey and in any and every other manner deal in and with and dispose of real estate, buildings and other improvements, hereditaments, easements and appurtenances of every kind in connection therewith, or any estate or interest therein, of any tenure, or description, to the fullest extent permitted by law, and also any and all kinds of chattels, goods, wares, merchandise, and agricultural, manufacturing and mercantile products and commodities, and patents, licenses, debentures, securities, stocks, bonds, commercial paper, and other form of assets, rights and interests and evidences of property or indebtedness, tangible or intangible;

(d) To loan money on real estate, bonds, stocks, notes

9404357017 9

and all other personal property and upon any and all character of collateral security;

(e) To manage or administer as agent, representative, or factor, the whole or any part of the business or property of any individual, partnership or corporation carrying on any authorized business, and to sell or dispose of, arrange for the administration or management of, by any agent, the whole or any part of the corporation's business or property;

(f) To act as agent, representative, broker, factor, advisor or manager of any individual, partnership or corporation and, as such, to promote, develop and extend their business and to aid in any lawful enterprise;

(g) To buy, sell, lease, assemble, import, export, process and deal in any and all classes of materials, merchandise, supplies and commodities of every kind and nature; and

(h) To undertake and carry on any business, investment, transaction, venture, or enterprise which may be lawfully undertaken or carried on by a corporation and any business whatsoever which may seem to the corporation convenient or suitable to be undertaken whether directly or indirectly to promote any of its general purposes or interests or render more valuable or profitable any of its property, rights, interests, or enterprises; and, for any of the purposes mentioned in these Articles, to acquire by purchase, lease or otherwise, the property rights, franchises,

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partnership or corporation engaged in or authorized to conduct any business or undertaking which may be carried on by this corporation or possessed of any property suitable or useful for any of its own purposes, and carry on the same and undertake all or any part of the obligations and liabilities in connection therewith, on such terms and conditions and for such consideration as may be agreed upon, and to pay for the same either all or partly in cash, stocks, bonds, debenture, or other forms of assets and securities, either of this corporation or otherwise; and to effect any such acquisition or carry on any business authorized by these Articles, either by directly engaging therein, or indirectly by acquiring the shares, stocks or other securities of such other business or entity, and holding and voting the same and otherwise exercising and enjoying the rights and advantages incidental thereto.

I. In furtherance of said purposes, the corporations shall also have the following powers:

(a) To have succession by its corporate name in perpetuity; to sue and be sued in any court; to make and use a common seal and to alter the same at its pleasure; to hold, purchase and convey such property as the purposes of the corporation shall require, without limit as to amount and to mortgage, pledge and hypothecate the same to secure any debt of the corporation; to appoint such subordinate officers or agents as the business of the corporation shall require; to make and adopt and from time to time amend or repeal By-Laws not in conflict with any existing law or these Articles for the management of its

2404357018 1

properties, the election and removal of its officers, the regulation of its affairs and the transfer of its stock and for all other purposes permitted by law;

(b) To borrow money or otherwise incur indebtedness without limit as to amount and in excess of the capital stock of the corporation with or without security and to secure any indebtedness by deed or trust, mortgage, pledge, hypothecation or other lien upon all or any part of the real or personal property of the corporation and to execute bonds, promissory notes, bills of exchange, debentures or other obligations or evidences of indebtedness of all kinds, whether secured or unsecured;

(c) To issue shares of the capital stock and/or obligations of the corporation and/or options for the purchase of either thereof in payment for property acquired or for services rendered to the corporation or for any other objects in and about its business;

(d) To purchase on commission or otherwise, subscribe for, hold, own, sell on commission or otherwise, or otherwise acquire or dispose of and generally to deal in stocks, scrips, bonds, notes, debentures, commercial papers, obligations and securities, including, so far as permitted by law, its own issued shares of capital stock or other securities, and also any other securities, or evidences of indebtedness whatsoever, or any interest therein, and while the owner of the same to exercise all the rights, powers and privileges of ownership;

2404357018 2

(e) To draw, make, accept, endorse, assign, discount, execute and issue all such bills of exchange, bills of lading, promissory notes, warrants and other instruments to be assignable, negotiable or transferable by delivery or to order, or otherwise, as the business of the corporation shall require;

(f) To lend and advance money or to give credit, with or without security, to such person, firms, or corporations, and on such terms as may be thought fit; and if with security, then upon mortgages, deeds of trust, pledges or other hypothecations or interest therein or thereto;

(g) To aid in any manner any corporation of which any of the bonds or other securities or evidences of indebtedness or stock are held by this corporation, and to do any acts or things to preserve, protect, improve or enhance the value of any such bonds or other securities or evidences of indebtedness or stock, including specifically the right and power to enter into and take the management of any business enterprise of any kind or nature, and, while so managing any such business, to do the acts and things incidental or necessary thereto;

(h) To enter into partnership contracts, as a general partner or as a limited partner with any other person or persons, natural or corporate, to enter into agreements of joint venture with any such natural or corporate person or persons and to enter into and perform contracts, undertakings and obligations of every kind and character to the same extent as if this corporation were a natural person;

940435701 83

(i) To promote, assist, subscribe or contribute to any association, organization, society, company, institution or object, charitable or otherwise, calculated to benefit the corporation or any persons in its employ or having dealings with the corporation, or deemed to be for the common or public welfare;

(j) To become a party to and effect a merger or consolidation with another corporation or other corporations, to enter into plans of reorganization and readjustment and to enter into agreements and relationships not in contravention of law with any persons, firms, or corporations;

(k) To become surety for or guarantee any dividends, bonds, stocks, contracts, debts, or other obligations or undertakings of any other person, firm, or corporation, and to convey, transfer or assign, by way of pledge or mortgage, all or any of the corporation's property or rights, both present and future, to secure the debts or obligations, present and future, of such persons, firms or corporations and on such terms and conditions as the corporation may determine; and

(l) To do all or any of the above things in any part of the world, directly or indirectly, and as principal, agent, factor, contractor or otherwise, and by or through trustees, agents or otherwise, and either alone or in conjunction with others.

3. The enumeration herein of the purposes of this

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corporation shall be construed as powers as well as purposes and shall be liberally construed both as to purposes and powers and the expression of one thing shall not be deemed to exclude another although it be of like nature not expressed and the enumeration of specific purposes and powers shall not be deemed to limit or restrict in any manner the meaning of the general purposes and powers nor exclude by inference any powers or purposes which this corporation is empowered to exercise, whether expressly by force of the laws of the State of Hawaii now or hereafter in effect, or impliedly by the reasonable construction of said laws.

IV.

1. The authorized capital of the corporation shall be EIGHT HUNDRED THOUSAND DOLLARS ($800,000.00) divided into 8,000 shares of common stock of the par value of $100 each.

The corporation shall have the privilege of subsequent extension of its authorized capital from time to time in the manner provided by law by the issuance of either common or preferred stock to an amount not exceeding ONE MILLION DOLLARS ($1,000,000.00) in the aggregate.

2. The corporation shall have power from time to time to create an additional class or additional classes of stock with such preferences, voting powers, restrictions and qualifications thereof as shall be fixed in the resolution authorizing the issuance thereof in accordance with law.

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3. Subject to the pre-emptive rights of the holders of common stock as set forth in paragraph 4 of this Article IV, the Board of Directors is authorized to determine the consideration and the terms and conditions upon which and the persons to whom authorized and unissued shares whether originally authorized or created additionally, may be issued and sold and what portion of consideration shall constitute capital and what portion, if any, paid in surplus, subject to applicable provisions of these Articles and of law.

4. In case of any increase of the outstanding capital stock of the corporation by the issuance or reissuance of any shares of any class, or by the issuance of any obligations or securities convertible into shares of capital stock, such stock, obligations or securities shall, unless otherwise provided by the vote of the holders of not less than two-thirds (2/3) of the common stock issued and outstanding, before being sold or offered to others, be offered to the holders of the common stock of the corporation as of the date of issuance as shown by the stock books of the corporation upon such terms, which terms shall not be less favorable than the terms upon which said shares are thereafter sold to others, as shall be determined by the Board of Directors in proportion to the shares of common stock respectively held by such stockholders at such date.

V.

The corporation shall have a Board of Directors of not more than nine nor less than three members. The

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members of the Board of Directors shall be elected or appointed at such times, in such manner and for such terms as may be prescribed by the By-Laws. No director need be a stockholder of the corporation.

The Board of Directors of the corporation, without the approval of the stockholders of the corporation, or of any percentage thereof, may authorize the borrowing of money or the incurring of debts, even though as a result thereof the amount of the corporation's indebtedness may exceed the capital stock.

VI.

No contract or other transaction between the corporation and any other corporation or any firm, association, or other organization, and no act of the corporation, shall in any way be affected or invalidated by the fact that any of the directors or officers of the corporation are parties to such contract or transaction or act or are pecuniarily or otherwise interested in the same or are directors or officers or members of any such other corporation, provided, that the interest of such director or officer shall be disclosed or shall have been known to the Board of Directors authorizing or approving the same, or to a majority thereof. Any director of the corporation who is pecuniarily or otherwise interested in or is a director or officer or member of such other corporation or any such firm, association or other organization, may be counted in

determining a quorum of any meeting of the Board of Directors which shall authorize or approve any such contract, transaction or act, and may vote thereon with like force and effect as if he were in no way interested therein. Neither any director nor officer of the corporation, being so interested in any such contract, transaction, or act of the corporation which shall be approved by the Board of Directors of the corporation, nor any corporation, firm, association, or other organization in which such director or officer may be interested, shall be liable or accountable to the corporation, or to any stockholder thereof, for any loss incurred by the corporation pursuant to or by reason of such contract, transaction, or act, or for any gain received by any such other party pursuant thereto or by reason thereof.

VII.

The names and residence addresses of the directors who are to serve until their successors are elected as provided by the By-Laws, are as follows:

Name	Residence Address
MASAO OMORI	10 Kanda Sakumagashi, Chiyoda-ku Tokyo, Japan
NEVER H. IBOSA	287 Hamilton St., Wailuku, Maui, Hawaii
RONALD F. TOKIOKAGA	327 S. Alu Rd., Wailuku, Maui, Hawaii
HARAMI NAKAMURA	523 Honoapiilani Hwy., Wailuku, Maui, Hawaii
AKIO AOYAGI	1634 Alaukaa Rd., Lahaina, Maui, Hawaii
SEIYA OHATA	Paia, Maui, Hawaii
HIDEO AMEMIYA	765-36 Ttabashi Odawara-shi, Kanagawa-ken, Japan
ANDY H. ICHIKI	10 Ilialaina Pl., Kailua, Hawaii
STANLEY F. MIKAI	4917 Mana Pl., Honolulu, Hawaii

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VIII.

The officers of the corporation shall be a President, one or more Vice Presidents, a Treasurer, a Secretary and such other subordinate officers as may be provided for in the By-Laws. There may also be a Chairman of the Board of Directors who shall be appointed by the Board of Directors and who, when appointed, shall be an officer of the corporation. The officers shall be appointed at such times, in such manner and for such terms as may be prescribed by the By-Laws. No officer or subordinate officer need be a stockholder of the corporation. The same person may hold at the same time one or more offices and also be a director.

IX.

The following persons shall act as officers of the corporation until their successors are appointed as provided for in the By-Laws:

Office	Name	Address
President	[illegible] ONDA	59 Kanda Sakumagashi Chiyoda-ku, Tokyo, Japan
Vice President	SHIGEMITSU ONDA	59 Kanda Sakumagashi Chiyoda-ku, Tokyo, Japan
Vice President	AKIRA HATTA	2-4-9 Miyamadaira Takata-b Matsuzaki-shi, Kanagawa-ken Japan
Treasurer	SHIRAJI UCHI	127 Central Avenue Wailuku, Maui, Hawaii
Secretary	YUKIKO ONDA	59 Kanda Sakumagashi Chiyoda-ku, Tokyo, Japan

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X.

All the property of the corporation shall be liable for its debts, but no stockholder shall be liable for the debts of the corporation beyond the amount which may be due and unpaid upon the share, or shares, owned by him.

IN WITNESS WHEREOF, the parties herein have hereunto subscribed their names at Wailuku, Maui, Hawaii, this 2nd day of December, 1972.

MARC C. MICRI

[illegible]

HOMERO MIRE

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 26th day of February, 19 73, before me personally appeared MASAO CHOKI, SHIGEJI UEKI and YOSHIKO CHOKI, to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

R. Manita Yamada
Notary Public, Second Judicial Circuit, State of Hawaii

My commission expires: 1/23/73

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...ss of Shares
of Assets
SUBSCRIBED

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CARLSMITH, WICHMAN, CASE, MUKAI AND ICHIKI
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING LAW CORPORATIONS
1001 BISHOP STREET
PACIFIC TOWER, SUITE 2200
HONOLULU, HAWAII 96813
CABLE ADDRESS: CWCMI
TELEX 723-8770 CWCMI HR
TELECOPIER (808) 523-0842

HONOLULU OFFICE:
P. O. BOX 656
HONOLULU, HAWAII 96809
(808) 523-2500

GUAM OFFICE:
P. O. BOX BF
AGANA, GUAM 96910
(671) 472-6813
TELEX 721-6448 CWCMI GM

LOS ANGELES OFFICE:
P. O. BOX 71189
LOS ANGELES, CALIFORNIA 90071-0189
(213) 955-1200

HILO OFFICE:
P. O. BOX 686
HILO, HAWAII 96721-0686
(808) 935-6644

KONA OFFICE:
P. O. BOX 1720
KAILUA-KONA, HAWAII 96745-1720
(808) 329-6464

MAUI OFFICE:
P. O. BOX 1086
WAILUKU, HAWAII 96793
(808) 242-4535

SAIPAN OFFICE
P. O. BOX 241 CHRB
SAIPAN, MP 96950
(670) 322-3455
TELEX 783-656 CWCMI SPN

May 5, 1989

VIA TELECOPIER

and

EXPRESS MAIL,
RETURN RECEIPT REQUESTED

Federal Election Commission
999 E Street N.W.
Washington, D.C. 20463

Attention: Patty Reilly, Esq.

Re: MUR 2846/Nitto Hawaii Co., Ltd.

Gentlemen:

As indicated on the enclosed "Statement of Designation of Counsel," this law firm represents Nitto Hawaii Co., Ltd. ("Nitto Hawaii") in connection with the above-referenced matter. We are responding to your letter to Nitto Hawaii dated April 17, 1989, which was received by Nitto Hawaii on April 21, 1989.

We understand the complaint filed by Anthony P. Locricchio to allege that Nitto Hawaii has violated 2 U.S.C. § 441e which prohibits foreign nationals from making, directly or through any other person, any contribution in connection with an election to a political office. For the reasons stated herein, we believe that the complaint should be dismissed and no action should be taken by the Commission against Nitto Hawaii since it has not violated 2 U.S.C. § 441e.

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We believe that the complaint should be dismissed because we believe that 2 U.S.C. § 441e does not apply to "contributions" made to state or local elections. Although the regulations of the Commission (11 C.F.R. § 110.4(a)(1)) expressly state that foreign nationals may not make contributions to state or local elections, 2 U.S.C. § 441e does not expressly apply to state or local elections. In fact, it should be noted that the word "contribution" which is used in 2 U.S.C. § 441e is defined by 2 U.S.C. § 431(8)(A) as a gift, etc. "for the purpose of influencing any election for Federal office." Therefore, the complaint should be dismissed since 2 U.S.C. § 441e appears to apply only to elections for Federal office.

However, even if it is assumed that 2 U.S.C. § 441e applies to state or local elections, we still contend that Nitto Hawaii has not violated 2 U.S.C. § 441e because it is a U.S. domestic corporation. Nitto Hawaii is a corporation duly organized and formed under the laws of the State of Hawaii and whose principal business is within the State of Hawaii. Please see copy of Articles of Incorporation of Nitto Hawaii enclosed herewith for your review. Inasmuch as Nitto Hawaii is a corporation organized under the law of a state within the United States, and has its principal place of business within the United States, we believe that Nitto Hawaii is not a "foreign national" or a "foreign principal" as defined by 2 U.S.C. § 441e(b)(1) and 22 U.S.C. § 611(b), respectively. We believe that previous opinions of the Federal Election Commission have also confirmed that a U.S. corporation whose principal place of business is within the United States is not a "foreign national." See, e.g., Advisory Opinion 1982-10.

Although there appears to be no judicial precedents on point, we understand that past Advisory Opinions of the Commission also take into account whether foreign nationals whom are officers or directors of the U.S. corporation participated in any way in the decision-making process with respect to the making of the political contribution to determine whether 2 U.S.C. § 441e has been violated. See, e.g., Advisory Opinion 1982-10. Inasmuch as there appears to be no judicial precedents on point, we cannot acknowledge that the position of the Commission is correct. However, if it is

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assumed that the Commission's interpretation is valid, we cannot state at this time that no foreign national participated in any way in the decision making with respect to the particular political contribution mentioned in the subject complaint. We note that while some of the members of the Board of Directors and officers of Nitto Hawaii are foreign nationals, the precise involvement, if any, of such foreign nationals with respect to this particular contribution requires further review by our office.

For the reasons stated above, we believe that the complaint against Nitto Hawaii should be dismissed and the Commission should find that no violation of 2 U.S.C. § 441e has occurred. Please be advised that Nitto Hawaii wishes to cooperate fully with the Commission in connection with the instant complaint. If you have any questions or require additional information in connection with this matter, please do not hesitate to contact us.

Very truly yours,

Karl K. Kobayashi

KK:cai
Enclosure
cc: Nitto Hawaii Co., Ltd.

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STATEMENT OF DESIGNATION OF COUNSEL

NUR 2844

NAME OF COUNSEL: Carlsmith, Wichman, Case, Mukai and Ichiki
Attention: Andy M. Schabe, Esq.
Earl K. Kobayashi, Esq.

ADDRESS: Pacific Guardian Center 2800
1001 Bishop Street
Honolulu, Hawaii 96813

TELEPHONE: (808) 523-2500

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

May 3, 1989
Date

Signature

RESPONDENT'S NAME: Nitto Hawaii Co., Ltd.
Attention: Mr. Tsuyoshi Hisao
President

ADDRESS: 87-087 Makaha Valley Road
Waianae, Hawaii 96792

HOME PHONE:

BUSINESS PHONE: (808) 695-7111

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STATE OF HAWAII

DEPARTMENT OF REGULATORY AGENCIES

In the Matter of the Incorporation

of

NITTO HAWAII CO., LTD.

ARTICLES OF ASSOCIATION

9404357019 7

KENNETH H. NAKAMURA
Suite 200, Makin Building
333 Queen Street
Honolulu, Hawaii 96813

Attorney for Incorporators

Of Counsel:

NAKAMURA & LOW

STATE OF HAWAII

DEPARTMENT OF REGULATORY AGENCIES

In the Matter of the Incorporation

of

NITTO HAWAII CO., LTD.

June 6, 1972

ARTICLES OF ASSOCIATION

KNOW ALL MEN BY THESE PRESENTS

That we, the undersigned, all of whom are residents of the City and County of Honolulu, State of Hawaii, desiring to become incorporated as a corporation under and in accordance with the laws of the State of Hawaii and to obtain the benefits conferred by said laws upon corporations, do hereby mutually agree upon and enter into the following Articles of Association, the terms of which shall be equally obligatory upon the parties hereto as well as upon all other persons who from time to time may be stockholders in the corporation.

I.

The name of said corporation shall be

NITTO HAWAII CO., LTD.

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II.

The principal office of the corporation shall be located at Suite 200, Melim Building, 131 Queen Street, Honolulu, Hawaii 96813, City and County of Honolulu, State of Hawaii, and the corporation may have such other offices within and without said State as its business may from time to time require.

III.

The purposes for which this corporation is organized and its powers in connection therewith are as follows:

(a) To acquire real property by purchase, lease, or otherwise, to erect, repair, and maintain hotel and motel buildings, garages and other structures thereon. To conduct a general hotel, motel, restaurant, and cafe business. To establish, maintain and operate news stands, tobacco counters, novelty shops, theater ticket agencies, barber shops, hairdressing and manicuring parlors, garages, tennis courts and swimming pools and to purchase, lease or maintain golf courses, either in connection with or separately from any hotel or motel.

(b) To own, operate, manage, and generally to conduct, either directly or through a subsidiary or subsidiary corporations, the business of merchandising and selling at one or more stores or places goods, wares, and merchandise of any and every description; and generally to engage in the business commonly known as a chain store business or discount store operations; in furtherance of such purposes, to purchase or otherwise acquire the whole or any part of the property, assets, business, goodwill and rights, either subject or not subject to the whole or any part of the bonds, mortgages, security interests, franchises, leases, contracts, indebtedness, guaranties, liabilities and obligations of any individual, partnership, association, corporation or organization, and to pay for the same or any part or combination thereof in cash, or shares of the capital stock, or obligations of the Corporation or by assuming the whole or any part of the liabilities or obligations of the transferor or otherwise; and to hold or in any manner dispose of the whole or any part of the property and assets so acquired and purchased and to conduct, manage and carry on in any lawful manner the whole or any part of the business so acquired.

(c) To erect, construct, establish, purchase, lease, and otherwise acquire, and to hold, use, equip, outfit, supply, service, maintain, operate, sell, and otherwise dispose of, restaurants, inns, taverns, cafes, cafeterias, grills, automats, buffets, diners,

[cont'd on Page 2(a)]

(f) To engage in and carry on the business in general wholesale and retail merchants, importers, exporters, commission merchants, brokers, factors and agents;

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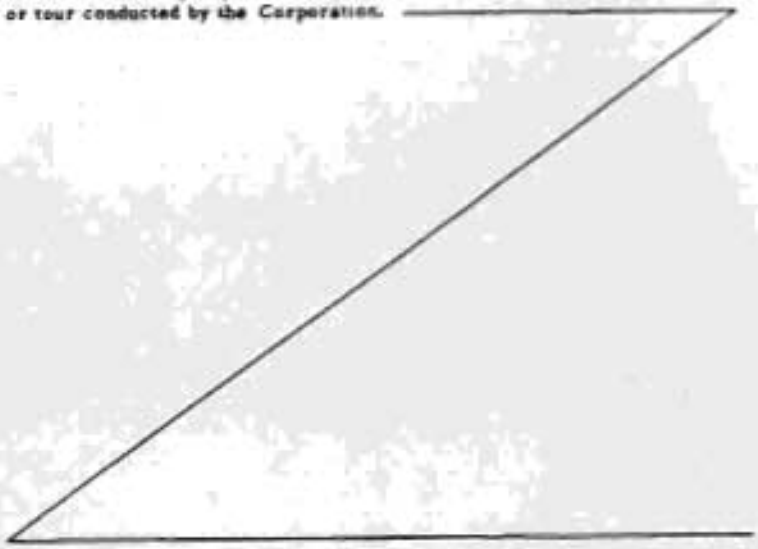
[cont'd from Page 2, Section III, Paragraph (c)]
delicatessens, lunch rooms, coffee shops, luncheonettes, ice cream parlors, milk bars, candy stores, soda fountains, hamburg, sandwich, bars, saloons, cocktail lounges, banquet halls, catering establishments, concessions, and other eating and drinking places and establishments of every kind and description, and to engage in all activities, to render all services, and to buy, sell, use, handle, and deal in all fixtures, machinery, apparatus, equipment, accessories, tools, materials, products, and merchandise incidental or related thereto, or of use therein.

(d) To acquire, by purchase, lease or otherwise, lands and interests in lands, and to own, hold, improve, develop, and manage any real estate so acquired, and to erect, or cause to be erected, on any lands, owned, held, or occupied by the Corporation, buildings or other structures, with their appurtenances, and to manage, operate, lease, rebuild, enlarge, alter or improve any buildings or other structures, now or hereafter erected on any lands so owned, held, or occupied, and to encumber or dispose of any lands or interests in lands, and any buildings or other structures, and any stores, shops, suites, rooms, or part of any buildings or other structures, at any time owned or held by the Corporation.

(e) To promote, organize, plan, and conduct trips, tours, and excursions by railroad, steamship, motor vehicle, or aircraft, for individuals or groups of individuals, to any part of the world. To provide for the transportation of individuals or groups of individuals by any mode of transportation in connection with the conduct of a general travel and tourist agency, and to provide or procure hotel and other accommodations for the comfort, convenience, and entertainment of individuals or groups of individuals who are members of any trip or tour conducted by the Corporation.



(g) To purchase and otherwise acquire patents, inventions, trade names, trademarks and similar properties, and interests in patents, inventions, trade names, trademarks and similar properties, whether or not in any way related to any other of the purposes or powers of the corporation, and to sell and otherwise dispose of and to otherwise deal in and with any of the foregoing;

(h) To buy, take leases of, otherwise acquire, hold, own, use, improve, maintain, operate, grant, bargain, sell, convey, lease, mortgage, otherwise dispose of and otherwise deal in and with real property and any interest therein, whether or not relating to any other of the purposes or powers of the corporation;

(i) To manufacture, buy, take leases and licenses of, otherwise acquire, use, sell, grant leases or licenses, otherwise dispose of and otherwise deal in and with personal property of every nature, tangible and intangible, including any and all kinds of goods, wares and merchandise and including bonds, notes, choses in action and other evidences of indebtedness and shares of the capital stock and obligations of public and private corporations, whether or not in any way relating to any other of the purposes or powers of the corporation;

(j) To carry on business as factor, agent, commission agent, manufacturer's agent, broker and/or consignee, to act as representative of any person, firm, association or corporation, one or more, and in general to carry out and exercise any of the purposes or powers of the corporation for the account of the corporation, and also as factor, agent, commission agent, manufacturer's representative, broker, consignee and/or otherwise for or on behalf of any person, firm, association or other corporation, one or more;

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(k) To undertake and carry on any business, investment, transaction, venture or enterprise which may be lawfully undertaken or carried on by a corporation and any business whatsoever which may seem to the corporation convenient or suitable to be undertaken whereby, directly or indirectly, to promote any of its general purposes or interests or render more valuable or profitable any of its property, rights, interests or enterprises; and, for any of the purposes mentioned in these Articles, to acquire by purchase, lease or otherwise the property, rights, franchises, assets, business and good will of any person, firm, association or corporation engaged in or authorized to conduct any business or undertaking which may be carried on by this corporation or possessed of any property suitable or useful for any of its purposes, and carry on the same, and undertake all or any part of the obligations and liabilities in connection therewith, on such terms and conditions and for such consideration as may be agreed upon, and to pay for the same, either all or partly, in cash, stocks, bonds, debentures or other forms of assets or securities, either of this corporation or otherwise; and to effect any such acquisition or carry on any business authorised by these Articles of Association, either by directly engaging therein or indirectly by acquiring the shares, stocks or other securities of such other business or entity, and holding and voting the same and otherwise exercising and enjoying the rights and advantages incident thereto.

And, in furtherance of said purposes, the corporation shall have the following powers, that is to say:

1. To have perpetual succession by its corporate name as hereinafter provided; to sue and be sued in any court; to make and use a common seal and to alter the same at its pleasure; to hold, purchase and convey such property as the purposes of the corporation shall require, without limit as to

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amount, and to mortgage the same to secure any debt of the corporation; to appoint such subordinate officers and/or agents as the business of the corporation shall require; to make and adopt from time to time, amend or repeal bylaws not inconsistent with any existing law for the management of its properties, the election and removal of its officers, the regulation of its affairs, and the transfer of its stock, and for all other purposes permitted by law;

2. To borrow money or otherwise incur indebtedness, without limit as to amount and in excess of the capital stock of the corporation, with or without security, and to secure any indebtedness by deed of trust, mortgage, pledge, hypothecation or other lien upon all or any part of the real or personal property of the corporation, including future acquired assets, and to execute bonds, promissory notes, bills of exchange, debentures or other obligations or evidences of indebtedness of all kinds, whether secured or unsecured;

3. To purchase on commission or otherwise, subscribe for, hold, own, sell on commission or otherwise, or otherwise acquire or dispose of and generally to deal in stocks, scrips, bonds, notes, debentures, commercial papers, obligations and securities, including so far as permitted by law, its own issued shares of capital stock or other securities, and also any other securities or evidences of indebtedness whatsoever or any interest therein, and while the owner of the same to exercise all the rights, powers and privileges of ownership;

4. To draw, make, accept, endorse, assign, discount, execute and issue promissory notes, bills of exchange, bills of lading, drafts, obligations, certificates, dock and other warrants and other instruments to be assignable, negotiable or transferable by delivery or to order, or otherwise, as the business of the corporation shall require;

5. To lend and advance money or to give credit, with or without

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security, to such persons, firms or corporations, and on such terms as may be thought fit, and if with security, then upon mortgage, deeds of trust, pledges or any other hypothecations or liens upon real, personal or mixed property, or any right or interest therein or thereto;

6. To aid in any manner any corporation of which any of the bonds or other securities or evidences of indebtedness or stock are held by this corporation, and to do any acts or things to preserve, protect, improve or enhance the value of any such bonds or other securities or evidences of indebtedness or stock including specifically the right and power to enter into and take the management of any business enterprise of any kind or nature, and while so managing any such business, to do the acts and things incidental or necessary thereto;

7. To enter into and perform contracts, undertakings and obligations of every kind and character;

8. To promote, assist, subscribe or contribute to any association, organization, society, company, institution or object, charitable or otherwise, calculated to benefit the corporation or any persons in its employ or having dealings with the corporation or deemed to be for the common or public welfare;

9. To become a party to and effect a merger or consolidation with another corporation or other corporations, and to enter into agreements and relationships not in contravention of law with any persons, firms or corporations;

10. To issue shares of the capital stock and other securities of the corporation in payment for property, of whatever kind and nature, including licenses and contract rights, acquired by the corporation and in payment for services rendered to the corporation and for any other lawful objects in and

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about its business.

11. To become surety for or guarantee any dividends, bonds, stocks, contracts, debts or other obligations or undertakings of any other person, firm or corporation, and to convey, transfer or assign by way of pledge or mortgage, all or any of the corporation's property or rights, both present and future to secure the debts or obligations, present or future, of such persons, firms or corporations, and on such terms and conditions as the corporation may determine.

12. To do all or any of the above things in any part of the world, directly or indirectly, and as principal, agent, factor, contractor or otherwise and by or through trustees, agents or otherwise, and either alone or in conjunction with others.

The enumeration herein of the objects and purposes of this corporation shall be construed as powers as well as objects and purposes and shall be liberally construed both as to purposes and powers and shall not be deemed to exclude by inference any powers, objects or purposes which this corporation is empowered to exercise, whether expressly by force of the laws of the State of Hawaii now or hereafter in effect or impliedly by the reasonable construction of said laws.

IV.

(a) The amount of the authorized stock of the corporation shall be FIVE HUNDRED THOUSAND DOLLARS ($500,000.00) divided into FIVE THOUSAND (5,000) shares of common stock of a par value of ONE HUNDRED DOLLARS ($100.00) each, with the privilege of subsequent increase or extension of the capital stock from time to time to a total amount of not exceeding TEN THOUSAND (10,000) shares of all classes and

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to a total capital stock comprising all classes of capital stock of an amount not exceeding ONE MILLION DOLLARS ($1,000,000.00) in the aggregate. The corporation shall have power from time to time to create an additional class or additional classes of stock with such preferences, voting powers, restrictions and qualifications thereof as shall be fixed in the resolution authorizing the issue thereof in accordance with law, but the corporation shall not alter or change, either by increase, diminution or otherwise, the preferences, dividend and special rights, voting power or other powers given to any one or more classes of stock by these Articles of Association as they now read, or as they may hereafter be amended, without the affirmative vote of the holders of at least SEVENTY-FIVE per cent (75 %) of the shares of stock of all classes then outstanding: provided, however, that if any proposed amendment to these Articles of Association would alter or change the preferences, special rights or powers given to any one or more class or classes of stock by these Articles of Association as they now read or as they may hereafter be amended, so as to affect such class or classes of stock adversely, or would increase or decrease the amount of the authorized stock of such class or classes of stock, or would increase or decrease the par value thereof, then the holders of the stock of each class of stock so affected by the amendment shall be entitled to vote as a class upon such amendment, and the affirmative vote of SEVENTY-FIVE per cent (75 %) in interest of each such class of stock so affected by the amendment shall be necessary to the adoption thereof.

(b) In the case of any authorization to increase the capital stock of the corporation of any class, except where such authorization be for the purpose of stock dividend, or for the purpose of furnishing shares provided for in any conversion privilege that may hereafter be given, the new

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shares of stock authorized shall, unless otherwise provided by the stockholders' vote authorizing their issue, be offered for subscription to the holders of record of all shares of common stock outstanding on such date as shall be determined by the Board of Directors, in proportion to the number of shares of common stock held by them respectively, subject to such regulation and adjustment as the Board of Directors may from time to time determine with a view of avoiding the issuance of fractional shares. If the stockholders' vote authorizing the issue of new shares shall so provide, or if the shares be offered for subscription to the stockholders as aforesaid and at the expiration of any subscription rights, any new shares authorized have not been subscribed for, then, and in either event, the authorized and unissued shares may be issued and sold from time to time for such price and to such persons and on such terms as the Board of Directors may determine.

(c) Any part or all of the stock of the corporation may at any time, so far as permitted by law, be transferred to trustees with the right to vote thereon for such period and with respect to all such matters as may be provided in an agreement executed for that purpose by the holders of such stock.

V.

(a) The officers of the corporation shall be a President, one or more Vice Presidents as may be determined in accordance with the bylaws, a Secretary, one or more Assistant Secretaries as may be determined in accordance with the bylaws, and a Treasurer. The corporation may have such additional officers as may be determined in accordance with the bylaws from time to time. The officers shall have the powers, perform the duties and be appointed as may be determined in accordance with the bylaws. Any person may hold two offices of said corporation if so provided by the bylaws.

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(b) The Board of Directors shall consist of such number of persons, not less than three (3) or more than eleven (11), as shall be determined in accordance with the bylaws from time to time. The directors and alternate directors and/or substitute directors, if any, shall be elected or appointed in the manner provided by the bylaws and may be removed from office in the manner provided by the bylaws, and all vacancies in the office of director or of any officer shall be filled in the manner provided for in the bylaws.

The persons who are first officers and directors of the corporation, together with their addresses, both business and residence, are as follows:

NAME	RESIDENCE ADDRESS	BUSINESS ADDRESS
Hitoshi Matsuura President and Director	19-23 Fukazawa 8-Chome Setagaya-ku Tokyo, Japan	Sanyo Bldg., 2-7 Kitaaoyama 1-Chome Minato-ku Tokyo, Japan
Toshio Kobayashi Vice-President-Treasurer and Director	1-23 Asagayaminami 1-Chome Suginamiku Tokyo, Japan	Suite 403, Sanno Grand Bldg. 2-14, 2 Chome, Nagata-Cho Chiyoda-ku, Tokyo, Japan
Kenneth H. Nakamura Secretary and Director	46-045 Lilipuna Rd. Kaneohe, Hawaii	Suite 200, 333 Queen Street Honolulu, Hawaii

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(c) All the powers and authority of the corporation shall be vested in and may be exercised by the Board of Directors except as otherwise provided by law, these Articles of Association or the bylaws of the corporation; and in furtherance and not in limitation of said general powers, the Board of Directors shall have power to acquire and dispose of property, to appoint a General Manager, Branch Managers and such other managers, officers or agents of the corporation as in its judgment the business may require, and to confer upon and to delegate to them by power of attorney or otherwise such power and authority as it shall determine, to fix the salaries or compensation of any or all of its officers, agents and employees, and in its discretion require security of any of them for the faithful performance of any of their duties; to declare dividends in accordance with law when it shall deem it expedient; to make rules and regulations not inconsistent with law or these Articles of Association or the bylaws for the transaction of business; to instruct the officers or agents of the corporation with respect to, and to authorize the voting of, stock of other corporations owned or held by this corporation; to incur such indebtedness as may be deemed necessary, which indebtedness may exceed the amount of the corporation's capital stock; to create such committees (including an executive committee or committees) and to designate as members of such committees such powers and authorities as may be by resolution set forth for the purpose of carrying on or exercising any of the powers of the corporation; to create and set aside reserve funds for any purpose, and to invest any funds of the corporation in such securities or other property as to it may seem proper; to remove or suspend any officer and generally to do any and every lawful act necessary or proper to carry into effect the powers, purposes and objects of the corporation.

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VI.

The Board of Directors shall have power at any time or from time to time to make contracts with any persons, firms, corporations, associations or organizations, in each case employing, engaging or appointing any such person, firm or corporation, association or organization as agent or employee of the corporation to perform duties and services and to exercise power and authority on behalf of the corporation, including ministerial, executive and discretionary powers, subject, however, to the supervision and control of the Board of Directors. Any such contract shall run for such period of time and shall contain such terms and provisions with respect to the duties, services, powers and authority to be performed by such agent or employee and with respect to the compensation to be given to such agent or employee therefor and otherwise as the Board of Directors may determine. And such contract may contain provisions permitting the agent or employee to hold similar positions for other corporations with which this corporation may do business and to receive and retain compensation therefor.

VII.

No contract or other transaction between the corporation and one or more of its directors, or between the corporation and any corporation, firm or association in which one or more of its directors is financially interested, shall be either void or voidable by reason of the fact that director or directors are present at the meeting of the Board of Directors, or committee thereof, which authorizes or approves such contract or transaction, or that his or their votes are counted for such purpose, if (a) the fact of such common directorship or financial interest be disclosed or known to the Board of Directors or committee and noted in the minutes, and the Board of Directors and committee authorize, approve or ratify such contract or transaction in

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good faith by a vote sufficient for such purpose, without counting the vote or votes of such director or directors, or (b) the fact of such common directorship or financial interest be disclosed or known to the stockholders and they approve or ratify such contract or transaction in good faith by a majority vote or written consent of the stockholders entitled to vote, or (c) it be affirmatively shown that the contract or transaction be just and reasonable as to the corporation at the time it was authorized or approved. Such common or interested directors may be counted in determining the presence of a quorum at such meeting.

VIII.

No director or officer of the corporation shall be liable to the corporation for any loss or damage suffered by it on account of any action or omission by him as such director or officer, unless such director or officer shall, with respect to such action or omission, be or has been guilty of willful misconduct or negligence in the performance of his duties as such director or officer.

Each person who is now or hereafter shall be a director or officer of the corporation, and his personal representative, shall be indemnified by the corporation against all costs and expenses reasonably incurred by or imposed upon him in connection with any action, suit, proceeding, investigation or inquiry to which he may be made a party by reason of his being or having been a director or officer of the corporation (whether or not he continues to be a director or officer at the time of the incurring or imposition of such costs and expenses), except in relation to matters as to which he shall finally be adjudged in any action, suit or proceeding to be liable for willful negligence or misconduct in the performance of his duties as such director or officer. If any such action, suit or proceeding there is a final adjudication

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that such director or officer was, or that such director or officer was not, guilty of such willful misconduct or negligence, the Board of Directors and each director and officer of the corporation may conclusively rely thereon, and in the absence of any final adjudication in any such action, suit or proceeding, the Board of Directors and each director and officer of the corporation may conclusively rely upon the opinion of legal counsel selected by or in the manner designated by the Board of Directors.

The immunity from liability and the indemnity provided for in this Article VIII shall be in addition to any rights to which the director or officer of the corporation may be entitled by law, pursuant to vote of the stockholders of the corporation, by law or otherwise.

IX.

The corporation shall have perpetual existence and succession by its corporate name and shall have all the powers herein enumerated or implied therefrom, and the powers now provided (or which may be hereafter provided) by law for incorporated companies.

X.

Service of legal process may be made upon the corporation in the manner provided by law.

XI.

No stockholder shall be liable for the debts of the corporation beyond the amount which may be due or unpaid upon any share or shares of stock of said corporation owned by him.

IN WITNESS WHEREOF, the parties hereto have hereunto

9404357021 2

set their hands and seals this 19 day of June, 19 72.

HITOSHI MATSUURA

TOSHIO KOBAYASHI

KENNETH H. NAKAMURA

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

On this 19 day of June, 1972, before me, the undersigned personally appeared HITOSHI MATSUURA, TOSHIO KOBAYASHI and KENNETH H. NAKAMURA

to me known to be the persons described in and who executed the foregoing instrument, and severally acknowledged that they executed the same as their free act and deed.

Notary Public, First Judicial Circuit,
State of Hawaii

My commission expires: 5/31/74

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AFFIDAVIT

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

HITOSHI MATSUURA, TOSHIO KOBAYASHI and KENNETH H. NAKAMURA

being severally sworn, upon oath depose and say

That they are named in the Articles of Association filed herewith as President, Vice-President-Treasurer and Secretary respectively, of NITTO HAWAII CO., LTD.

that the number of authorized shares of stock of the proposed corporation is FIVE THOUSAND (5,000) shares of common stock of par value ONE HUNDRED DOLLARS ($100.00) each, FIVE HUNDRED THOUSAND DOLLARS ($500,000.00) total; that capital stock in excess of three-fourths (3/4ths) of said authorized stock has been subscribed for; that more than ten per cent (10%) of the aggregate of the authorized capital stock has been paid in cash; that the names of the subscribers for said shares, the number of shares subscribed for by each subscriber, the subscription price for the shares subscribed for and the amounts paid in by each subscriber are as follows:

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Name of Subscriber:	No. Of Shares Subscribed:	Subscription Price Per Share:	Amount Paid In [redacted]	Manner Payme
Nitto Kogyo Co., Ltd.	5,000	$100.00	$500,000.00	Cash
TOTALS:	5,000	$100.00	$500,000.00	-----

And further affiants sayeth not.

HITOSHI MATSUURA

TOSHIO KOBAYASHI

KENNETH H. NAKAMURA

Subscribed and sworn to before me this 5th day of June, 19 72.

Notary Public, First Judicial Circuit, State of Hawaii

My commission expires: [redacted]

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FEDERAL ELECTION COMMISSION
89 MAY -8 AM 10:58

CARLSMITH, WICHMAN, CASE, MUKAI AND ICHIKI
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING LAW CORPORATIONS
1001 BISHOP STREET
PACIFIC TOWER, SUITE 2200
HONOLULU, HAWAII 96813
CABLE ADDRESS: CWCMI
TELEX 723-8770 CWCMI HR
TELECOPIER (808) 523-0842

HONOLULU OFFICE:
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HONOLULU, HAWAII 96809
(808) 523-2500

GUAM OFFICE:
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AGANA, GUAM 96910
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LOS ANGELES, CALIFORNIA 90071-0169
(213) 955-1200

HILO OFFICE:
P. O. BOX 686
HILO, HAWAII 96721-0686
(808) 935-6644

KONA OFFICE:
P. O. BOX 1720
KAILUA-KONA, HAWAII 96745-1720
(808) 329-6464

MAUI OFFICE:
P. O. BOX 1086
WAILUKU, HAWAII 96793
(808) 242-4535

SAIPAN OFFICE:
P. O. BOX 241 CHRB
SAIPAN, MP 96950
(670) 322-3455
TELEX 783-658 CWCMI SPN

May 5, 1989

VIA TELECOPIER

and

EXPRESS MAIL,
RETURN RECEIPT REQUESTED

Federal Election Commission
999 E Street N.W.
Washington, D.C. 20463

Attention: Patty Reilly, Esq.

Re: MUR 2846/Pan-Pacific Development, Inc.

Gentlemen:

As indicated on the enclosed "Statement of Designation of Counsel," this law firm represents Pan-Pacific Development, Inc. ("Pan-Pacific") in connection with the above-referenced matter. We are responding to your letter to Pan-Pacific dated April 17, 1989, which was received by Pan-Pacific on April 21, 1989.

We understand the complaint filed by Anthony P. Locricchio to allege that Pan-Pacific has violated 2 U.S.C. § 441e which prohibits foreign nationals from making, directly or through any other person, any contribution in connection with an election to a political office. For the reasons stated herein, we believe that the complaint should be dismissed and no action should be taken by the Commission against Pan-Pacific since it has not violated 2 U.S.C. § 441e.

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We believe that the complaint should be dismissed because we believe that 2 U.S.C. § 441e does not apply to "contributions" made to state or local elections. Although the regulations of the Commission (11 C.F.R. § 110.4(a)(1)) expressly state that foreign nationals may not make contributions to state or local elections, 2 U.S.C. § 441e does not expressly apply to state or local elections. In fact, it should be noted that the word "contribution" which is used in 2 U.S.C. § 441e is defined by 2 U.S.C. § 431(8)(A) as a gift, etc. "for the purpose of influencing any election for Federal office." Therefore, the complaint should be dismissed since 2 U.S.C. § 441e appears to apply only to elections for Federal office.

However, even if it is assumed that 2 U.S.C. § 441e applies to state or local elections, we still contend that Pan-Pacific has not violated 2 U.S.C. § 441e because it is a U.S. domestic corporation. Pan-Pacific, a wholly-owned subsidiary of Tokyu Construction Co., Ltd., a Japan corporation, is a corporation duly organized and formed under the laws of the State of Hawaii and whose principal business is within the State of Hawaii. Please see copy of Articles of Incorporation of Pan-Pacific enclosed herewith for your review. Therefore, since Pan-Pacific is a corporation organized under the law of a state within the United States, and has its principal place of business within the United States, we believe that Pan-Pacific is not a "foreign national" or a "foreign principal" as defined by 2 U.S.C. § 441e(b)(1) and 22 U.S.C. § 611(b), respectively. We believe that previous opinions of the Federal Election Commission have also confirmed that a U.S. corporation whose principal place of business is within the United States is not a "foreign national." See, e.g., Advisory Opinion 1982-10.

Although there appears to be no judicial precedents on point, we understand that past Advisory Opinions of the Commission also take into account whether foreign nationals whom are officers or directors of the U.S. corporation participated in any way in the decision-making process with respect to the making of the political contribution to determine whether 2 U.S.C. § 441e has been violated. See, e.g., Advisory Opinion 1982-10. Inasmuch as there appears to

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be no judicial precedents on point, we cannot acknowledge that the position of the Commission is correct. However, even if it is assumed that the Commission is correct, Pan-Pacific has advised us that no foreign nationals (persons who are not U.S. citizens or permanent residents) participated in any way in the decision-making process with respect to the making of the political contribution which is the subject of the complaint or for any other political contributions.

For the reasons stated above, we believe that the complaint against Pan-Pacific should be dismissed and the Commission should find that no violation of 2 U.S.C. § 441e has occurred. Please be advised that Pan-Pacific wishes to cooperate fully with the Commission in connection with the instant complaint. If you have any questions or require additional information in connection with this matter, please do not hesitate to contact us.

Very truly yours,

Karl K. Kobayashi

KK:cai
Enclosure
cc: Pan-Pacific Development, Inc.

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 2846

NAME OF COUNSEL: Carlsmith, Wichman, Case, Mukai and Ichiki
Attention: Andy M. Ichiki, Esq.
Karl K. Kobayashi, Esq.

ADDRESS: Pacific Tower, Suite 2200
1001 Bishop Street
Honolulu, Hawaii 96813

TELEPHONE: (808) 523-2500

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Date

Signature

RESPONDENT'S NAME: Mr. Terry Adaniya
Vice President
Pan-Pacific Development, Inc.

ADDRESS: Pauahi Tower, Suite 2350
1001 Bishop Street
Honolulu, Hawaii 96813

HOME PHONE:

BUSINESS PHONE: (808) 537-2922

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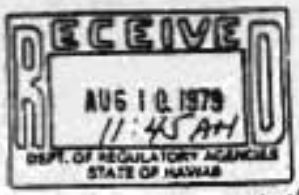
DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

IN THE MATTER OF THE INCORPORATION)
OF)
PAN-PACIFIC DEVELOPMENT, INC.)



MLH

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ARTICLES OF INCORPORATION

and

AFFIDAVIT OF OFFICERS

YAMAGUCHI & TANAKA
2550 Pacific Trade Center
Honolulu, Hawaii 96813

Attorneys

DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

IN THE MATTER OF THE INCORPORATION OF PAN-PACIFIC DEVELOPMENT, INC.	1,566,666.30 – 2 .3. – .60. –

ARTICLES OF INCORPORATION

OF

PAN-PACIFIC DEVELOPMENT, INC.

August 10, 1979

These ARTICLES OF INCORPORATION, made and entered into this 10th day of August, 1979, by the undersigned incorporator,

WITNESSETH:

That the said party does hereby form a corporation under the laws of the State of Hawaii to obtain the rights and benefits by said laws conferred upon corporations, it being hereby covenanted that these Articles of Incorporation shall in all respects be equally obligatory upon the party signing the same and upon all others who from time to time hereafter may become members of this corporation or who may become stockholders thereof.

I

The name of the corporation hereby organized shall be PAN-PACIFIC DEVELOPMENT, INC.

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II

The location of the principal office of the corporation is at 2621 Waiwai Loop, Honolulu, City and County of Honolulu, State of Hawaii, 96819, or at such other place as may be determined from time to time by the Board of Directors, and it may have such other offices within and without the said State as its business may from time to time require and as the Board of Directors, in their discretion, may designate.

III

The purposes for which the corporation is organized are as follows:

1. To take, buy, purchase, exchange, hire, lease or otherwise acquire, real estate and property, either improved or unimproved, and any interest or right therein, and to own, hold, control, maintain, manage, subdivide, develop, sell, lease, exchange and otherwise dispose of same.

2. To hold, sell, convey, exchange, lease or rent such real estate and buildings, which may be required for the purposes of the corporation and calculated, directly or indirectly, to promote its best interests.

3. To engage in and carry on a general contracting business within and without the State of Hawaii; to purchase, construct and sell buildings, and other improvements on land; to buy and sell building materials, equipment, supplies and tools; and to maintain and operate a mill for the manufacturing, constructing, fabricating, repairing, and making of forms, parts, materials, fixtures, and other parts of and accessories to building and structures.

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4. To acquire and hold, or otherwise deal with, in its own behalf, or for others, any stocks, bonds, debentures, shares, scrip or securities of any company or entity; to form subsidiaries, affiliates, partnerships, joint ventures, and other types of business ventures; and to sell, exchange, or otherwise dispose of, or deal with and in any and all such holdings.

5. To manufacture, buy, sell and deal in all forms of goods, wares, merchandise, equipment, appliances, components, and other items of trade.

6. To acquire to the same extent as a natural person, by purchase, lease, exchange, hire or otherwise, and thereafter to hold, sell, convey, exchange, lease, mortgage, rent, pledge or otherwise deal with and in or dispose of any and all kinds of property, whether real, personal or mixed, of any kind and description and wheresoever situate, and to manage and control the same.

7. To apply for, obtain, register, pledge, lease or otherwise acquire and own, hold, use, operate, sell, assign or otherwise dispose of any trade name, franchise, trademark, copyright, patent, invention, improvement, and process in connection with or secured under letters patent, trademark or copyright privileges of the United States or of any other country or countries.

8. To undertake, engage in, and carry on any business, venture, enterprise or pursuit, whether manufacturing, agricultural, mercantile, transportation, service or otherwise, which may be undertaken, engaged in or carried on by natural persons.

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IV

In furtherance of the purposes aforesaid, the corporation shall have power:

1. To have perpetual succession and existence by its corporate name; to sue and be sued in any court; to make and use a common seal and alter the same at its pleasure.

2. To appoint such officers and agents as the business of the corporation shall require, and to make and adopt bylaws, not inconsistent with these Articles or any existing law for the management of its business and property, the election, government and removal of its officers, the regulation of its affairs and the transfer of its stock.

3. To loan and borrow money and to incur indebtedness, without limit as to amount, and in excess of the capital stock of the corporation, and to issue notes, debentures, bonds, and/or other obligation therefor, and to secure the same or any portion thereof by the mortgage, pledge, and/or hypothecation of all or any part of the assets of the corporation, including future acquired assets, and to issue notes, debentures, and/or other obligations without any such security.

4. To acquire the rights, business, property, assets, privileges, contracts, and franchises of any kind, and to pay for the same in cash or in stock of this corporation or otherwise; and to undertake the whole or any part of the liabilities and obligations of any person, firm or corporation.

5. To become surety for the payment of the debt or performance of the contract or obligation of any person, firm or corporation and may pledge or mortgage the whole or

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any part of its property to secure the payment of such debt or performance of such contract or obligation whenever proper or necessary in the furtherance of the business of the corporation.

6. To forward and prosecute its business, either directly or indirectly, through the medium of ownership of stock or any share or interest in any corporation, partnership, joint venture, or enterprise engaged in such pursuits.

7. To purchase, hold, cancel, and reissue the shares of its capital stock.

8. To do every other act and thing necessary, suitable, convenient or proper for the accomplishment of any of the purposes herein mentioned.

V

The authorized capital stock of this corporation shall be ONE MILLION FIVE HUNDRED THOUSAND DOLLARS ($1,500,000.00), divided into One Hundred Fifty Thousand (150,000) shares of common stock of the par value of TEN DOLLARS ($10.00) each. The corporation shall have the privilege of subsequent increases of its capital stock to an amount not exceeding ONE HUNDRED MILLION DOLLARS ($100,000,000.00), and to issue additional shares representing the same. The corporation shall also have the power to reduce its capital and to reduce or increase the par value of its shares of stock according to law.

The corporation shall have power to create an additional class or additional classes of stock with such preferences, voting powers, restrictions and qualifications thereof as shall be fixed in the resolution authorizing the issuance thereof in accordance with law.

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VI

The officers of the corporation shall be a President, one or more Vice Presidents, a Secretary, a Treasurer, and such other officers as may be elected or appointed by the Board of Directors. Any two or more offices may be held by the same person.

VII

The corporation shall have a Board of Directors of not less than three (3) members. The members of the Board of Directors shall be elected or appointed at such times, in such manner, and for such terms as may be prescribed by the bylaws. The bylaws may provide for the removal of directors and the filling of vacancies and may contain provisions that the remaining members of the Board of Directors (although less than a majority thereof) may fill vacancies caused by the illness of the directors or the absence of directors from the Island of Oahu. No director need be a stockholder of the corporation. The Board of Directors shall have full power to control and direct the business and affairs of the corporation, subject, however, to instructions by the stockholders except that the Board of Directors of the corporation, without the approval of the stockholders of the corporation or of any percentage thereof, may authorize the borrowing of money or the incurring of debts, even though as a result thereof the amount of the corporation's indebtedness may exceed its capital stock.

The Board of Directors shall have the further power to provide, by the bylaws or otherwise, for the selection, from among its members, of an Executive Committee of such number as it may from time to time designate, and to

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delegate to such Executive Committee all or any of the powers of the Board of Directors, insofar as the delegation of such powers is not contrary to law.

VIII

For the first term or until their successors are elected or appointed, the officers and directors shall be:

Name	Position	Address
Yuhei Yagi	Chairman of the Board of Directors and Director	16-14, 1-chome Shibuya, Shibuya-ku Tokyo, Japan
Sankichi Suzuki	President and Director	16-14, 1-chome Shibuya, Shibuya-ku Tokyo, Japan
Norio Kohno	Vice President and Director	16-14, 1-chome Shibuya, Shibuya-ku Tokyo, Japan
Masahiro Kimura	Secretary	2621 Waiwai Loop Honolulu, Hawaii 96819
Seiichi Karahashi	Treasurer	2621 Waiwai Loop Honolulu, Hawaii 96819
Kazutaka Takasuka	Director	16-14, 1-chome Shibuya, Shibuya-ku Tokyo, Japan
Kenneth F. Brown	Director	1164 Bishop Street Honolulu, Hawaii 96813
Yoshio Tanaka	Director	2552 Kalakaua Avenue Honolulu, Hawaii 96815

IX

The corporation shall be subject to all the liabilities provided by law for incorporated companies and to all general laws now existing or hereafter to be enacted with reference to incorporated companies in the State of Hawaii.

X

All the property of the corporation shall be

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liable for the just debts thereof but no stockholder shall be individually liable beyond the amount that may be due upon the share or shares owned or held by him.

XI

The initial bylaws of the corporation shall be adopted by the incorporator. The power to alter, amend or repeal the bylaws or adopt new bylaws, subject to repeal or change by action of the stockholders, shall be vested in the Board of Directors. Any further restrictions on the adoption, amendment or repeal of bylaws imposed by any statute shall also be complied with.

XII

Service of process may be made upon any of the officers of the corporation.

IN WITNESS WHEREOF, the party has hereunto set his hand the day and year first above written.

Seiichi Karahashi

STATE OF HAWAII)
: ss.
CITY AND COUNTY OF HONOLULU)

On this 10th day of August, 1979, before me personally appeared SEIICHI KARAHASHI, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

Jane M. Baba
Notary Public
State of Hawaii
My commission expires April 13, 1983

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AFFIDAVIT OF OFFICERS

STATE OF HAWAII)
: ss.
CITY AND COUNTY OF HONOLULU)

SANKICHI SUZUKI, MASAHIRO KIMURA and SEIICHI KARAKASHI, being duly sworn on oath, depose and say:

That they are named in the Articles of Incorporation filed herewith as President, Secretary and Treasurer, respectively, of PAN-PACIFIC DEVELOPMENT, INC.; that the authorized capital stock of the proposed corporation is ONE MILLION FIVE HUNDRED THOUSAND DOLLARS ($1,500,000.00), divided into One Hundred Fifty Thousand (150,000) shares of common stock of the par value of TEN DOLLARS ($10.00) each; that not less than three-fourths (3/4) of said authorized capital stock has been subscribed for, and not less than ten per cent (10%) of said authorized capital stock has been paid in in cash; that the name of the subscriber for said shares, the number of shares subscribed for by the subscriber, the subscription price for the shares subscribed for and the amount paid in by the subscriber are as follows:

Name of Subscriber	No. of Shares Subscribed	Subscription Price for Shares	Amount Paid In	Manner Paid In
Tokyu Construction Co., Ltd. (a Japan corporation)	120,000	$1,200,000.00	$1,200,000.00	Cash

Sankichi Suzuki

Masahiro Kimura

Seiichi Karahashi

Subscribed and sworn to
before me this 22 day
of August, 1979.

Notary Public
State of Hawaii
My commission expires April 13, 1983

94043570230

06C 2671

CARLSMITH, WICHMAN, CASE, MUKAI AND ICHIKI
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING LAW CORPORATIONS
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KONA OFFICE:
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KAILUA-KONA, HAWAII 96745-1720
(808) 329-6464

MAUI OFFICE:
P. O. BOX 1086
WAILUKU, HAWAII 96793
(808) 242-4535

SAIPAN OFFICE:
P. O. BOX 241 CHRB
SAIPAN, MP 96950
(670) 322-3455
TELEX 783-658 CWCMI SPN

May 5, 1989

VIA TELECOPIER

and

EXPRESS MAIL,
RETURN RECEIPT REQUESTED

Federal Election Commission
999 E Street N.W.
Washington, D.C. 20463

Attention: Patty Reilly, Esq.

Re: MUR 2846/Pan-Pacific Construction, Inc.

Gentlemen:

As indicated on the enclosed "Statement of Designation of Counsel," this law firm represents Pan-Pacific Construction, Inc. ("PPC") in connection with the above-referenced matter. We are responding to your letter to PPC dated April 17, 1989, which was received by PPC on April 21, 1989.

We understand the complaint filed by Anthony P. Locricchio to allege that PPC has violated 2 U.S.C. § 441e which prohibits foreign nationals from making, directly or through any other person, any contribution in connection with an election to a political office. For the reasons stated herein, we believe that the complaint should be dismissed and no action should be taken by the Commission against PPC since it has not violated 2 U.S.C. § 441e.

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89 MAY -8 AM 10:52

We believe that the complaint should be dismissed because we believe that 2 U.S.C. § 441e does not apply to "contributions" made to state or local elections. Although the regulations of the Commission (11 C.F.R. § 110.4(a)(1)) expressly state that foreign nationals may not make contributions to state or local elections, 2 U.S.C. § 441e does not expressly apply to state or local elections. In fact, it should be noted that the word "contribution" which is used in 2 U.S.C. § 441e is defined by 2 U.S.C. § 431(8)(A) as a gift, etc. "for the purpose of influencing any election for Federal office." Therefore, the complaint should be dismissed since 2 U.S.C. § 441e appears to apply only to elections for Federal office.

However, even if it is assumed that 2 U.S.C. § 441e applies to state or local elections, we still contend that PPC has not violated 2 U.S.C. § 441e because it is a U.S. domestic corporation. PPC is a corporation duly organized and formed under the laws of the State of Hawaii and whose principal business is within the State of Hawaii. Please see copy of the Articles of PPC enclosed herewith for your review. Currently, 93.3% of the stock of PPC is owned by Pan-Pacific Development, Inc., a Hawaii corporation, and 6.7% is owned by Nakakura Construction Co., Ltd., a Hawaii corporation. Inasmuch as PPC is a corporation organized under the law of a state within the United States, and has its principal place of business within the United States, we believe that PPC is not a "foreign national" or a "foreign principal" as defined by 2 U.S.C. § 441e(b)(1) and 22 U.S.C. § 611(b), respectively. We believe that previous opinions of the Federal Election Commission have also confirmed that a U.S. corporation whose principal place of business is within the United States is not a "foreign national." See, e.g., Advisory Opinion 1982-10.

Although there appears to be no judicial precedents on point, we understand that past Advisory Opinions of the Commission also take into account whether foreign nationals whom are officers or directors of the U.S. corporation participated in any way in the decision-making process with respect to the making of the political contribution to determine whether 2 U.S.C. § 441e has been violated. See, e.g., Advisory Opinion 1982-10. Inasmuch as there appears to

2040357023 2

be no judicial precedents on point, we cannot acknowledge that the position of the Commission is correct. However, even if it is assumed that the Commission is correct, PPC has advised us that no foreign nationals (persons who are not U.S. citizens or permanent residents) participated in any way in the decision-making process with respect to the making of the political contribution which is the subject of the complaint or for any other political contributions.

For the reasons stated above, we believe that the complaint against PPC should be dismissed and the Commission should find that no violation of 2 U.S.C. § 441e has occurred. Please be advised that PPC wishes to cooperate fully with the Commission in connection with the instant complaint. If you have any questions or require additional information in connection with this matter, please do not hesitate to contact us.

Very truly yours,

Karl K. Kobayashi

KK:cai
Enclosure
cc: Pan-Pacific Construction, Inc.

2404357023

STATEMENT OF DESIGNATION OF COUNSEL

NUR 2846

NAME OF COUNSEL: Carlsmith, Wichman, Case, Mukai and Ichiki
Attention: Andy M. Ichiki, Esq.
Karl K. Kobayashi, Esq.

ADDRESS: Pacific Tower, Suite 2200
1001 Bishop Street
Honolulu, Hawaii 96813

TELEPHONE: (808) 523-2500

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Date

Signature

RESPONDENT'S NAME: Mr. Wilfred S. Nakakora
President

ADDRESS: Pan-Pacific Construction, Inc.
2621 Waiwai Loop
Honolulu, Hawaii 96819

HOME PHONE:

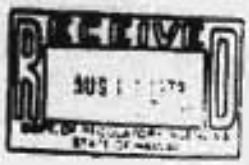
BUSINESS PHONE: (808) 836-2854

9404357023 4

DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

IN THE MATTER OF THE INCORPORATION)
OF)
PAN-PACIFIC CONSTRUCTION, INC.)



ARTICLES OF INCORPORATION

and

AFFIDAVIT OF OFFICERS

YAMAGUCHI & TAKARA
2550 Pacific Trade Center
Honolulu, Hawaii 96813

Attorneys

2404357023 5

DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

IN THE MATTER OF THE INCORPORATION
OF
PAN-PACIFIC CONSTRUCTION, INC.

ARTICLES OF INCORPORATION

OF

PAN-PACIFIC CONSTRUCTION, INC.

These ARTICLES OF INCORPORATION, made and entered into this 10th day of August, 1979, by the undersigned incorporator,

WITNESSETH:

That the said party does hereby form a corporation under the laws of the State of Hawaii to obtain the rights and benefits by said laws conferred upon corporations, it being hereby covenanted that these Articles of Incorporation shall in all respects be equally obligatory upon the party signing the same and upon all others who from time to time hereafter may become members of this corporation or who may become stockholders thereof.

I

The name of the corporation hereby organized shall be PAN-PACIFIC CONSTRUCTION, INC.

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II

The location of the principal office of the corporation is at 2621 Waiwai Loop, Honolulu, City and County of Honolulu, State of Hawaii, 96819, or at such other place as may be determined from time to time by the Board of Directors, and it may have such other offices within and without the said State as its business may from time to time require and as the Board of Directors, in their discretion, may designate.

III

The purposes for which the corporation is organized are as follows:

1. To engage in and carry on a general contracting business within and without the State of Hawaii; to purchase, construct and sell buildings, and other improvements on land; to buy and sell building materials, equipment, supplies and tools; and to maintain and operate a mill for the manufacturing, constructing, fabricating, repairing, and making of forms, parts, materials, fixtures, and other parts of and accessories to building and structures.

2. To take, buy, purchase, exchange, hire, lease or otherwise acquire, real estate and property, either improved or unimproved, and any interest or right therein, and to own, hold, control, maintain, manage, subdivide, develop, sell, lease, exchange and otherwise dispose of same.

3. To acquire and hold, or otherwise deal with, in its own behalf, or for others, any stocks, bonds, debentures, shares, scrip or securities of any company or entity; to form subsidiaries, affiliates, partnerships, joint ventures, and other types of business ventures; and to sell,

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exchange, or otherwise dispose of, or deal with and in any and all such holdings.

4. To manufacture, buy, sell and deal in all forms of goods, wares, merchandise, equipment, appliances, components, and other items of trade.

5. To hold, sell, convey, exchange, lease or rent such real estate and buildings, which may be required for the purposes of the corporation and calculated, directly or indirectly, to promote its best interests.

6. To acquire to the same extent as a natural person, by purchase, lease, exchange, hire or otherwise, and thereafter to hold, sell, convey, exchange, lease, mortgage, rent, pledge or otherwise deal with and in or dispose of any and all kinds of property, whether real, personal or mixed, of any kind and description and wheresoever situate, and to manage and control the same.

7. To apply for, obtain, register, pledge, lease or otherwise acquire and own, hold, use, operate, sell, assign or otherwise dispose of any trade name, franchise, trademark, copyright, patent, invention, improvement, and process in connection with or secured under letters patent, trademark or copyright privileges of the United States or of any other country or countries.

8. To undertake, engage in, and carry on any business, venture, enterprise or pursuit, whether manufacturing, agricultural, mercantile, transportation, service or otherwise, which may be undertaken, engaged in or carried on by natural persons.

IV

In furtherance of the purposes aforesaid, the

9404357023 8

corporation shall have power:

1. To have perpetual succession and existence by its corporate name; to sue and be sued in any court; to make and use a common seal and alter the same at its pleasure.

2. To appoint such officers and agents as the business of the corporation shall require, and to make and adopt bylaws, not inconsistent with these Articles or any existing law for the management of its business and property, the election, government and removal of its officers, the regulation of its affairs and the transfer of its stock.

3. To loan and borrow money and to incur indebtedness, without limit as to amount, and in excess of the capital stock of the corporation, and to issue notes, debentures, bonds, and/or other obligation therefor, and to secure the same or any portion thereof by the mortgage, pledge, and/or hypothecation of all or any part of the assets of the corporation, including future acquired assets, and to issue notes, debentures, and/or other obligations without any such security.

4. To acquire the rights, business, property, assets, privileges, contracts, and franchises of any kind, and to pay for the same in cash or in stock of this corporation or otherwise; and to undertake the whole or any part of the liabilities and obligations of any person, firm or corporation.

5. To become surety for the payment of the debt or performance of the contract or obligation of any person, firm or corporation and may pledge or mortgage the whole or any part of its property to secure the payment of such debt or performance of such contract or obligation whenever

2404357023 9

proper or necessary in the furtherance of the business of the corporation.

6. To forward and prosecute its business, either directly or indirectly, through the medium of ownership of stock or any share or interest in any corporation, partnership, joint venture, or enterprise engaged in such pursuits.

7. To purchase, hold, cancel, and reissue the shares of its capital stock.

8. To do every other act and thing necessary, suitable, convenient or proper for the accomplishment of any of the purposes herein mentioned.

V

The authorized capital stock of this corporation shall be EIGHT HUNDRED THOUSAND DOLLARS ($800,000.00), divided into Eighty Thousand (80,000) shares of common stock of the par value of TEN DOLLARS ($10.00) each. The corporation shall have the privilege of subsequent increases of its capital stock to an amount not exceeding FIFTY MILLION DOLLARS ($50,000,000.00), and to issue additional shares representing the same. The corporation shall also have the power to reduce its capital and to reduce or increase the par value of its shares of stock according to law.

The corporation shall have power to create an additional class or additional classes of stock with such preferences, voting powers, restrictions and qualifications thereof as shall be fixed in the resolution authorizing the issuance thereof in accordance with law.

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VI

The officers of the corporation shall be a President, one or more Vice Presidents, a Secretary, a Treasurer, and such other officers as may be elected or appointed by the Board of Directors. Any two or more offices may be held by the same person.

VII

The corporation shall have a Board of Directors of not less than three (3) members. The members of the Board of Directors shall be elected or appointed at such times, in such manner, and for such terms as may be prescribed by the bylaws. The bylaws may provide for the removal of directors and the filling of vacancies and may contain provisions that the remaining members of the Board of Directors (although less than a majority thereof) may fill vacancies caused by the illness of the directors or the absence of directors from the Island of Oahu. No director need be a stockholder of the corporation. The Board of Directors shall have full power to control and direct the business and affairs of the corporation, subject, however, to instructions by the stockholders except that the Board of Directors of the corporation, without the approval of the stockholders of the corporation or of any percentage thereof, may authorize the borrowing of money or the incurring of debts, even though as a result thereof the amount of the corporation's indebtedness may exceed its capital stock.

The Board of Directors shall have the further power to provide, by the bylaws or otherwise, for the selection, from among its members, of an Executive Committee of such number as it may from time to time designate, and to

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delegate to such Executive Committee all or any of the powers of the Board of Directors, insofar as the delegation of such powers is not contrary to law.

VIII

For the first term or until their successors are elected or appointed, the officers and directors shall be:

Name	Position	Address
Norio Kohno	Chairman of the Board of Directors and Director	16-14, 1-chome Shibuya, Shibuya-ku Tokyo, Japan
Katutaka Takasuka	Vice Chairman of the Board of Directors and Director	16-14, 1-chome Shibuya, Shibuya-ku Tokyo, Japan
Wilfred S. Nakakura	President and Director	2621 Waiwai Loop Honolulu, Hawaii 96819
Masahiro Kimura	Vice President	2621 Waiwai Loop Honolulu, Hawaii 96819
Harold Nakakura	Vice President	2621 Waiwai Loop Honolulu, Hawaii 96819
Esther T. Shimazu	Secretary	2621 Waiwai Loop Honolulu, Hawaii 96819
Hideaki Mitsui	Treasurer	2621 Waiwai Loop Honolulu, Hawaii 96819
Seiichi Karahashi	Director	2621 Waiwai Loop Honolulu, Hawaii 96819

IX

The corporation shall be subject to all the liabilities provided by law for incorporated companies and to all general laws now existing or hereafter to be enacted with reference to incorporated companies in the State of Hawaii.

X

All the property of the corporation shall be liable for the just debts thereof but no stockholder shall

9404357024 2

be individually liable beyond the amount that may be due upon the share or shares owned or held by him.

XI

The initial bylaws of the corporation shall be adopted by the incorporator. The power to alter, amend or repeal the bylaws or adopt new bylaws, subject to repeal or change by action of the stockholders, shall be vested in the Board of Directors. Any further restrictions on the adoption, amendment or repeal of bylaws imposed by any statute shall also be complied with.

XII

Service of process may be made upon any of the officers of the corporation.

IN WITNESS WHEREOF, the party has hereunto set his hand the day and year first above written.

Wilfred S. Nakakura

STATE OF HAWAII)
: ss.
CITY AND COUNTY OF HONOLULU)

On this 24 day of Aug, 1979, before me personally appeared WILFRED S. NAKAKURA, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

Notary Public
State of Hawaii
My commission expires April 22, 1982

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AFFIDAVIT OF OFFICERS

STATE OF HAWAII)
: ss.
CITY AND COUNTY OF HONOLULU)

WILFRED S. NAKAKURA, ESTHER T. SHIMAZU and HIDEAKI MITSUI, being duly sworn on oath, depose and say:

That they are named in the Articles of Incorporation filed herewith as President, Secretary and Treasurer, respectively, of PAN-PACIFIC CONSTRUCTION, INC.; that the authorized capital stock of the proposed corporation is Eight Hundred Thousand Dollars ($800,000.00), divided into Eighty Thousand (80,000) shares of common stock of the par value of Ten Dollars ($10.00) each; that not less than three-fourths (3/4) of said authorized capital stock has been subscribed for, and not less than fifty per cent (50%) of said authorized capital stock has been paid in in cash; that the names of the subscribers for said shares, the number of shares subscribed for by the subscribers, the subscription price for the shares subscribed for and the amount paid in by the subscribers are as follows:

Name of Subscriber	No. of Shares Subscribed	Subscription Price for Shares	Amount Paid In	Manner Paid In
Pan-Pacific Development, Inc. (a Hawaii corporation)	44,000	$440,000.00	$440,000.00	Cash
Nakakura Construction Co., Ltd. (a Hawaii corporation)	21,000	$210,000.00	$210,000.00	Property

Wilfred S. Nakakura

Esther T. Shimazu

Hideaki Mitaui

Subscribed and sworn to
before me this 2nd day
of Aug, 1979.

Notary Public
State of Hawaii
My commission expires April 12, 1980

94043570245

OGC 2687

RICHARD S. H. WONG
PRESIDENT
JAMES AKI
VICE-PRESIDENT
GERALD T. HAGINO
MAJORITY LEADER
ANTHONY CHANG
DONNA IKEDA
ELOISE YAMASHITA TUNGPALAN
ASSISTANT MAJORITY LEADERS
RUSSELL BLAIR
MAJORITY FLOOR LEADER
LEHUA FERNANDES SALLING
DENNIS NAKASATO
ASSISTANT MAJORITY FLOOR LEADERS
ANN KOBAYASHI
MAJORITY POLICY LEADER
BERTRAND KOBAYASHI
MIKE McCARTNEY
MALAMA SOLOMON
ASSISTANT MAJORITY POLICY LEADERS
MARY GEORGE
MINORITY LEADER
NICK REED
MINORITY FLOOR LEADER
FIRST DISTRICT
HERMAN LEVIN
SECOND DISTRICT
RICHARD M. MATSUURA
THIRD DISTRICT
MALAMA SOLOMON
FOURTH DISTRICT
MAMORU YAMAMURA
FIFTH DISTRICT
NICK REED
SIXTH DISTRICT
RON MENOR
SEVENTH DISTRICT
GERALD T. HAGINO
EIGHTH DISTRICT
MIKE McCARTNEY
NINTH DISTRICT
WESLEY T. SOKI
TENTH DISTRICT
MARY GEORGE
ELEVENTH DISTRICT
DONNA N. IKEDA
TWELFTH DISTRICT
STEVE COBB
THIRTEENTH DISTRICT
BERTRAND KOBAYASHI
FOURTEENTH DISTRICT
ANN KOBAYASHI
FIFTEENTH DISTRICT
MARY JANE WAIHEE
SIXTEENTH DISTRICT
RUSSELL BLAIR
SEVENTEENTH DISTRICT
ANTHONY K. S. CHANG
EIGHTEENTH DISTRICT
MILTON HOLT
NINETEENTH DISTRICT
DENNIS M. NAKASATO
TWENTIETH DISTRICT
RICHARD S. H. WONG
TWENTY-FIRST DISTRICT
NORMAN MIZUGUCHI
TWENTY-SECOND DISTRICT
ELOISE YAMASHITA TUNGPALAN
TWENTY-THIRD DISTRICT
MIKE CRUDER
TWENTY-FOURTH DISTRICT
JAMES AKI
TWENTY-FIFTH DISTRICT
LEHUA FERNANDES SALLING
CHIEF CLERK
T. DAVID YOUL, JR.

The Senate
The Fifteenth Legislature
of the
State of Hawaii

STATE CAPITOL
HONOLULU, HAWAII 96813

RECEIVED
FEDERAL ELECTION COMMISSION
89 MAY -3 PM 3:39

May 2, 1989

Federal Election Commission
Washington, D. C. 20463

Attention: Patty Reilly

Dear Patty Reilly:

This letter is in response to MUR 2846. A copy of the complaint that alleges that the campaign of Senator Ann Kobayashi may have violated the Federal Election Campaign Act of 1971, as amended, was not enclosed with your letter dated April 17, 1989. The omission makes it very difficult to determine the exact violation. Therefore, I would like to ask for an extension so that each of my campaign contributions can be thoroughly examined.

Please include a copy of the complaint with your answer.

Thank you for your consideration.

Very truly yours,

Ann H. Kobayashi
Senator, 14th District

AHK:ack

89 MAY -8 AM 9:30
FEDERAL ELECTION COMMISSION

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 17, 1989

The Honorable Ann H. Kobayashi
Senator, 14th District
State Capitol
Honolulu, Hawaii 96813

RE: MUR 2846
Campaign of Ann Kobayashi

Dear Senator Kobayashi:

The Office of the General Counsel is in receipt of your recent request for an extension of time to respond to the complaint in the above-captioned matter. After considering the circumstances as detailed in your letter, this Office will grant the requested twenty-day extension. Accordingly, your response is due no later than May 26, 1989.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

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OGC 4708

RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION

89 MAY -9 AM 9:43

ANTHONY P. LOCRICCHIO

ATTORNEY AT LAW

[redacted]

May 3, 1989

89 MAY -9 PM 2:23

Federal Election Commission
Washington, D.C. 20463

Attn: Ms. Retha Dixon

RE: MUR 2846

Dear Ms. Retha Dixon,

In regards to MUR 2846, Citizens For Waihee, please disregard Count Thirteen, American Hawaii Cruises. After more extensive research by my staff, it has been discovered that the corporation is owned by a second generation American-Korean, not a Korean national. Therefore, no violation has occurred with regards to this corporation.

Thank you for your attention to this matter.

Yours truly,

ANTHONY P. LOCRICCHIO

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FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

May 17, 1989

Anthony P. Locricchio, Esquire
903 Maunawili Circle
Kailua, Hawaii 96734

RE: MUR 2846

Dear Mr. Locricchio:

This is in reference to your letter dated May 3, 1989, requesting that the complaint you filed against the respondents in MUR 2846 be withdrawn as to American Hawaii Cruises.

Under 2 U.S.C. § 437g, the Federal Election Commission is empowered to review a complaint properly filed with it and to take action which it deems appropriate under the Federal Election Campaign Act of 1971, as amended ("the Act"). A request for withdrawal of a complaint, or a portion of a complaint, will not prevent the Commission from taking appropriate action under the Act. Your request will become part of the public record within 30 days after the entire file is closed.

If you have any further questions about this procedure, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

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TANIGAWA & TANIGAWA
Attorneys at Law
Suite 1550 Pacific Tower
1001 Bishop Street
Honolulu, Hawaii 96813

Herbert H. Tanigawa
Michael K. Tanigawa

Telephone
(808) 521-8354

RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION
89 MAY -8 AM 11: 15

May 5, 1989

89 MAY -9 PM 3:40

Patty Reilly, Esq.
General Counsel's Office
Federal Election Commission
999 E. Street, NW
Washington, D.C. 20463

Re: MUR 2846
Masao Hayashi

Dear Ms. Reilly:

This office represents Mr. Masao Hayashi in the matter of MUR 2846.

In the event that the Office of the General Counsel decides to recommend further action in this matter, we would like to explore the possibility of conciliation before a determination of probable cause is made by the Commission and prior to the initiation of an investigation in order to avoid the expense and inconvenience resulting from such an investigation. This request for conciliation is made although our client neither admits nor denies the violation of any Federal statutes or regulations of the Federal Election Commission and reserves the right to raise any legal defenses in the event that conciliation efforts are unsuccessful.

If we can be of any assistance to you to facilitate this matter, please feel free to call on us.

Sincerely,

Michael K. Tanigawa

MICHAEL K. TANIGAWA
Attorney for Masao Hayashi

MKT:ctk

24043570230

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2846

NAME OF COUNSEL: TANIGAWA & TANIGAWA

ADDRESS: Suite 1550 Pacific Tower
1001 Bishop Street
Honolulu, Hawaii 96813

TELEPHONE: (808) 521-8354

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

April 27, 1989
Date

Masao Hayashi
Signature MASAO HAYASHI

RESPONDENT'S NAME: MASAO HAYASHI

ADDRESS: Suite 1201
2270 Kalakaua Avenue
Honolulu, Hawaii 96815

HOME PHONE:

BUSINESS PHONE: (808) 922-0220

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06C2753

TANIGAWA & TANIGAWA
Attorneys at Law
Suite 1550 Pacific Tower
1001 Bishop Street
Honolulu, Hawaii 96813

Herbert H. Tanigawa
Michael K. Tanigawa

Telephone
(808) 521-8354

RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION
89 MAY 15 AM 10:42

May 10, 1989

Patty Reilly, Esq.
General Counsel's Office
Federal Election Commission
999 E. Street, NW
Washington, D.C. 20463

Re: MUR 2846
MASAO HAYASHI

89 MAY 15 PM 3:08

Dear Ms. Reilly:

The distance and time difference between your office and mine have impaired my ability to send you a formal response within the time originally allowed. In addition, it has become necessary for me to investigate certain facts related to the complaint in order to fully respond to the allegations. For these reasons I would greatly appreciate an extension of time in which to submit a formal response to the complaint filed in this case. I anticipate a delay of approximately thirty days from the date of this letter.

Thank you for your help in this matter.

Sincerely,

Michael K. Tanigawa

MICHAEL K. TANIGAWA
Attorney for Masao Hayashi

MKT:ctk

2404357025 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 1st, 1989

Michael K. Tanigawa, Esquire
Tanigawa & Tanigawa
Suite 1550 Pacific Tower
1001 Bishop Street
Honolulu, Hawaii

RE: MUR 2846
Masao Hayashi

Dear Mr. Tanigawa:

The Office of the General Counsel is in receipt of your recent request for an extension of time to respond to the complaint in the above-captioned matter. After considering the circumstances as detailed in your letter, this Office will grant the requested extension. Accordingly, your response is due no later than June 9, 1989.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

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RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

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89 MAY -8 AM 9:37

HONG, IWAI AND HULBERT

GEORGE S. W. HONG
DONALD K. IWAI
NEIL F. HULBERT+
CAROL LEE HONG
JEFFREY C. WILK
ROY K. KAWANO
HARLAN Y. KIMURA

+A LAW CORPORATION

ATTORNEYS AT LAW
SUITE 2200, PAUAHI TOWER
BISHOP SQUARE
1001 BISHOP STREET
HONOLULU, HAWAII 96813

TELEPHONE
(808) 524-4900

FAX
(808) 528-5473

May 1, 1989

89 MAY -9 PM 3:39

Ms. Patty Reilly
Federal Election Commission
Washington, D.C. 20463

Dear Ms. Reilly:

Re: Yoshinori Hayashida
MUR 2846

Reference is hereby made to your letter of April 17, 1989, by George F. Rishel. Enclosed herewith is the designation of counsel form signed by Mr. Hayashida. Mr. Rishel's letter was received by Mr. Hayashida on April 21. Request is hereby made for an extension of time for Mr. Hayashida's response up to and including May 22, 1989. Over the course of the next week or so, I have several Federal Court hearings and nine (9) depositions scheduled. I will not be able to devote significant time to Mr. Hayashida's response until the week of May 8, 1989.

Very truly yours,

HONG, IWAI AND HULBERT

By Neil F. Hulbert

NFH:et

Enclosure

2404357025 4

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2846

NAME OF COUNSEL: Neil F. Hulbert

ADDRESS: Suite 2200, Pauahi Tower
1001 Bishop Street
Honolulu, HI 96813

TELEPHONE: 524-4900

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

5/1/89
Date

Signature

RESPONDENT'S NAME: Yoshinori Hayashida

ADDRESS: 712 Paoo Street
Honolulu, HI 96825

HOME PHONE: 396-4808

BUSINESS PHONE: 225-7954

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 17, 1989

Neal F. Hulbert
Hong, Iwai & Hulbert
Suite 2200, Pauahi Tower
1001 Bishop Street
Honolulu, Hawaii 96813

RE: MUR 2846
Yoshinori Hayashida

Dear Mr. Hulbert:

The Office of the General Counsel is in receipt of your recent request for an extension of time to respond to the complaint in the above-captioned matter. After considering the circumstances as detailed in your letter, this Office will grant the requested sixteen day extension. Accordingly, your response is due no later than May 22, 1989.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

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OOC 2683

RECEIVED
FEDERAL ELECTIONS COMMISSION
ADMINISTRATIVE DIVISION
89 MAY -8 AM 9:10

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813 / TELEPHONE 523-4000

DAVID W. KAHANU
COUNCILMEMBER

May 2, 1989

89 MAY -8 PM 3:40

Mr. Lawrence M. Noble
General Counsel
Federal Elections Commission
999 E Street, N. W.
Washington, D. C. 20463

Dear Mr. Noble:

We are in receipt of your letter dated April 17, 1989 (MUR 2846), attaching material pertaining to alleged violations of the Federal Campaign Spending Laws. We are informed that complaints received by the Federal Elections Commission may involve me also.

In reviewing the material sent, we are unable to determine how it applies to us or specifically where we have violated the Federal Election Campaign Act of 1970.

We would appreciate your informing us of any specific violations by my campaign and what complaints have been made against us.

Sincerely,

DAVID W. KAHANU
Councilman
Windward Oahu - District II

DWK:TW:dsf

24043570257

OGC 2682

RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION

89 MAY -8 AM 9:08

LEIGH-WAI DOO
1188 Bishop Street, Suite 1203
Honolulu, Hawaii 96813
(808) 544-0963

89 MAY -8 PM 3:40

May 2, 1989

George F. Rishel
Acting Associate General Counsel
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

RE: MUR 2846

Dear Mr. Rishel:

Thank you for your letter which we received on April 21, 1989. It contained a letter complaint against our Governor's receipt of contributions and related newspaper articles. Mr. Gene K. H. Lum spoke to your office on April 24, 1989, to inquire whether the complaint is against me. It was reported that since my name was mentioned in one newspaper article that was the complaint.

Of the material you provided, we have located my name mentioned in Star-Bulletin article of 02/02/89. It makes a two sentence reference of contributions made during my City Council's primary election; $1,000 from Mr. Ken Y. Hayashida and $1,000 from Mr. Masanori Kobayashi.

I am informed that Messrs. Hayashida and Kobayashi are permanent resident aliens, commonly referred to as Green Card Holders, of the United States. With that status, I am informed that under the Federal Election Campaign Act of 1971 they are allowed to make personal political contributions to candidates for public office like myself. If the information is incorrect, I will be glad to do whatever you deem appropriate including returning the contribution to the contributor who is deemed to lack the capacity to contribute.

Please feel free to call me if I may answer any further questions. And please let me know if there is anything that I should correct.

Sincerely,

Leigh-Wai Doo

LEIGH-WAI DOO

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FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION
89 MAY -8 AM 11:13

GRAHAM & JAMES
ONE MARITIME PLAZA
THIRD FLOOR
SAN FRANCISCO, CALIFORNIA 94111
TELEPHONE (415) 954-0200

OTHER OFFICES
LOS ANGELES, CA
LONG BEACH, CA
NEWPORT BEACH, CA
PALO ALTO, CA
NEW YORK, NY
WASHINGTON, DC
RALEIGH, NC
MILAN
HONG KONG
BEIJING
TOKYO

AFFILIATED OFFICE
KUWAIT

TELEX
W. U. 340149 CHALGRAY SFO
M. C. I. 275138 GJ SFO

FACSIMILE
(415) 391-3493
(415) 391-3508

CABLE
CHALGRAY, SAN FRANCISCO, CA

WRITER'S DIRECT DIAL NUMBER
(415) 954-0220

May 5, 1989

Federal Election Commission
Attn: George F. Rishel, Esq.
Acting Associate General Counsel
999 E Street, N.W.
Washington DC 20463

MUR 2846
American Hawaii Cruises
Our File: AHC-1.1

Ladies and Gentlemen:

On behalf of American Hawaii Cruises, Inc., we respond to your letter of April 17, 1989, with enclosures, received by American Hawaii Cruises, Inc. on April 24, 1989. We enclose a statement of designation of counsel of the undersigned for American Hawaii Cruises, Inc.

We note that the 13th Count of the written complaint submitted by Anthony P. Locricchio, Esq., et al., by Mr. Locricchio's letter of March 29, 1989, alleges that the stock of American Hawaii Cruises is owned by a foreign national. As demonstrated by the enclosed Affidavit of Arthur P. Herman, and the documents attached thereto, the allegations of the written complaint are incorrect and without foundation because American Hawaii Cruises is owned by United States citizens, American Global Line, Inc. and American Hawaii Cruises, Inc.

American Hawaii Cruises is a joint venture comprised of American Global Line, Inc., a Delaware corporation (and the owner of the SS INDEPENDENCE and the SS CONSTITUTION), and American Hawaii Cruises, Inc., a Delaware corporation ,and a wholly-owned subsidiary of American Global Line, Inc.

American Hawaii Cruises has, since 1980, operated the SS INDEPENDENCE and, since 1982, the SS CONSTITUTION as United States flag cruise vessels in the passenger trade between the Hawaiian Islands, which is coastwise trade.

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Under the Jones Act, 46 U.S.C. §§883 and 298, only United States flag vessels can engage in coastwise trade and the ownership and control of such vessels must be at least 75% vested in United States citizens under 46 U.S.C. §802.

American Global Line, Inc., in compliance with 46 U.S.C. §802 has at all relevant times:

(1) Had at least 75% of its outstanding stock owned by citizens of the United States, which stock was at all times and is free from any trust or fiduciary obligation in favor of any person who is not a citizen of the United States; and

(2) Had at least 75% of the corporation's voting power and control vested in citizens of the United States.

Further, there have been no other means whatsoever whereby control of any interest in the corporation in excess of 25% is conferred upon or permitted to be exercised by any person who is not a citizen of the United States.

At all relevant times the President or other Chief Executive Officers and the Chairman of the Board of Directors of American Global Line, Inc. have been citizens of the United States as required by 46 U.S.C. §802, and the United States citizenship of its Directors meet the requirement of 46 U.S.C. §802. American Hawaii Cruises has at all times adhered to the same United States citizenship standards with respect to its Board of Directors and Officers.

Thus, under 46 U.S.C. §802 and the applicable regulations, American Global Line, Inc. has at all times, and is, deemed a citizen of the United States by 46 U.S.C. §802. American Hawaii Cruises, Inc. as a wholly-owned subsidiary of American Global Line, Inc. is likewise a United States citizen as is American Hawaii Cruises, a joint venture of these two corporations.

In support of the above facts, we submit the enclosed Affidavit of Arthur P. Herman, to which are attached copies of the requisite Articles of Incorporation and pertinent Amendments of American Global Line, Inc. and American Hawaii Cruises, Inc., and other relevant documents which evidence the above facts. Obviously the complainants, Locricchio, et al., are incorrect and careless in their allegations regarding American Hawaii Cruises.

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Should the Federal Election Commission require more information or have questions, we would be pleased to respond to the same.

We thank you for your time and consideration.

Very truly yours,

Sam D. Delich
of
GRAHAM & JAMES

SDD:o
cc American Hawaii Cruises, Inc./San Francisco
Attn: Arthur P. Herman, Secretary

Enclosures

9404357026 1

STATEMENT OF DESIGNATION OF COUNSEL

NOR _____

NAME OF COUNSEL: Sam D. Delich, Esq.

ADDRESS: Graham & James

One Maritime Plaza, Suite 300

San Francisco CA 94111

TELEPHONE: (415) 954-0200

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

AMERICAN HAWAII CRUISES,
a Joint Venture

Arthur P. Herman

April 25, 1989
Date

Secretary of American Global Line, Inc. and American Hawaii Cruises, Inc., joint adventurers in American Hawaii Cruises, a Joint Venture

RESPONDENT'S NAME: American Hawaii Cruises, Inc.

ADDRESS: 550 Kearny Street

San Francisco CA 94108

HOME PHONE: _____

BUSINESS PHONE: (415) 392-9400

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AFFIDAVIT OF ARTHUR P. HERMAN

ARTHUR P. HERMAN, the undersigned, being duly sworn, deposes and states as follows:

1. I am the Secretary of American Global Line, Inc. and American Hawaii Cruises, Inc., and in that position, make the following statements based upon my personal knowledge, information and belief based upon the business records of American Global Line, Inc. and American Hawaii Cruises, Inc. and American Hawaii Cruises and the information provided me by Graham & James, attorneys for the above-entities since the inception of each entity.

2. American Hawaii Cruises is a joint venture of American Global Line, Inc., a shipowner, and American Hawaii Cruises, Inc., an operating company, and at all times has operated the SS INDEPENDENCE and the SS CONSTITUTION in the Hawaiian coastwise trade since each of those two vessels were placed in the Hawaiian coastwise trade. The SS INDEPENDENCE commenced the Hawaiian coastwise trade as a passenger cruise vessel enrolled as United States flag vessel in 1980. The SS CONSTITUTION entered the same trade enrolled as a United States flag vessel in 1982.

3. American Global Line, Inc. was originally incorporated in and is still incorporated in the State of Delaware, the United States of America. Attached to my Affidavit as Exhibit A are genuine copies of the Articles of Incorporation and pertinent Amendments thereof of American Global Line, Inc. filed with the Secretary of State of Delaware, together with the most current Certificate of Good Standing of that corporation in the company's records. American Global Line, Inc. is still in good standing with the State of Delaware.

4. American Global Line, Inc. has been and is the owner of the SS INDEPENDENCE and SS CONSTITUTION, since each vessel was placed in the Hawaiian coastwise trade. A genuine copy of the Certificate of Ownership and abstract of title of each vessel as filed with the United States Coast Guard in Honolulu, Hawaii, is attached hereto as Exhibits B and C.

5. American Hawaii Cruises, Inc. was originally incorporated in the State of Delaware and still is incorporated in Delaware. A copy of the Articles of Incorporation and pertinent Amendments, together with the most current available Certificate of Good Standing of American Hawaii Cruises, Inc. as filed with and issued by the Secretary of the State of Delaware is attached hereto as Exhibit D. American Hawaii Cruises, Inc. is still in good standing with the State of Delaware.

6 Since their respective dates of incorporation, 75% or more of the outstanding stock of American Global Line, Inc. and American Hawaii Cruises, Inc. has been and is owned by United States citizens; and 75% or more of the stock ownership and control of each such corporation has been and presently does reside in United States citizens in compliance with the requirements of 46 U.S.C. §802 and applicable regulations, 46 C.F.R. Subpart 67.03 - Ship Requirements for Vessel Documentation. A copy of the Declaration of Citizenship of American Global Line, Inc., as owner of the two above identified vessels and filed with the United States Coast Guard on June 1, 1987, is attached hereto as Exhibit E. Prior such Declarations filed since 1980 are of public record with the United States Coast Guard, Honolulu, Hawaii.

7. The citizenship of the Directors and Officers of American Global Line, Inc. and American Hawaii Cruises, Inc. has, since the date of incorporation, and presently does comply with the United States citizenship requirements of 46 U.S.C. §802.

Further, affiant saith not.

Arthur P. Herman

Arthur P. Herman

STATE OF CALIFORNIA)
) ss
CITY AND COUNTY OF SAN FRANCISCO)

On this 5th day of May, 1989, before me Desiree Duncan, Notary Public, State of California, duly licensed and sworn, personally appeared ARTHUR P. HERMAN, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed the within instrument as Secretary on behalf of the corporations therein named and acknowledged to me that he executed the within instrument pursuant to its by-laws or a Resolution of its Board of Directors.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in San Francisco, State of California, on the date set forth above in this Affidavit.

Desiree Duncan

Notary Public

OFFICIAL SEAL
DESIREE DUNCAN
NOTARY PUBLIC - CALIFORNIA
SAN FRANCISCO COUNTY
My comm. expires AUG 21, 1992

My commission expires: 8/21/92

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EXHIBIT A

State of Delaware

Office of Secretary of State

I, MICHAEL HARKINS, SECRETARY OF STATE OF THE STATE OF DELAWARE DO HEREBY CERTIFY AMERICAN GLOBAL LINE INC. IS DULY INCORPORATED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL CORPORATE EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE DATE SHOWN BELOW.

! ! ! ! ! ! ! ! ! ! !

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Michael Harkins, Secretary of State

AUTHENTICATION: 11511304

DATE: 12/22/1987

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CERTIFICATE OF INCORPORATION

of

AMERICAN HAWAIIAN CRUISING LINE INC.

THE UNDERSIGNED, in order to form a corporation for the purposes hereinafter stated, under and pursuant to the provisions of the General Corporation Law of the State of Delaware, does hereby certify as follows:

FIRST: The name of the corporation is AMERICAN HAWAIIAN CRUISING LINE INC. (hereinafter sometimes called the "Corporation").

SECOND: The address of the Corporation's registered office in the State of Delaware is 100 West Tenth Street, City of Wilmington, County of New Castle, State of Delaware. The name of its registered agent at such address is The Corporation Trust Company.

THIRD: The purpose of the Corporation is to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of Delaware, including, but in no manner whatsoever limited

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to, the ownership, operation and chartering of ocean-going passenger and cargo vessels in the foreign and coasting trades of the United States of America.

FOURTH: The Corporation shall have all of the powers from time to time specifically set forth in the General Corporation Law of Delaware and, in addition thereto, any and all powers incidental to the powers and privileges granted by said Law or by any other law of the State of Delaware or by this Certificate of Incorporation, as any of the same may be amended from time to time, so far as such powers and privileges are necessary or convenient to the conduct, promotion or attainment of the business or purpose of the Corporation set forth at Article THIRD hereof.

FIFTH: The total number of shares of stock which the Corporation is authorized to issue is 100,000, each having a par value of One Dollar ($1.00).

SIXTH: The name and mailing address of the incorporator is as follows:

Joseph Peter Flemming
71 Broadway
New York, New York 10005

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SEVENTH: The following provisions are inserted for the management of the business and for the conduct of the affairs of the Corporation, and for the creation, definition, limitation and regulation of the powers of the Corporation, its directors and stockholders:

1. The number of directors of the Corporation shall be such as from time to time shall be fixed by, or in the manner provided in the by-laws. Election of directors need not be by ballot unless the by-laws so provide.

2. The Board of Directors shall have the power to adopt, amend or repeal by-laws of the Corporation, but such power shall not divest the stockholders of, nor limit, their power to adopt, amend or repeal by-laws.

3. At all elections of directors of the Corporation, each holder of stock or of any class or classes or of a series thereof shall be entitled to as many votes as shall equal the number of votes which (except for such provision as to cumulative voting) he would be entitled to cast for the election of directors with respect to his shares of stock multiplied by the number of directors to be elected by him, and he may cast all of such votes for a single director or may distribute them among the number to be voted for, or for any two or more of them as he may see fit.

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4. Any director or the entire Board of Directors may be removed, with or without cause, by the holders of a majority of the shares then entitled to vote at an election of directors, except that if less than the entire board is to be removed, no director may be removed without cause if the votes cast against his removal would be sufficient to elect him if then cumulatively voted at an election of the entire board of directors, or, if there be classes of directors, at an election of the class of directors of which he is a part.

5. The number of directors necessary to constitute a quorum for the transaction of business shall be as established by the by-laws of the Corporation.

6. So long as the Corporation may own, operate, charter or otherwise hold any interest in any vessel of the United States as such term is defined in Title 46 of the United States Code as the same may be

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amended from time to time, the chairman, if any, of the Board of Directors and the president or other chief executive officer of the Corporation shall be citizens of the United States.

EIGHTH: The Corporation shall, to the full extent permitted by Section 145 of the Delaware General Corporation Law, as amended from time to time, indemnify all persons whom it may indemnify pursuant thereto.

NINTH: Whenever a compromise or arrangement is proposed between this Corporation and its creditors or any class of them and/or between this Corporation and its stockholders or any class of them, any court of equitable jurisdiction within the State of Delaware may, on the application in a summary way of this Corporation or of any creditor or stockholder thereof or on the application of any receiver or receivers appointed for this Corporation under the provisions of section 291 of Title 8 of the Delaware Code or on the application of trustees in dissolution or of any receiver or receivers appointed for this Corporation under the provisions of section 279 of Title 8 of the Delaware Code order a meeting of the creditors or class of creditors, and/or of the stockholders or class of stockholders of this Corporation, as the

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case may be, to be summoned in such manner as the said court directs. If a majority in number representing three-fourths in value of the creditors or class of creditors, and/or of the stockholders or class of stockholders of this Corporation, as the case may be, agree to any compromise or arrangement and to any reorganization of this Corporation as consequence of such compromise or arrangement, the said compromise or arrangement and the said reorganization shall, if sanctioned by the court to which the said application has been made, be binding on all the creditors or class of creditors, and/or on all the stockholders or class of stockholders, of this Corporation, as the case may be, and also on this Corporation.

IN WITNESS WHEREOF, I, the undersigned, being the incorporator named above, have hereunto set my hand and seal this 4th day of December, 1978.

(L.S.)

940435702 72

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

BE IT REMEMBERED that on this 4th day of December, 1978, personally came before me, Nancy Stevens, a Notary Public in and for the County and State aforesaid,

JOSEPH PETER FLEMMING

party to the foregoing Certificate of Incorporation, known to me personally to be such, and acknowledged the said Certificate to be his act and deed, and that the facts therein stated are true.

GIVEN under my hand and seal of office the day and year aforesaid.

Nancy Stevens

NOTARIAL SEAL

NANCY GALLO
Notary Public, State of New York
No. 24-4635702
Qualified in Kings County
Certificate Filed in New York County
Commission Expires March 30, 1979

24043570273

CERTIFICATE OF AMENDMENT
TO
CERTIFICATE OF INCORPORATION
OF
AMERICAN HAWAIIAN CRUISING LINE INC.
Pursuant to Section 242 of the Delaware Corporation Law

The undersigned, CONRAD EVERHARD and DAISY WOO, being the Chairman of the Board of Directors and Secretary, respectively, of AMERICAN HAWAIIAN CRUISING LINE INC., a Delaware corporation, for the purposes of amending the Certificate of Incorporation of said corporation pursuant to Section 242 of the Delaware Corporation Law, do hereby execute, acknowledge and file this Certificate of Amendment as follows:

1. The name of the corporation is, and has at all times since original incorporation been:

AMERICAN HAWAIIAN CRUISING LINE INC.

2. The Certificate of Incorporation of the corporation was filed with the Secretary of State of the State of Delaware on December 5, 1978.

3. The provision of the Certificate of Incorporation which is to be amended is Article FIRST, which is hereby

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amended to read as follows:

"FIRST: The name of the corporation is AMERICAN GLOBAL LINE INC. (hereinafter sometimes called the 'Corporation')."

4. The board of directors of the corporation has, by unanimous written consent given in accordance with the provisions of Section 141(f) of the Delaware Corporation Law, adopted a resolution setting forth the foregoing amendment and declaring its advisability.

5. The foregoing amendment to the Certificate of Incorporation has been duly authorized by unanimous written consent of the stockholders of the corporation given in accordance with the provisions of Section 228 of the Delaware Corporation Law.

6. The foregoing amendment has therefore been duly adopted in accordance with the provisions of Section 242 of the Delaware Corporation Law.

IN WITNESS WHEREOF we have executed this Certificate of Amendment this 6th day of May, 1980.

Conrad Everhard, Chairman of the Board of Directors

ATTEST: Daisy Woo, Secretary

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EXHIBIT B

CERTIFICATE OF OWNERSHIP OF VESSEL

DATE ISSUED

1 VESSEL

A NAME OF VESSEL	B OFFICIAL NUMBER	C HOME PORT
INDEPENDENCE	261 147	Honolulu, Hawaii

2 OWNERSHIP CERTIFICATION

I HEREBY CERTIFY THAT THE ABOVE-NAMED VESSEL, BEARING THE OFFICIAL NUMBER INDICATED, IS OWNED AS FOLLOWS:

AMERICAN GLOBAL LINE INC.
604 Fort Street
Honolulu, Hawaii 96813

3 ENCUMBRANCES

AND THAT THE FOLLOWING MORTGAGES, LIENS, OR OTHER ENCUMBRANCES ARE OF RECORD AT THIS OFFICE:

A KIND OF ENCUMBRANCE: First Preferred Mortgage

(1) GRANTOR	(2) GRANTEE	(3) DATE OF INSTRUMENT / (4) AMOUNT / (5) MATURITY DATE
American Global Line Inc.	Morgan Guaranty Trust Company of New York	15 September 1982 / $57,371,568.36 / 15 September 1992

	(a) DATE	(b) TIME	(c) BOOK	(d) PAGE
6 RECORDATION DATA	15 SEP 1982	10:45 AM	PM 16	118
7 ENDORSEMENT DATA	15 SEP 1982	10:50 AM	Honolulu, Hawaii	

B KIND OF ENCUMBRANCE: Amendment to First Preferred Mortgage

(1) GRANTOR	(2) GRANTEE	(3) DATE OF INSTRUMENT / (4) AMOUNT / (5) MATURITY DATE
American Global Line Inc.	Morgan Guaranty Trust Company of New York	29 December 1982 / $57,371,568.38 / 15 September 1992

	(a) DATE	(b) TIME	(c) BOOK	(d) PAGE
6 RECORDATION DATA	31 DEC 1982	12:25 PM	PM 17	17
7 ENDORSEMENT DATA	31 DEC 1982	12:30 PM	Honolulu, Hawaii	

C KIND OF ENCUMBRANCE: Amendment to First Preferred Mortgage

(1) GRANTOR	(2) GRANTEE	(3) DATE OF INSTRUMENT / (4) AMOUNT / (5) MATURITY DATE
American Global Line Inc.	Morgan Guaranty Trust Company of New York	23 April 1985 / $57,371,568.38 / 15 September 1992

	(a) DATE	(b) TIME	(c) BOOK	(d) PAGE
6 RECORDATION DATA	30 APR 1985	9:30 AM	PM 22	21
7 ENDORSEMENT DATA	4 MAY 1985	1:00 PM	Honolulu, Hawaii	

ISSUED DATE 30 December 1987 TIME

SEAL

SEE ATTACHMENT
DOCUMENTATION OFFICER

2404357027 7

SS INDEPENDENCE

CERTIFICATE OF OWNERSHIP OF VESSEL

1. VESSEL

A. NAME OF VESSEL	B. OFFICIAL NUMBER	C. HOME PORT
INDEPENDENCE	261 147	Honolulu, Hawaii

2. OWNERSHIP CERTIFICATION

I HEREBY CERTIFY THAT THE ABOVE-NAMED VESSEL, BEARING THE OFFICIAL NUMBER INDICATED, IS OWNED AS FOLLOWS:

AMERICAN GLOBAL LINE INC.
604 Fort Street
Honolulu, Hawaii 96813

3. ENCUMBRANCES

AND THAT THE FOLLOWING MORTGAGES, LIENS, OR OTHER ENCUMBRANCES ARE OF RECORD AT THIS OFFICE:

A. KIND OF ENCUMBRANCE: Amendment to First Preferred Mortgage

(1) GRANTOR	(2) GRANTEE	(3) DATE OF INSTRUMENT	(4) AMOUNT	(5) MATURITY DATE
American Global Line Inc.	Morgan Guaranty Trust Company of New York	26 May 1987	$117,222,856.00	22 November 1993

6. RECORDATION DATA	(a) DATE	(b) TIME	(c) BOOK	(d) PAGE
	26 MAY 1987	6:30 PM	PM 27	73

7. ENDORSEMENT DATA	(a) DATE	(b) TIME	(c) PORT
	26 MAY 1987	6:35 PM	Honolulu, Hawaii

B. KIND OF ENCUMBRANCE: Second Preferred Fleet Mortgage

(1) GRANTOR	(2) GRANTEE	(3) DATE OF INSTRUMENT	(4) AMOUNT	(5) MATURITY DATE
American Global Line Inc.	Trust Services of America, Inc.	26 May 1987	$12,000,000.00	26 May 1995

6. RECORDATION DATA	(a) DATE	(b) TIME	(c) BOOK	(d) PAGE
	26 MAY 1987	7:00 PM	PM 27	74

7. ENDORSEMENT DATA	(a) DATE	(b) TIME	(c) PORT
	26 MAY 1987	7:05 PM	Honolulu, Hawaii

C. KIND OF ENCUMBRANCE: Amendment to First Preferred Mortgage

(1) GRANTOR	(2) GRANTEE	(3) DATE OF INSTRUMENT	(4) AMOUNT	(5) MATURITY DATE
American Global Line Inc.	Morgan Guaranty Trust Company of New York	30 December 1987	$161,883,689.50	20 November 1993

6. RECORDATION DATA	(a) DATE	(b) TIME	(c) BOOK	(d) PAGE
	30 DEC 1987	7:00 PM	PM 28	111

7. ENDORSEMENT DATA	(a) DATE	(b) TIME	(c) PORT
	30 DEC 1987	7:05 PM	Honolulu, Hawaii

ISSUED DATE 30 December 1987 TIME

SEAL

SEE ATTACHMENT
DOCUMENTATION OFFICER

Previous Edition Obsolete

SS INDEPENDENCE

9404357027 8

DEPARTMENT OF TRANSPORTATION
MA CONTROL
CG-1330 (REV.)

CERTIFICATE OF OWNERSHIP OF VESSEL

OMB APPROVED
2115-0110

1. VESSEL

A. NAME OF VESSEL	B. OFFICIAL NUMBER	C. HOME PORT
INDEPENDENCE	261 147	Honolulu, Hawaii

2. OWNERSHIP CERTIFICATION

I HEREBY CERTIFY THAT THE ABOVE-NAMED VESSEL, BEARING THE OFFICIAL NUMBER INDICATED, IS OWNED AS FOLLOWS:

AMERICAN GLOBAL LINE INC.
604 Port Street
Honolulu, Hawaii 96813

3. ENCUMBRANCES

AND THAT THE FOLLOWING MORTGAGES, LIENS, OR OTHER ENCUMBRANCES ARE OF RECORD AT THIS OFFICE:

A. KIND OF ENCUMBRANCE: Amendment to Second Preferred Fleet Mortgage

(1) GRANTOR	(2) GRANTEE	(3) DATE OF INSTRUMENT	(4) AMOUNT	(5) MATURITY DATE
American Global Line Inc.	Trust Services of America, Inc.	30 December 1987	$12,000,000.00	26 May 1995

	(a) DATE	(b) TIME	(c) BOOK	(d) PAGE
6. RECORDATION DATA	30 DEC 1987	8:00 PM	PM 28	113
7. ENDORSEMENT DATA	30 DEC 1987	8:05 PM	(c) PORT: Honolulu, Hawaii	

B. KIND OF ENCUMBRANCE:

(1) GRANTOR	(2) GRANTEE	(3) DATE OF INSTRUMENT	(4) AMOUNT	(5) MATURITY DATE

	(a) DATE	(b) TIME	(c) BOOK	(d) PAGE
6. RECORDATION DATA				
7. ENDORSEMENT DATA			(c) PORT	

C. KIND OF ENCUMBRANCE:

(1) GRANTOR	(2) GRANTEE	(3) DATE OF INSTRUMENT	(4) AMOUNT	(5) MATURITY DATE

	(a) DATE	(b) TIME	(c) BOOK	(d) PAGE
6. RECORDATION DATA				
7. ENDORSEMENT DATA			(c) PORT	

ISSUED DATE 30 December 1987 TIME 9:35 PM

L. Higa

L. HIGA
DOCUMENTATION OFFICER

SEAL

Previous Edition Obsolete

7530-00-FO1-1080

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SS INDEPENDENCE

CERTIFICATE OF OWNERSHIP OF VESSEL

OMB APPROVED
21-Oct-86

1 VESSEL

A NAME OF VESSEL	B OFFICIAL NUMBER	C HOME PORT
CONSTITUTION	262 027	Honolulu, Hawaii

2 OWNERSHIP CERTIFICATION

I HEREBY CERTIFY THAT THE ABOVE-NAMED VESSEL BEARING THE OFFICIAL NUMBER INDICATED IS OWNED AS FOLLOWS

AMERICAN GLOBAL LINE INC.
604 Fort Street
Honolulu, Hawaii 96813

3 ENCUMBRANCES

AND THAT THE FOLLOWING MORTGAGES, LIENS, OR OTHER ENCUMBRANCES ARE OF RECORD AT THIS OFFICE

A KIND OF ENCUMBRANCE
First Preferred Mortgage

(1) GRANTOR	(2) GRANTEE	(3) DATE OF INSTRUMENT / (4) AMOUNT / (5) MATURITY DATE
American Global Line Inc.	Morgan Guaranty Trust Company of New York	15 September 1982 / $57,371,568.38 / 15 September 1992

	(a) DATE	(b) TIME	(c) BOOK	(d) PAGE
4 RECORDATION DATA	15 SEP 1982	10:45 AM	PM 16	119
5 ENDORSEMENT DATA	15 SEP 1982	10:50 AM	Honolulu, Hawaii	

B KIND OF ENCUMBRANCE
Amendment to First Preferred Mortgage

(1) GRANTOR	(2) GRANTEE	(3) DATE OF INSTRUMENT / (4) AMOUNT / (5) MATURITY DATE
American Global Line Inc.	Morgan Guaranty Trust Company of New York	29 December 1982 / $57,371,568.38 / 15 September 1992

	(a) DATE	(b) TIME	(c) BOOK	(d) PAGE
4 RECORDATION DATA	31 DEC 1982	12:25 PM	PM 17	18
5 ENDORSEMENT DATA	31 DEC 1982	12:30 PM	Honolulu, Hawaii	

C KIND OF ENCUMBRANCE
Amendment to First Preferred Mortgage

(1) GRANTOR	(2) GRANTEE	(3) DATE OF INSTRUMENT / (4) AMOUNT / (5) MATURITY DATE
American Global Line Inc.	Morgan Guaranty Trust Company of New York	23 April 1985 / $57,371,568.38 / 15 September 1992

	(a) DATE	(b) TIME	(c) BOOK	(d) PAGE
4 RECORDATION DATA	30 APR 1985	9:40 AM	PM 22	22
5 ENDORSEMENT DATA	4 MAY 1985	1:05 PM	Honolulu, Hawaii	

ISSUED DATE 30 December 1987 TIME

SEE ATTACHMENT
DOCUMENTATION OFFICER

SEAL

Previous Edition Obsolete

1130-05 FEB 1985

SS CONSTITUTION

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DEPARTMENT OF TRANSPORTATION
U.S. COAST GUARD
CG-1300 (REV.)

CERTIFICATE OF OWNERSHIP OF A VESSEL

OMB APPROVED
2115-0110

1. VESSEL

A. NAME OF VESSEL	B. OFFICIAL NUMBER	C. HOME PORT
CONSTITUTION	262 027	Honolulu, Hawaii

2. OWNERSHIP CERTIFICATION

I HEREBY CERTIFY THAT THE ABOVE-NAMED VESSEL, BEARING THE OFFICIAL NUMBER INDICATED, IS OWNED AS FOLLOWS:

AMERICAN GLOBAL LINE INC.
604 Fort Street
Honolulu, Hawaii 96813

3. ENCUMBRANCES

AND THAT THE FOLLOWING MORTGAGES, LIENS, OR OTHER ENCUMBRANCES ARE OF RECORD AT THIS OFFICE:

A. KIND OF ENCUMBRANCE: Amendment to First Preferred Mortgage

(1) GRANTOR	(2) GRANTEE	(3) DATE OF INSTRUMENT / (4) AMOUNT / (5) MATURITY DATE
American Global Line Inc.	Morgan Guaranty Trust Company of New York	26 May 1987 / $117,222,856.00 / 22 November 1993

6. RECORDATION DATA	(a) DATE	(b) TIME	(c) BOOK	(d) PAGE
	26 MAY 1987	5:30 PM	PM 27	66

7. ENDORSEMENT DATA	(a) DATE	(b) TIME	(c) PORT
	26 MAY 1987	5:35 PM	Honolulu, Hawaii

8. KIND OF ENCUMBRANCE: Second Preferred Fleet Mortgage

(1) GRANTOR	(2) GRANTEE	(3) DATE OF INSTRUMENT / (4) AMOUNT / (5) MATURITY DATE
American Global Line Inc.	Trust Services of America, Inc.	26 May 1987 / $12,000,000.00 / 26 May 1995

6. RECORDATION DATA	(a) DATE	(b) TIME	(c) BOOK	(d) PAGE
	26 MAY 1987	7:00 PM	PM 27	74

7. ENDORSEMENT DATA	(a) DATE	(b) TIME	(c) PORT
	26 MAY 1987	7:05 PM	Honolulu, Hawaii

C. KIND OF ENCUMBRANCE: Amendment to First Preferred Mortgage

(1) GRANTOR	(2) GRANTEE	(3) DATE OF INSTRUMENT / (4) AMOUNT / (5) MATURITY DATE
American Global Line Inc.	Morgan Guaranty Trust Company of New York	30 December 1987 / $161,883,688.50 / 20 November 1993

6. RECORDATION DATA	(a) DATE	(b) TIME	(c) BOOK	(d) PAGE
	30 DEC 1987	7:40 PM	PM 28	112

7. ENDORSEMENT DATA	(a) DATE	(b) TIME	(c) PORT
	30 DEC 1987	7:45 PM	Honolulu, Hawaii

ISSUED DATE 30 December 1987 TIME

SEAL

SEE ATTACHMENT
DOCUMENTATION OFFICER

Previous Edition Obsolete

7530-00-FS1-1000

SS CONSTITUTION

9404357028 1

DEPARTMENT OF TRANSPORTATION
U.S. COAST GUARD
CG-1330 (REV. 9-82)

CERTIFICATE OF OWNERSHIP OF VESSEL

OMB APPROVED
2115-0110

1. VESSEL

A. NAME OF VESSEL	B. OFFICIAL NUMBER	C. HOME PORT
CONSTITUTION	262 027	Honolulu, Hawaii

2. OWNERSHIP CERTIFICATION

I HEREBY CERTIFY THAT THE ABOVE-NAMED VESSEL, BEARING THE OFFICIAL NUMBER INDICATED, IS OWNED AS FOLLOWS:

AMERICAN GLOBAL LINE INC.
604 Fort Street
Honolulu, Hawaii 96813

3. ENCUMBRANCES

AND THAT THE FOLLOWING MORTGAGES, LIENS, OR OTHER ENCUMBRANCES ARE ON RECORD AT THIS OFFICE:

A. KIND OF ENCUMBRANCE: Amendment to Second Preferred Fleet Mortgage

(1) GRANTOR	(2) GRANTEE	(3) DATE OF INSTRUMENT / (4) AMOUNT / (5) MATURITY DATE
Americal Global Line Inc.	Trust Services of America, Inc.	30 December 1987 / $12,000,000.00 / 26 May 1995

	(a) DATE	(b) TIME	(c) BOOK	(d) PAGE
6. RECORDATION DATA	30 DEC 1987	8:00 PM	PM 28	113
7. ENDORSEMENT DATA	30 DEC 1987	8:05 PM	(e) PORT: Honolulu, Hawaii	

B. KIND OF ENCUMBRANCE

(1) GRANTOR	(2) GRANTEE	(3) DATE OF INSTRUMENT / (4) AMOUNT / (5) MATURITY DATE

	(a) DATE	(b) TIME	(c) BOOK	(d) PAGE
6. RECORDATION DATA				
7. ENDORSEMENT DATA			(e) PORT	

C. KIND OF ENCUMBRANCE

(1) GRANTOR	(2) GRANTEE	(3) DATE OF INSTRUMENT / (4) AMOUNT / (5) MATURITY DATE

	(a) DATE	(b) TIME	(c) BOOK	(d) PAGE
6. RECORDATION DATA				
7. ENDORSEMENT DATA			(e) PORT	

ISSUED: DATE 30 December 1987 TIME 9:20 PM

L. Miyata
L. MIYATA
DOCUMENTATION OFFICER

SEAL

Previous Edition Obsolete

CG-1330-05-F01-1500

SS CONSTITUTION

2404357028 2

9404357028 3

EXHIBIT C

GENERAL INDEX OR ABSTRACT OF TITLE

Continuation Sheet No. 1

of _____

A & A & A.T. of INDEPENDENCE

Stage Barge of GOLDEN INDEPENDENCE

New York,N.Y. of _____

(as: PAR GOLDEN INDEPENDENCE 6/30-PENT)

This vessel was built at _____ in _____ of

by _____

as appears by _____

	Documentation Officer New York,N.Y.	Documentation Officer Wilmington, Delaware	Abstract of Title	6/27/79		June 3, 1980 8:30 a.m.	Book 25 Page 189	
	Vessel returned to U.	U. Registry in the ownership of AMERICAN GLOBAL LINE INC.				June 3, 1980		
	American Global Line Inc.	Morgan Guaranty Trust Company of New York	1st Pref. Mortgage All	6/3/80 6/3 /80	[illegible] Same as total amount.	June 3, 1980 9:40 a.m.	Book 1b7 Page 22	June 3, 1980 9:45 a.m. Wilm.,D
							I certify that the foregoing abstract is correct in accordance with the provisions of Section 27 of the Shipping Act, 1916, and Shipping Regulations, Section 3, 4 charge is collected. Port Wilmington, DE Date: 18 JUN 1980 By direction of the U.S. Philadelphia	

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GENERAL INDEX OR ABSTRACT OF TITLE

CONTINUATION SHEET NO. 1

The vessel was built at ____ in ____

by ____ for ____

as appears by ____

GRANTOR	GRANTEE	Kind of Instrument and Date of Instrument	Date of Entry and Date of Recording	Consideration	Recorded in Vessel	Recorded	Time of Entry and Date of Recording	Remarks
		Abstract of Title	3-26-85					
U. S. Court Cmsrd Wilmington, Delaware	U. S. Court Cmsrd Honolulu, Hawaii				3-2-85, 11:45 AM	88-7, P.26	3-2-85	
		Amend.#1 to 1st Pref.Mtg	6-29-85				7-20-85, 10:30 AM	
American Global Line,Inc.	Morgan Guaranty Trust Company of New York	Whole	6-03-87	[illegible]	7-20-85, 10:43 AM	IM 15, P.62	7-20-85, 10:55 AM	Recrd
		Satisfaction	4-15-92	$14,000,000.00				
Morgan Guaranty Trust Company of New York	American Global Line Inc	Whole			4-15-92, 9:30 AM	IM 16, P.77	4-15-92	
		1st Pref. Fleet Mtge.	4-15-92	[illegible]			4-15-92, 8:43 AM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York, as Trustee	Whole	4-15-92	None or total amount	4-15-92, 8:40 AM	IM 16, P.58	4-15-92, 8:50 AM	Recrd
		Claim of Lien	8-5-92	$14,229.46				
	San Francisco Elevator Co., Inc.	Whole			8-5-92, 2:05 PM	HL 1, P. 4		
		Lien Satisfaction	8-17-92	$14,229.46				
San Francisco Elevator Co., Inc.		Whole			8-20-92, 10:20 AM	HL 1, P. 3		
		Satisfaction	9-12-92	$38,375,000.00			9-15-92	
Morgan Guaranty Trust Company of New York, as Trustee	American Global Line Inc.	Whole			9-15-92, 10:20 AM	IM 16, P.117	9-15-92	Recrd
		Pref. Ship. Mtge.	9-15-92	[illegible]			9-15-92, 10:50 AM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Whole	9-15-92		9-15-92, 10:05 AM	IM 16, P.118	9-15-92, 10:55 AM	Recrd
		Amend. No. 1 to 1st Pref. Mtg.	12-29-92				12-30-92, 12:30 PM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Whole			12-31-92, 12:27 PM	1987, P.37		Recrd.
		Pref. Ship. Amendment	4-23-95				5-4-95, 1:00 PM	Recrd in Honolulu
American Global Line Inc	Morgan Guaranty Trust Company of New York	100%			4-30-95, 9:30 AM	IM22, P.21		
		Notice of Claim of Lien	10-10-95	$133,166.79				
	Halauhau Enterprises, Inc.	100%			10-15-95, 10:00 AM	HL 2, P.30		
		Satisfaction of Lien	10-20-95	$133,166.79				
Halauhau Enterprises, Inc.		100%			10-31-95, 2:30 PM	HL 2, P.33		

9404357025

GENERAL INDEX OR ABSTRACT OF TITLE

CONTINUATION SHEET NO. 1

261 147

The vessel was built at _____ in _____ of _____

by _____ for _____

as appears by _____

GRANTOR	GRANTEE	Kind of instrument and part conveyed	Date of instrument and date of recording	Consideration of instrument and interest conveyed	Recorded in Liber	Recorded	Time of entry in Register of Deeds or approval of Secretary of Transportation	Port where recorded
American Global Line Inc	Morgan Guaranty Trust Company of New York	Pref Fleet Ship Mtge.	10-26-05	$15,000,000.00			11-5-05, 9:05 AM	Honolulu, Hawaii
		100%	CH ENDRSD 10-31-05		11-5-05, 9:00 AM	BK23, P.57	11-5-05, 9:10 AM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Pref Fleet Ship Mtge.	2-28-06	$5,000,000.00			2-28-06, 9:05 AM	Honolulu, Hawaii
		100%	CH ENDRSD 2-28-06		2-28-06, 9:00 AM	BK 24, P.43	2-28-06, 9:10 AM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Prof. Fleet Ship Mtge.	2-28-06	$5,000,000.00			3-5-06, 7:00 AM	Honolulu HI
		100%	CH ENDRSD 2-28-06		2-28-06, 9:15 AM	BK 24, P.44	3-5-06, 7:05 AM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Amend. to Prof.Flt.Mtg	4-21-06				4-22-06, 2:35 PM	Honolulu, Hawaii
		100%			4-22-06, 2:30 PM	BK24, P.87	4-22-06, 2:40 PM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Amend. to Prof.Flt.Mtg	4-21-06				4-22-06, 2:50 PM	Honolulu, Hawaii
		100%			4-22-06, 2:45 PM	BK24, P.88	4-22-06, 2:55 PM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Prof. Fleet Mtge.	5-1-06	$5,000,000.00			5-7-06, 2:05 PM	Honolulu, Hawaii
		100%	CH ENDRSD 5-1-06		5-7-06, 2:00 PM	BK24, P.97	5-7-06, 2:10 PM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Prof. Fleet Mtge.	6-6-06	$1,650,000.00			6-16-06, 9:00 AM	Honolulu HI
		100%	CH ENDRSD 6-6-06		6-11-06, 9:00 AM	BK25, P.20	6-16-06, 9:05 AM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Amend. to Prof.Flt.Mtg	6-6-06				6-6-06, 1:25 PM	Honolulu, Hawaii
		100%			6-6-06, 1:30 PM	BK25, P.77	6-6-06, 1:40 PM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Amend. to Prof.Flt.Mtg	6-6-06				6-6-06, 1:50 PM	Honolulu, Hawaii
		100%			6-6-06, 1:45 PM	BK25, P.78	6-6-06, 1:55 PM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Prof.Flt. Mtge.	1-23-07	$13,000,000.00			1-23-07, 3:50 PM	Honolulu, Hawaii
		100%	4-6-07		1-23-07, 3:45 PM	BK26, P.106	1-23-07, 3:55 PM	
Morgan Guaranty Trust Company of New York	American Global Line Inc.	Satisfaction	5-21-07	$3,000,000.00			5-26-07	Honolulu, Hawaii
		100%			5-26-07, 3:45 PM	BK27, P.61	5-26-07	
Morgan Guaranty Trust Company of New York	American Global Line Inc.	Satisfaction	5-13-07	$5,000,000.00			5-26-07	Honolulu, Hawaii
		100%			5-26-07, 3:50 PM	BK27, P.66	5-26-07	

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DEPARTMENT OF TRANSPORTATION
U. S. COAST GUARD
CG-1332 (Rev. 5-83)

GENERAL INDEX & ABSTRACT OF TITLE

CONTIN: SHEET NO. 4

261 147
(Official number)
(Hull)
(Name of vessel)

in
on INDEPENDENCE
on OCEANIC INDEPENDENCE
on INDEPENDENCE
(Name of vessel)

This vessel was built at ..... in ..... of .....
by ..... for .....
as appears by .....

GRANTOR	GRANTEE	Kind of instrument and part conveyed	Date of instrument and date of recording	Consideration as appears and the interest conveyed	Recorded for record	Recorded	Time of endorsement and entry in approval of home port	Port where endorsed
Morgan Guaranty Trust Company of New York	American Global Line Inc.	Satisfaction	5-15-87	$5,000,000.00			5-26-87	Honolulu, Hawaii
		100%			5-26-87, 3:35 PM	FM27, P.69	5-26-87	
Morgan Guaranty Trust Company of New York	American Global Line Inc.	Satisfaction	5-21-87	$5,000,000.00			5-26-87	Honolulu, Hawaii
		100%			5-26-87, 6:00 PM	FM27, P.70	5-26-87	
Morgan Guaranty Trust Company of New York	American Global Line Inc.	Satisfaction	5-21-87	$1,650,000.00			5-26-87	Honolulu, Hawaii
		100%			5-26-87, 6:05 PM	FM27, P.71	5-26-87	
Morgan Guaranty Trust Company of New York	American Global Line Inc.	Satisfaction	5-21-87	$13,000,000.00			5-26-87	Honolulu, Hawaii
		100%			5-26-87, 6:10 PM	FM27, P.72	5-26-87	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Amend.to 1st Pref. Mtge.	5-26-87				5-26-87, 6:35 PM	Honolulu, Hawaii
		100%	11-22-93	$117,222,856.00	5-26-87, 6:30 PM	FM27, P.73	5-26-87, 6:40 PM	
American Global Line Inc.	Trust Services of America, Inc.	2nd. Pref. Fin. Mtge.	5-26-87	$12,000,000.00			5-26-87, 7:05 PM	Honolulu, Hawaii
		100%	5-26-93		5-26-87, 7:00 PM	FM27, P.74	5-26-87, 7:10 PM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Amend.to 1st Pref.Mtge.	12-30-87				12-30-87, 7:05 PM	Honolulu, HI
		100%	11-20-93	$161,883,600.00	12-28-87, 7:00 PM	FM28, P.111	12-30-87, 7:10 PM	
American Global Line Inc.	Trust Services of America, Inc.	Amend.to 2nd Pref.Fin.Mtg.	12-30-87				12-30-87, 8:05 PM	Honolulu, HI
		100%			12-30-87, 8:00 PM	FM28, P.113	12-30-87, 8:10 PM	

I certify that the foregoing, which is issued in accordance with 46 CFR 67.41-3, is a true Abstract of title of the vessel described above, as appears by the records of this office. This copy is not provided for record.

L.M. [illegible]
Documentation Officer
Port HONOLULU, HAWAII
Date JAN 5 - 1988

PREVIOUS EDITIONS ARE OBSOLETE

SN 7530-00-FDH-1010

940435702837

GENERAL INDEX OR ABSTRACT OF TITLE

CONTINUATION SHEET NO. 1

This report was built at _____ in _____ of _____

by _____ for _____

as appears by _____

(EX: OCEANIC CONSTITUTION; Pennsylvania Reg. #4489-74)

GRANTOR	GRANTEE	Kind of instrument and date executed	Date of entry and date of instrument	Consideration as stated and also shown thereon	Recorded for record	Recorded	Time of endorsement and entry as appears of record	Part affected
		Abstract of Title	4-2-82					
U. S. Coast Guard, New York, New York	U. S. Coast Guard Honolulu, Hawaii				4-15-82, 8:30 A.M.	AB 2, P. 56	4-15-82	
Production of recordable instruments of conveyances dated 15 April 1982. Assignment Register No. 7 issued on 15 April 1982, showing American Global Line Inc. as sole owner.								
American Global Line Inc.	Morgan Guaranty Trust Company of New York, as Trustee	First Pref. Fleet Mtge	4-15-82	$36,375,000.00 lst. & part of ships comprising			4-15-82, 8:45 AM	
		Whole	4-15-82	Same as total amount	4-15-82, 8:48 A.M.	PM 16, P.58	4-15-82, 8:50 AM	Honolu
Morgan Guaranty Trust Company of New York, as Trustee	American Global Line Inc.	Satisfaction	9-13-82	$36,375,000.00			9-15-82	
		Whole			9-15-82, 10:30 AM	PM 56, P.117	9-15-82	Honolu
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Prof. Ship Mtge.	9-15-82	$ 36,375,000.00 Lst & Part of ships comprising			9-15-82, 10:50 AM	
		Whole	9-15-82		9-15-82, 10:05 AM	PM 56, P.115	9-15-82, 10:50 AM	Honolu
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Amend. #1 to 1st Pref. Mtg.	12-29-82				12-31-82,12:30 PM	
		Whole			12-31-82, 12:25 PM	PM57, P.38		Honolu
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Prof. Ships Amendment	4-23-85				5-6-85, 1:05 PM	Honolu Hawaii
		100%			4-30-85, 9:00 AM	PM22, P.22		
	Maluahoh Enterprises, Inc.	Release of Claim of M/V	10-10-85	$9,787.33				
		100%			10-15-85, 10:05 AM	AB 3, P.31		
Maluahoh Enterprises, Inc.		Satisfaction of Mtge	10-28-85	$9,787.33				
		100%			10-31-85, 2:15 PM	AB 3, P.33		
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Prof. Fleet Ship Mtge.	10-31-85	$33,000,000.00			11-5-85, 9:05 AM	Honolulu Hawaii
		100%	OR ISSUED 10-31-85		11-5-85, 9:00 AM	PM23, P.57	11-5-85, 9:10 AM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Prof Fleet Ship Mtge.	2-28-86	$5,000,000.00			3-20-86, 9:05 AM	Honolulu Hawaii
		100%	OR ISSUED 3-20-86		3-20-86, 9:00 AM	PM 24, P.43	3-20-86, 9:20 AM	
American Global Line Inc	Morgan Guaranty Trust Company of New York	Prof. Fleet Ship Mtge.	3-20-86	$5,000,000.00			3-3-86, 7:00 AM	Honolulu H.
		100%	OR ISSUED 3-20-86		3-20-86, 9:15 AM	PM 24, P.44	3-3-86, 7:05 AM	

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DEPARTMENT OF TRANSPORTATION
U.S. COAST GUARD
(CG-1333) (Rev. 5-83)

GENERAL INDEX OR ABSTRACT OF TITLE

CONTINUATION SHEET NO. 2

262 827

This vessel was built at _____ in _____ of _____
by _____ for _____
as appears by _____

GRANTOR	GRANTEE	Kind of instrument and part exempted	Date of instrument and time of execution	Consideration of instrument and if none stated	Received for record	Recorded	Time of endorsement and notation of cancellation of former flag	Port where documented
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Assmnt. to Pref.Fit.Mtg	4-21-86		4-22-86, 2:30 PM	IN04, P.87	4-22-86, 2:35 PM	Honolulu, Hawaii
		100%					4-23-86, 2:40 PM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Assmt. to 1st Pref.Fit.Mtg	4-21-86		4-22-86, 2:45 PM	IN04, P.88	4-22-86, 2:50 PM	Honolulu, Hawaii
		100%					4-22-86, 2:55 PM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Pref. Fleet Mtge.	5-7-86	$1,500,000.00	5-7-86, 2:00 PM	IN04, P.97	5-7-86, 2:05 PM	Honolulu, Hawaii
		100%	DI ISSUED 5-7-86				5-7-86, 2:10 PM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Pref. Fleet Mtge.	5-6-86	$1,450,000.00	6-11-86, 9:00 AM	IN05, P.36	6-11-86, 9:05 AM	Honolulu, Hawaii
		100%	DI ISSUED 6-6-86				6-11-86, 9:10 AM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Assmt. to Pref.Fit.Mtg	6-6-86		6-6-86, 1:30 PM	IN05, P.77	6-6-86, 1:35 PM	Honolulu, Hawaii
		100%					6-6-86, 1:40 PM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Assmt. to 1st Pref.Fit.Mtg	6-6-86		6-6-86, 1:45 PM	IN05, P.78	6-6-86, 1:50 PM	Honolulu, Hawaii
		100%					6-6-86, 1:55 PM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Pref.Fit. Mtge.	1-23-87	$13,000,000.00	1-23-87, 3:45 PM	IN06, P.106	1-23-87, 3:50 PM	Honolulu, Hawaii
		100%	4-6-87				1-23-87, 3:55 PM	
Morgan Guaranty Trust Company of New York	American Global Line Inc.	Satisfaction	5-21-87	$13,000,000.00	5-26-87, 4:00 PM	IN07, P.60	5-26-87	Honolulu, Hawaii
		100%					5-26-87	
Morgan Guaranty Trust Company of New York	American Global Line Inc	Satisfaction	5-15-87	$3,000,000.00	5-26-87, 4:05 PM	IN07, P.61	5-26-87	Honolulu, Hawaii
		100%					5-26-87	
Morgan Guaranty Trust Company of New York	American Global Line Inc.	Satisfaction	5-15-87	$3,000,000.00	5-26-87, 4:10 PM	IN07, P.62	5-26-87	Honolulu, Hawaii
		100%					5-26-87	
Morgan Guaranty Trust Company of New York	American Global Line Inc.	Satisfaction	5-21-87	$3,000,000.00	5-26-87, 4:15 PM	IN07, P.63	5-26-87	Honolulu, Hawaii
		100%					5-26-87	
Morgan Guaranty Trust Company of New York	American Global Line Inc.	Satisfaction	5-21-87	$1,500,000.00	5-26-87, 4:20 PM	IN07, P.64	5-26-87	Honolulu, Hawaii
		100%					5-26-87	

PREVIOUS EDITIONS ARE OBSOLETE

9 4 0 4 3 5 7 0 2 8 9

DEPARTMENT OF TRANSPORTATION
U.S. COAST GUARD
CG-1332 (Rev. 5-82)

GENERAL INDEX OR ABSTRACT OF TITLE

CONTINUATION SHEET NO. 1

263 827
Official number

as CONSTITUTION
Name of vessel

The vessel was built at _____ in _____ of _____
by _____ for _____
as appears by _____

Mortgagor	Mortgagee	Kind of instrument and part conveyed	Date of instrument and date of recording	Consideration and amount and rate of interest secured	Recorded for record	Recorded	Time of endorsement and entry in register of Vessel Title	Port where endorsed
Morgan Guaranty Trust Company of New York	American Global Line Inc.	Satisfaction 100%	5-21-87	$13,000,000.00	5-26-87, 4:25 PM	PM27, P.61	5-26-87 5-26-87	Honolulu, Hawaii
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Amend.to 1st Prof.Mtge. 100%	5-26-87		5-26-87, 5:30 PM	PM27, P.66	5-26-87, 5:35 PM 5-26-87, 5:40 PM	Honolulu, Hawaii
American Global Line Inc.	Trust Services of America, Inc.	1st Prof. Fin. Mtge. 100%	11-23-92 5-26-87 5-26-93	$111,222,826.00 $12,000,000.00	5-26-87, 7:00 PM	PM27, P.74	5-26-87, 7:05 PM 5-26-87, 7:10 PM	Honolulu, Hawaii
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Amend.to 1st Prof. Mtge. 100%	12-30-87 11-30-93	$161,883,648.00	12-30-87, 7:40 PM	PM29, P.111	12-30-87, 7:45 PM 12-30-87, 7:50 PM	Honolulu, HI
American Global Line Inc.	Trust Services of America, Inc.	Amend.to 2nd Prof.Fin.Mtg. 100%	12-30-87		12-30-87, 8:00 PM	PM28, P.113	12-30-87, 8:05 PM 12-30-87, 8:10 PM	Honolulu, HI

I certify that the foregoing, which is written in accordance with 46 CFR 67.41-5, is a true Abstract of Title of the vessel described above, as appears by the records of this office. This Abstract is not provided for records.

Documentation Officer
HONOLULU, HAWAII
Port
JAN 6 1988
Date

PREVIOUS EDITIONS ARE OBSOLETE

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EXHIBIT D

State of Delaware

Office of Secretary of State

I, MICHAEL HARKINS, SECRETARY OF STATE OF THE STATE OF DELAWARE DO HEREBY CERTIFY AMERICAN HAWAII CRUISES, INC. IS DULY INCORPORATED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL CORPORATE EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE DATE SHOWN BELOW.

: : : : : : : : : : :

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Michael Harkins, Secretary of State

AUTHENTICATION: 11511301

DATE: 12/22/1987

727356155

State of California
OFFICE OF THE SECRETARY OF STATE

CERTIFICATE OF STATUS
FOREIGN CORPORATION

I, MARCH FONG EU, *Secretary of State of the State of California, hereby certify:*

That on the 30th *day of* November, 19 79,

AMERICAN HAWAII CRUISES, INC.,

a corporation organized and existing under the laws of the State of Delaware, *complied with the requirements of California law in effect on that date for the purpose of qualifying to transact intrastate business in this State; and*

That the above corporation is entitled to transact intrastate business in the State of California as of the date of this certificate subject, however, to any licensing requirements otherwise imposed by the laws of this state; and

That no information is available in this office on the financial condition, business activity or practices of this corporation.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this 22nd day of December, 1987

March Fong Eu

Secretary of State

9404355702007

STATE OF CALIFORNIA

FRANCHISE TAX BOARD
PO. Box 942857
Sacramento, CA 94257-0540

In Reply Refer To: 357:108:JB
Date : DEC. 24, 1987

WILLIAM S. GREGORY
A LAW CORPORATION
COURT PLAZA BUILDING
901 H STREET, STE. 400
SACRAMENTO, CA 95814

Corporation : AMERICAN HAWAII CRUISES, INC.
Corporation Number : 0968693

☒ 1. The corporation is in good standing, has no known unpaid tax liability and is entitled to transact business in California. Returns remain subject to audit.

☐ 2. The corporation is in good standing and entitled to transact business in California. Returns remain subject to audit.

☐ 3. The corporation is not qualified to transact business in California. There is no known unpaid tax liability. Returns remain subject to audit.

☐ 4. The corporation is not qualified to transact business in California. Returns remain subject to audit.

☐ 5. The corporation has made necessary prepayment with incorporation or qualification on _____.

☐ 6. The corporation has an unpaid liability of $ _____ for income year(s) ended _____.

☐ 7. Our records do not show receipt of the franchise tax return(s) for the income year(s) ended _____.

☐ 8. The corporation was _____ effective _____.

☐ 9. The corporation's current address on record is:

_____

_____

_____

☐ 10. The corporation is in the process of being reinstated to good standing.

☐ 11. We have no current information on the above corporation.

Telephone (916) 369-3787

Jackie Black

FTB 4588A (REV 4-87)

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CERTIFICATE OF INCORPORATION

of

HAWAII HOTELS BOAT SERVICES INC.

THE UNDERSIGNED, in order to form a corporation for the purposes hereinafter stated, under and pursuant to the provisions of the General Corporation Law of the State of Delaware, does hereby certify as follows:

FIRST: The name of the corporation is HAWAII HOTELS BOAT SERVICES INC. (hereinafter sometimes called the "Corporation").

SECOND: The address of the Corporation's registered office in the State of Delaware is 100 West Tenth Street, City of Wilmington, County of New Castle, State of Delaware. The name of its registered agent at such address is The Corporation Trust Company.

THIRD: The purpose of the Corporation is to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of Delaware, including, but in no manner whatsoever limited

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to, the ownership, operation and chartering of ocean-going passenger and cargo vessels in the foreign and coasting trades of the United States of America.

FOURTH: The Corporation shall have all of the powers from time to time specifically set forth in the General Corporation Law of Delaware and, in addition thereto, any and all powers incidental to the powers and privileges granted by said Law or by any other law of the State of Delaware or by this Certificate of Incorporation, as any of the same may be amended from time to time, so far as such powers and privileges are necessary or convenient to the conduct, promotion or attainment of the business or purpose of the Corporation set forth at Article THIRD hereof.

FIFTH: The total number of shares of stock which the Corporation is authorized to issue is 100,000, each having a par value of One Dollar ($1.00).

SIXTH: The name and mailing address of the incorporator is as follows:

Joseph Peter Flemming
71 Broadway
New York, New York 10005

9404357029 96

SEVENTH: The following provisions are inserted for the management of the business and for the conduct of the affairs of the Corporation, and for the creation, definition, limitation and regulation of the powers of the Corporation, its directors and stockholders:

1. The number of directors of the Corporation shall be such as from time to time shall be fixed by, or in the manner provided in the by-laws. Election of directors need not be by ballot unless the by-laws so provide.

2. The Board of Directors shall have the power to adopt, amend or repeal by-laws of the Corporation, but such power shall not divest the stockholders of, nor limit, their power to adopt, amend or repeal by-laws.

3. At all elections of directors of the Corporation, each holder of stock or of any class or classes or of a series thereof shall be entitled to as many votes as shall equal the number of votes which (except for such provision as to cumulative voting) he would be entitled to cast for the election of directors with respect to his shares of stock multiplied by the number of directors to be elected by him, and he may cast all of such votes for a single director or may distribute them among the number to be voted for, or for any two or more of them as he may see fit.

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4. Any director or the entire Board of Directors may be removed, with or without cause, by the holders of a majority of the shares then entitled to vote at an election of directors, except that if less than the entire board is to be removed, no director may be removed without cause if the votes cast against his removal would be sufficient to elect him if then cumulatively voted at an election of the entire board of directors, or, if there be classes of directors, at an election of the class of directors of which he is a part.

5. The number of directors necessary to constitute a quorum for the transaction of business shall be as established by the by-laws of the Corporation.

6. So long as the Corporation may own, operate, charter or otherwise hold any interest in any vessel of the United States as such term is defined in Title 46 of the United States Code as the same may be

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amended from time to time, the chairman, if any, of the Board of Directors and the president or other chief executive officer of the Corporation shall be citizens of the United States.

EIGHTH: The Corporation shall, to the full extent permitted by Section 145 of the Delaware General Corporation Law, as amended from time to time, indemnify all persons whom it may indemnify pursuant thereto.

NINTH: Whenever a compromise or arrangement is proposed between this Corporation and its creditors or any class of them and/or between this Corporation and its stockholders or any class of them, any court of equitable jurisdiction within the State of Delaware may, on the application in a summary way of this Corporation or of any creditor or stockholder thereof or on the application of any receiver or receivers appointed for this Corporation under the provisions of section 291 of Title 8 of the Delaware Code or on the application of trustees in dissolution or of any receiver or receivers appointed for this Corporation under the provisions of section 279 of Title 8 of the Delaware Code order a meeting of the creditors or class of creditors, and/or of the stockholders or class of stockholders of this Corporation, as the

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case may be, to be summoned in such manner as the said court directs. If a majority in number representing three-fourths in value of the creditors or class of creditors, and/or of the stockholders or class of stockholders of this Corporation, as the case may be, agree to any compromise or arrangement and to any reorganization of this Corporation as consequence of such compromise or arrangement, the said compromise or arrangement and the said reorganization shall, if sanctioned by the court to which the said application has been made, be binding on all the creditors or class of creditors, and/or on all the stockholders or class of stockholders, of this Corporation, as the case may be, and also on this Corporation.

IN WITNESS WHEREOF, I, the undersigned, being the incorporator named above, have hereunto set my hand and seal this 28th day of November, 1978.

(L.S.)

?40435703000

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

BE IT REMEMBERED that on this 27th day of November, 1978, personally came before me, Nancy Stevens, a Notary Public in and for the County and State aforesaid,

JOSEPH PETER FLEMMING

party to the foregoing Certificate of Incorporation, known to me personally to be such, and acknowledged the said Certificate to be h act and deed, and that the facts therein stated are true.

GIVEN under my hand and seal of office the day and year aforesaid.

Nancy Stevens

NANCY STEVENS
Notary Public, State of New York
No. 24-4507153
Qualified in Kings County
Certificate Filed in New York County
Commission Expires March 30, 1979

940435703 01

CERTIFICATE OF AMENDMENT
TO
CERTIFICATE OF INCORPORATION
OF
HAWAII HOTELS BOAT SERVICES INC.
Pursuant to Section 242 of the Delaware Corporation Law

The undersigned, ALICE KING and MARY LIU, being the Chairman of the Board of Directors and Secretary, respectively, of HAWAII HOTELS BOAT SERVICES INC., a Delaware corporation, for the purposes of amending the Certificate of Incorporation of said corporation pursuant to Section 242 of the Delaware Corporation Law, do hereby execute, acknowledge and file this Certificate of Amendment as follows:

1. The name of the corporation is, and has at all times since original incorporation been:

HAWAII HOTELS BOAT SERVICES INC.

2. The Certificate of Incorporation of the corporation was filed with the Secretary of State of the State of Delaware on November 30, 1978.

3. The provision of the Certificate of Incorporation which is to be amended is Article FIRST, which is hereby

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amended to read as follows:

"FIRST: The name of the corporation is

AMERICAN HAWAII CRUISES, INC."

4. The board of directors of the corporation has, by unanimous written consent given in accordance with the provisions of Section 141(f) of the Delaware Corporation Law, adopted a resolution setting forth the foregoing amendment and declaring its advisability.

5. The foregoing amendment to the Certificate of Incorporation has been duly authorized by unanimous written consent of the stockholders of the corporation given in accordance with the provisions of Section 228 of the Delaware Corporation Law.

6. The foregoing amendment has therefore been duly adopted in accordance with the provisions of Section 242 of the Delaware Corporation Law.

IN WITNESS WHEREOF we have executed this Certificate of Amendment this 27th day of March, 1980.

Alice King

Alice King, Chairman of the Board of Directors

ATTEST: Mary Lid

Mary Lid, Secretary

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EXHIBIT E

OMB APPROVAL NO. 2115-0110

U.S. Department of Transportation
Maritime Administration

DECLARATION OF CITIZENSHIP FOR VESSEL RECORDATION PURPOSES

(Section 40, Shipping Act, 1916, as amended,
46 U.S.C. 838, 40 Stat. 902, as amended)

I. VESSEL
A. NAME: SS CONSTITUTION — B. OFFICIAL NUMBER: 262 027

II. ENTITY ON BEHALF OF WHICH DECLARATION IS MADE
A. NAME: AMERICAN GLOBAL LINE INC.

B. ADDRESS: 550 Kearny Street, San Francisco, CA 94108

C. STATE WHERE INCORPORATED, ORGANIZED, CHARTERED, OR RESIDING: Delaware

D. LEGAL NATURE *(check appropriate entry)*

____ Individual	____ Association
X Corporation	____ Mutual Savings Bank/Insurance Co.
____ Partnership/joint venture	____ Other *(specify)*

CAPACITY *(check appropriate entry)*

____ Purchaser/transferee

____ Mortgagee

____ Trustee-mortgagee

III. DECLARATION

I hereby declare that I am legally authorized to make this declaration on behalf of the entity named above, and that this transaction does not violate the provisions of 46 U.S.C. 808 and 835 *(if applicable)* because said entity meets the applicable criteria set forth on the reverse of this form and is therefore a citizen of the United States within the meaning of 46 U.S.C. 802.

SIGNATURE — DATE: 1 June 87

NAME OF PERSON SIGNING *(Print)*: John F. Hamilton, Secretary

PENALTY FOR FALSE STATEMENT: Any person who knowingly makes a false statement of a material fact in this declaration shall be guilty of a misdemeanor and subject to a fine of not more than $5,000 or to imprisonment for not more than five years, or both (46 U.S.C. 838).

___ two or more vessels are involved, attach schedule of vessel names and official numbers.

FORM MA-999 (8-87)
(Replaces MA-4957, 4957A, 4958, 4958A, 4959, 4960, 4960A, 4961, 4962, 4963)

9130-01-GF3-0400

U.S. Department of Transportation
Maritime Administration

OMB APPROVAL NO. 2115-0110

DECLARATION OF CITIZENSHIP FOR VESSEL RECORDATION PURPOSES

(Section 40, Shipping Act, 1916, as amended,
46 U.S.C. 838, 40 Stat. 902, as amended)

I. VESSEL/
A. NAME: SS INDEPENDENCE B. OFFICIAL NUMBER: 261 147

II. ENTITY ON BEHALF OF WHICH DECLARATION IS MADE
A. NAME AMERICAN GLOBAL LINE INC.

B. ADDRESS 550 Kearny Street, San Francisco, CA 94108

C. STATE WHERE INCORPORATED, ORGANIZED, CHARTERED, OR RESIDING: Delaware

D. LEGAL NATURE *(check appropriate entry)*

_____ Individual

_____ Association

__X__ Corporation

_____ Mutual Savings Bank/Insurance Co.

_____ Partnership/joint venture

_____ Other *(specify)*

E. CAPACITY *(check appropriate entry)*

_____ Purchaser/transferee

_____ Mortgagee

_____ Trustee-mortgagee

III. DECLARATION:

I hereby declare that I am legally authorized to make this declaration on behalf of the entity named above, and that this transaction does not violate the provisions of 46 U.S.C. 808 and 835 *(if applicable)* because said entity meets the applicable criteria set forth on the reverse of this form and is therefore a citizen of the United States within the meaning of 46 U.S.C. 802.

SIGNATURE DATE

NAME OF PERSON SIGNING *(Print)*: John F. Hamilton, Secretary

PENALTY FOR FALSE STATEMENT: Any person who knowingly makes a false statement of a material fact in this declaration shall be guilty of a misdemeanor and subject to a fine of not more than $5,000 or to imprisonment for not more than five years, or both (46 U.S.C. 838).

(no or more vessels are involved, attach schedule of vessel names and official numbers.

FORM MA-880 (5-82)
(Replaces MA-4567, 4567A, 4568, 4568A, 4569, 4569, 4569A, 4581, 4582, 4583)

7130-01-GF3-0460

OGC 2705

RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION

GOODSILL ANDERSON QUINN & STIFEL

ATTORNEYS AT LAW

1600 BANCORP TOWER
130 MERCHANT STREET
HONOLULU, HAWAII 96813

MAIL ADDRESS: P. O. BOX 3196
HONOLULU, HAWAII 96801

FACSIMILE (808) 531-3610 | TELEPHONE (808) 547-5600 | TELEX 7410246 JEKID

May 5, 1989

16584/67847

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Lawrence M. Noble
General Counsel
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

Re: MUR 2846 Azabu Buildings Co., Ltd.

Dear General Counsel Noble:

We represent Azabu Buildings Co., Ltd. ("Azabu") with regard to MUR 2846 and, on behalf of Azabu, hereby respond to the Federal Election Commission's notification to Azabu, dated April 17, 1989, received on April 21, 1989, of a complaint ("Complaint"), dated March 29, 1989, by the Maunawili Community Association, Anthony P. Locricchio, Victoria S. Creed, Karen L. Kosoc, and Donna Wong.1/

With respect to Azabu, the Complaint alleges that Azabu U.S.A. Corporation ("U.S.A."), a subsidiary of Azabu, improperly contributed $1,000.00 to "Citizens For Waihee," the campaign committee for the Governor of Hawaii, John Waihee. According to Exhibit Y of the Complaint, on April 2, 1987, U.S.A. made a contribution of $1,000.00 ("the contribution") to "Citizens For Waihee".

1/ A copy of a February 2, 1989 complaint by the same individuals was enclosed with the notification received by Azabu on April 21, 1989. Since that complaint does not appear to allege any improper contribution by Azabu, Azabu is responding only to the March 29, 1989 complaint.

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89 MAY -5 PM 2:23

Azabu does not dispute that U.S.A. made the contribution to "Citizens For Waihee." As the attached affidavit of Mr. Roger Y. Tsubokawa, Vice President and Treasurer of U.S.A., demonstrates, the contribution was made in response to a fundraising event ticket solicitation made by the "Citizens For Waihee" to Azabu. However, Azabu did not make the contribution with any knowledge or reason to believe that the contribution could in any way be construed as a violation of any law. (See Affidavit of Mr. Tsubokawa).

For the following reasons, Azabu believes the Federal Election Commission should not take further action with respect to Azabu in connection with MUR 2846.

First, U.S.A. is a Hawaii corporation, incorporated under the laws of the State of Hawaii. U.S.A. made the contribution in response to a solicitation initiated by a campaign contribution committee and made the contribution without any knowledge of or reason to believe that the contribution was in any way prohibited by law or governmental regulation.

Second, it is Azabu's position that 2 U.S.C. § 441e only prohibits "contributions" by foreign nationals to elections of "candidates" to federal political office. Section 441e does not expressly provide that it applies to state and local elections. Indeed, the terms "contributions" and "candidate" are defined by 2 U.S.C. §§ 431(2) and (A) in a manner which renders them applicable only to "elections for Federal Office". Furthermore, while 11 CFR § 110.4 may purport to prohibit contributions by foreign nationals to elections in connection with "any local, state or federal public office," there is no indication in either the Federal Election Campaign Act itself or its legislative history that the law was intended to be construed so broadly. See S. Rep. No. 677, 94th Cong., 2nd Sess. 2 (1976), reprinted in 1976 U.S. Code Cong. and Ad. News 930. Thus, 11 CFR § 110.4 is invalid because it is not authorized by statute. Moreover, if 11 CFR § 110.4 were authorized by statute, it would be unconstitutional, since it would constitute an improper congressional attempt to regulate state and local elections. See Oregon v. Mitchell, 400 U.S. 112, 117-118 (1970) (Black J. announcing judgment); see also Tashjian v. Republican Party of Connecticut, 479 U.S. 208 (1986).

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Third, the issue of the propriety of the contribution, in effect, has been mooted since we have been notified by the attorneys for Governor Waihee's campaign committee that it will be returning the entire $1,000.00 contribution to Azabu.

Since Azabu was not aware of the possibility that its purchase of fundraiser event tickets from "Citizens For Waihee" could violate any law, and "Citizens For Waihee" will be returning the contribution anyway, Azabu respectfully requests that the Federal Election Commission not take action with respect to Azabu in connection with MUR 2846.

Very truly yours,

GOODSILL ANDERSON QUINN & STIFEL

Raymond S. Iwamoto

RSI:ek
Enclosure

24043570309

AFFIDAVIT OF ROGER Y. TSUBOKAWA

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

ROGER Y. TSUBOKAWA, being duly sworn under oath, deposes and says:

1. I am the Vice President and Treasurer for Azabu U.S.A. Corporation ("U.S.A.") and have served in such capacity since February 1, 1987. I am providing this affidavit in support of U.S.A.'s response to the complaint pending before the Federal Election Commission (MUR 2846).

2. U.S.A. had no knowledge or reason to believe that a campaign donation to "Citizens For Waihee", Governor John Waihee's campaign committee, could be potentially in violation of any state or federal law. The donation complained of in Mr. Locricchio's March 29, 1989 letter, was made in response to a simple request from the "Citizens For Waihee" that U.S.A. purchase fundraiser tickets.

3. Based upon representations made by the attorney for the campaign committee for Governor Waihee to U.S.A.'s attorneys, it is my understanding that the campaign committee for Governor John Waihee will voluntarily return the $1,000.00 donation made by U.S.A.

FURTHER AFFIANT SAYETH NAUGHT.

ROGER Y. TSUBOKAWA

Subscribed and sworn to before me
this 5th day of May, 1989.

Notary Public
State of Hawaii

My Commission expires: 8/26/92

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STATEMENT OF DESIGNATION OF COUNSEL

NAME: 2846 Azabu Buildings Co., Ltd.

NAME OF COUNSEL: Raymond S. Iwamoto, Esq.

ADDRESS: Goodsill Anderson Quinn & Stifel
130 Merchant Street, 16th Floor
Honolulu, Hawaii 96813

TELEPHONE: (808) 547-5600

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

May 5, 1989
Date

Signature

RESPONDENT'S NAME: Roger Y. Tsubokawa

ADDRESS: Azabu U.S.A. Corporation
410 Atkinson Drive, Suite 200
Honolulu, Hawaii 96814

HOME PHONE: (808) 732-3510

BUSINESS PHONE: (808) 944-6855

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GOODSILL ANDERSON QUINN & STIFEL

ATTORNEYS AT LAW

1600 BANCORP TOWER
130 MERCHANT STREET
HONOLULU, HAWAII 96813

MAIL ADDRESS: P. O. BOX 3196
HONOLULU, HAWAII 96801

FACSIMILE (808) 531-3618 TELEPHONE (808) 547-5600 TELEX 7430246 (GEICO)

May 5, 1989

Mr. Lawrence M. Noble
General Counsel
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

Re: MUR 2846 Japan Air Lines

Dear General Counsel Noble:

We represent Japan Air Lines Company, Ltd. ("Japan Air Lines") with regard to MUR 2846 and, on behalf of Japan Air Lines, hereby respond to the Federal Election Commission's notification to Japan Air Lines, received on April 21, 1989, of a complaint ("Complaint"), dated March 24, 1989, by the Maunawili Community Association, Anthony P. Locricchio, Victoria Creed, Karen Kosoc, and Donna Wong.[1]

The Complaint alleges that Japan Air Lines improperly donated $500.00 to "Citizens For Waihee," the campaign committee for the Governor of Hawaii, John Waihee. According to Exhibits K and K-1 of the Complaint, on April 3, 1987, and June 13, 1988, Japan Air Lines made donations totalling $500.00 (collectively "the donation") to "Citizens For Waihee".

1/ A copy of a February 2, 1989 complaint by the same individuals was enclosed with the notification received by Japan Air Lines on April 21, 1989. Since that complaint does not appear to allege any improper donation by Japan Air Lines, Japan Air Lines is responding only to the March 24, 1989 complaint.

89 MAY -8 AM 11:11
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

89 MAY -8 PM 3:40

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Japan Air Lines does not dispute that it made the donation to "Citizens For Waihee." As the attached affidavit of Mr. Tatsumi Hayashi, Vice President and Regional Manager in Hawaii for Japan Air Lines, demonstrates, the donation was made in response to fundraising event ticket solicitations mailed directly by "Citizens For Waihee" to Japan Air Lines. However, Japan Air Lines did not make the donation with any knowledge or reason to believe that the donation could in any way be construed as a violation of any law. (See Affidavit of Mr. Hayashi).

For the following reasons, Japan Air Lines believes the Federal Election Commission should not take further action with regard to MUR 2846.

First, it is Japan Air Lines' position that 2 U.S.C. § 441e only prohibits "contributions" by foreign nationals to elections of "candidates" to federal political office. Section 441e does not expressly provide that it applies to state and local elections. Indeed, the terms "contributions" and "candidate" are defined by 2 U.S.C. §§ 431(2) and (A) in a manner which renders them applicable only to "elections for Federal Office". Furthermore, while 11 CFR § 110.4 may purport to prohibit contributions by foreign nationals to elections in connection with "any local, state or federal public office," there is no indication in either the Federal Election Campaign Act itself or its legislative history that the law was intended to be construed so broadly. See S. Rep. No. 677, 94th Cong., 2nd Sess. 2 (1976), reprinted in 1976 U.S. Code Cong. and Ad. News 930. Thus, 11 CFR § 110.4 is invalid because it is not authorized by statute. Moreover, if 11 CFR § 110.4 were authorized by statute, it would be unconstitutional, since it would constitute an improper congressional attempt to regulate state and local elections. See Oregon v. Mitchell, 400 U.S. 112, 117-118 (1970) (Black J. announcing judgment); see also Tashjian v. Republican Party of Connecticut, 479 U.S. 208 (1986).

Second, the issue of the propriety of the donation, in effect, has been mooted since we have been notified by the attorneys for Governor Waihee's campaign committee that it will be returning the entire $500.00 donation to Japan Air Lines.

In sum, since Japan Air Lines was not aware of the possibility that its purchase of fundraiser event

2404357031 3

tickets from "Citizens For Waihee" could violate any law, and "Citizens For Waihee" will be returning the donations anyway, Japan Air Lines respectfully requests that the Federal Election Commission not take action in MUR 2846.

Very truly yours,

GOODSILL ANDERSON QUINN & STIFEL

Russell S. Kato

RSK:rr
Enclosures

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AFFIDAVIT OF TATSUMI HAYASHI

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

TATSUMI HAYASHI, being duly sworn under oath, deposes and says:

1. I am the Vice President and Regional Manager in Hawaii for Japan Air Lines Company, Ltd. ("Japan Air Lines") and have served in such capacity since February 1986. I am providing this affidavit in support of Japan Air Lines' response to the complaint pending before the Federal Election Commission (MUR 2846).

2. Japan Air Lines had no knowledge or reason to believe that a campaign donation to "Citizens For Waihee", Governor John Waihee's campaign committee, could be potentially in violation of any state or federal law. The two donations complained of in Mr. Locricchio's March 24, 1989 letter, were made in response to written solicitations to Japan Air Lines from "Citizens For Waihee" for the sale of fundraiser tickets. Attached hereto as Exhibit "A" is a copy of a March 3, 1987 letter addressed to Japan Air Lines from "Citizens For Waihee". Accompanying the March 3, 1987 letter were 10 fundraiser event tickets, a copy of one of which is attached hereto as Exhibit "A-1". Also attached hereto as Exhibit "B" is

a copy of a March 31, 1988 letter, which was sent to Japan Air Lines from "Citizens For Waihee". Accompanying the March 31, 1988 letter were 10 fundraiser tickets, a copy of one of which is attached hereto as Exhibit "B-1."

3. I have been informed that the campaign committee for Governor John Waihee will be voluntarily returning the $500.00 donation made by Japan Air Lines. My understanding is based upon representations made by the attorney for the campaign committee for Governor Waihee to the attorneys for Japan Air Lines.

FURTHER AFFIANT SAYETH NAUGHT.

Tatsumi Hayashi

TATSUMI HAYASHI

Subscribed and sworn to before me
this 4th day of May, 1989.

Jennifer M. Wear

Notary Public, State of Hawaii

My Commission expires: 8-3-92

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WAIHEE. GOVERNOR

565 Kokea Street, D-3, Honolulu, Hawaii 96817

March 3, 1987

Japan Air Lines
Mr. Takao Matsusue
Vice President and Regional Manager
of Hawaii
165 South King Street
Honolulu, Hawaii 96813

Dear Mr. Matsusue:

As we enter a new era of government, the John Waihee campaign is now a matter of history. It was an extremely tough campaign. It required a total commitment that extended beyond the financial resources available at the time; but that commitment was made on faith in the rightness of the cause, that John Waihee had the most to offer the people of Hawaii.

While our cause was right and John was victorious, the campaign incurred substantial debts which we must now try to liquidate. To this end, the Citizens for John Waihee campaign is sponsoring a fundraiser on March 11. Please join us.

Your help with the enclosed tickets, will enable us to complete the commitment that was made, with the support that is needed at this time. Any assistance you can give would be greatly appreciated. We ask that any unsold tickets be returned to the Citizens for Waihee headquarters, P.O. Box 49, Honolulu, Hawaii 96810 and we thank you for your patience and good faith.

Very truly yours,

Frank J. Hata

Citizens for Waihee
Frank J. Hata

JAL will purchase 10 tickets at $25.00 each for a total of $250.00

Per HNLSSZ
3/11/87

EXHIBIT A

Paid for by Ci...

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CITIZENS FOR WAIHEE

№ 11251

A New Beginning
with
Governor John Waihee

Rex Johnson, Event Chairman
P.O. Box 49 • Honolulu, Hawaii 96810

Sponsored by Citizens for Waihee
P.O. Box 49 • Honolulu, Hawaii 96810

BEER & WINE
PUPUS

WEDNESDAY
MARCH 11, 1987

5:00 - 8:00 p.m.
ALOHA TOWER

DONATION $25.00

№ 11251

>40435703118

EXHIBIT A-1

WAIHEE GOVERNOR

OK'd

March 31, 1988

Dear Supporter:

Your hard work helped to elect John D. Waihee to Hawaii's highest elective office. In his first year as governor, he has been able to accomplish some of the goals and implement programs he spoke of during the campaign. Governor Waihee's success is shared by all who contributed to the campaign effort.

Once again your support is requested. On Wednesday, May 18, 1988, CITIZENS FOR WAIHEE will host a fundraiser for Governor Waihee from 5:00 p.m. to 7:00 p.m. at Aloha Tower.

On behalf of the organization, I would like to ask for your assistance in the purchase of the enclosed tickets. Checks are payable to "Citizens for Waihee" and a return envelope is enclosed.

I would like to thank you in advance for your support. If you have any questions about the fundraiser, please call 521-3663. I hope you will be able to join us.

Sincerely,

Sandi Ebesu

Sandi Ebesu
Campaign Coordinator

9404357031 9

Citizens for Waihee • P.O Box 2573 • Honolulu, Hawaii 96803

EXHIBIT B

2404357032O

Name

Address

Phone

Sponsored by Citizens for Waihee
P.O. Box 2573 • Honolulu, Hawaii 96803

№ 09651

WAIHEE, GOVERNOR

An Evening With Governor John Waihee

May 18, 1988
Aloha Tower
5:00 - 7:00 p.m.

$25.00 Donation

Sponsored by
Citizens for Waihee
P.O. Box 2573
Honolulu, Hawaii 96803

№ 09651

EXHIBIT B-1

[illegible]NT OF DESIGNATION OF [illegible]SEL

NMR 2846

NAME OF COUNSEL: Russell S. Kato, Esq.

ADDRESS: Goodsill Anderson Quinn & Stifel
1600 Bancorp Tower
130 Merchant Street Honolulu, Hawaii 96813

TELEPHONE: (808) 547-5600

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

MAY 4, 1989
Date

Signature

RESPONDENT'S NAME: Japan Air Lines Company, Ltd.

ADDRESS: 165 South King Street
Suite 901
Honolulu, Hawaii 96813

HOME PHONE:

BUSINESS PHONE: (808) 544-8201

9404357032 1

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(808) 935-6644

KONA OFFICE:
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KAILUA-KONA, HAWAII 96745-1720
(808) 329-6464

MAUI OFFICE:
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WAILUKU, HAWAII 96793
(808) 242-4535

SAIPAN OFFICE
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SAIPAN, MP 96950
(670) 322-3455
TELEX 781-658 CWCMI SPN

May 8, 1989

Lawrence M. Noble, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Attention: Patty Reilly

Dear Mr. Noble:

Re: MUR 2846 - Kumagai Properties Inc.

We represent Kumagai Properties Inc. ("Respondent"), which acknowledges receipt of a complaint enclosed with your correspondence dated April 17, 1989. Respondent maintains that there is no reason to believe that a violation has been committed and that the complaint can be dismissed.

The complaint alleges, inter alia, that Respondent made a contribution of $500.00 on August 15, 1987 to Citizens for Waihee, a State campaign election committee. The complaint further alleges that Respondent is owned and controlled by Kumagai Gumi Co. Ltd., a foreign corporation. See Count 18 of the complaint.

As discussed more fully below, under the FECA, the accompanying regulations and the relevant Advisory Opinions, the contribution referred to in the complaint was entirely proper in all respects. Accordingly, the complaint as to Respondent is wholly without merit and should summarily be dismissed.

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FACTUAL BACKGROUND

Respondent is a Hawaii corporation with its principal office located in Honolulu, Hawaii. Its stock is wholly-owned by its parent, Kumagai International USA Corporation, a Texas corporation with its principal office located in San Mateo, California ("Kumagai International"). Kumagai International is a wholly-owned subsidiary of Kumagai Gumi Co. Ltd., a Japan corporation.

Respondent's President, who is lawfully admitted for permanent residence in the United States, is solely responsible for decision-making with regard to political contributions and expenditures made to Hawaii candidates for State and local elections. Respondent is engaged in construction and real estate development projects throughout the State of Hawaii.

DISCUSSION

1. Hawaii Law Permits Corporate Contributions

As a preliminary matter, Hawaii law permits a corporation to make contributions to candidates for state or local election. See Hawaii Revised Statutes, Sections 11-191(17) and 11-204(f), attached hereto as Exhibit 1.

2. Neither Respondent Nor its Parent is a Foreign National

Under the FECA and the accompanying regulations, foreign nationals may not make any contributions, directly or through any other person, in connection with any election to political office. 2 U.S.C. Section 441e; 11 C.F.R. Section 110.4(1). Under Section 441e(b)(1), foreign national means a foreign principal, as that term is defined in 22 U.S.C. Section 611(b), or an individual who is not a citizen of the United States and is not lawfully admitted for permanent residence, as defined by 8 U.S.C. Section 1101(a)(20).

With respect to corporations, Section 611(b) of Title 22 states that a corporation will be considered a "foreign principal" when it is organized under the laws of, or has its principal place of business in, a foreign country. Numerous

Advisory Opinions have interpreted this portion of Section 611(b) to establish that a corporation organized under the laws of any state of the United States with its principal place of business in the United States is not a foreign principal. Accordingly, such a corporation would not be a "foreign national" under Section 441e of FECA. See Advisory Opinions 1985-3; 1983-31; 1982-10; 1981-36.

Respondent is organized under the laws of the State of Hawaii, the parent is a Texas corporation, and both have their principal place of business in the United States. The fact that the parent is owned by a Japanese corporation does not render the parent or the Respondent a foreign national, because stock ownership is not the test. Rather, the Commission has repeatedly stated that "a domestic corporation whose principal place of business is within the United States is not a 'foreign principal' and hence not a 'foreign national....'" Advisory Opinion 1980-100. See also Advisory Opinion 1985-3 ("a corporation organized under the law of any state within the United States whose principal place of business is in the United States is not a foreign principal and, accordingly, would not be a 'foreign national....'"). Therefore, Respondent is not a "foreign national" under 2 U.S.C. 441e.

It is equally well established that Respondent may make contributions to state and local elections. A host of Advisory Opinions make it clear that a United States subsidiary that is wholly-owned by a foreign national may make contributions to a state or local election as long as the foreign parent does not directly or indirectly provide funds for such contributions or have any decision-making responsibility with respect to the contributions. See, e.g., Advisory Opinion 1985-3; Advisory Opinion 1978-21; Advisory Opinion 1982-10; Advisory Opinion 1980-100. Thus, in Advisory Opinion 1985-3, a wholly-owned U.S. subsidiary of a Canadian corporation asked the Commission whether it could make a contribution to an election without violating the prohibitions of Section 441e. The Commission held that the subsidiary could make a contribution under the following conditions:

1. The foreign parent could not directly or indirectly provide the funds for any contribution;

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2. No foreign national could have any decision-making role or control with respect to the making of any political contribution by the subsidiary.

Advisory Opinion 1985-3 (citing Advisory Opinion 1981-36; Advisory Opinion 1983-31).

The Commission has also indicated through its previous Advisory Opinions that funds that are part of a domestic corporation's general corporate funds may be a permitted source to finance political activities. In Advisory Opinion 1981-36, the Japan Business Association of Southern California ("JBA") proposed the formation of a political action committee. JBA's membership included dues paying corporations which were California domestic corporations wholly or partially owned by Japanese corporations, California corporations owned by domestic parent corporations in other states, non-voting individuals, five percent of whom were foreign nationals, and non-voting non-dues paying honorary and special members, all of whom were foreign nationals. The political action committee to be formed was to be active in city, county and state elections, but would not contribute to or participate in federal elections. JBA proposed to contribute corporate funds from its general treasury to the political action committee. The Commission ruled in part that JBA was not a foreign national and therefore was not prohibited by 2 U.S.C. Section 441e from directly contributing its general corporate funds to the political action committee for use in city, county and state elections in California. By analogy, Respondent, which is a domestic corporation and a subsidiary of a domestic corporation which, in turn, is a subsidiary of a foreign corporation, should not, when viewed in light of Advisory Opinion 1981-36, be prohibited from using its general corporate funds for political contributions to state and local elections.

In Advisory Opinion 1980-111, Portland Cement Association, an incorporated trade association with offices in Skokie, Illinois, had 45-member corporations, 34 of which were United States and 11 Canadian corporations. All members paid dues to the Association's general treasury. The Commission held that the corporation which maintained the fund was not a foreign national and that administration expenses paid by the

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trade association in connection with a PAC were not prohibited. Similarly, in this case, Respondent, which maintains the funds, is a domestic corporation and not a foreign national and therefore should not be prohibited from using these funds for political purposes.

These opinions indicate that Respondent's donation was not prohibited by 2 U.S.C. Section 441e. This conclusion is based upon two reasons. First, Respondent is itself a domestic corporation with a principal place of business within the United States and is not prohibited from using its general corporate funds in non-federal elections. Further, no foreign national has any decision-making role or control with respect to the making of any political contribution in state and local elections because the person delegated that responsibility is lawfully admitted for permanent residence in the United States. Second, according to Advisory Opinion 1981-36, the fact that the parent of Kumagai International is a foreign corporation should not affect the ability of Respondent to make donations to non-federal elections.

Given the facts presented and the analysis of the Commission's Advisory Opinions, Respondent appears to be entitled to a dismissal of the complaint. Respondent will provide any additional information that would be helpful to the General Counsel's office in formulating its recommendation to the Commission.

Very truly yours,

CARLSMITH, WICHMAN, CASE,
MUKAI AND ICHIKI

By Stanley D. Suyat
Lawrence S. Okinaga
Stanley D. Suyat

SDS:clh
Enclosure

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(16) "Office" means any elective public or constitutional office excluding federal elective offices.

(17) "Person" means an individual, partnership, committee, association, corporation, or labor union and its auxiliary committees.

(18) "Political party" means any party which satisfies the requirements of section 11-61.

(19) "Private contribution" means a monetary contribution other than from a candidate's own funds or from the Hawaii election campaign fund.

(20) "Qualifying campaign contribution" means a monetary contribution of $100 or less, and not more than $100 of a person's total aggregate monetary contribution. Qualifying contributions do not include loans or in-kind contributions. [L 1979, c 224, pt of §2; am L 1980, c 232, §1 and c 246, §1(a); am L 1981, c 102, §1 and c 217, §1; am imp L 1984, c 90, §1]

Revision Note

In paragraph (6)(D), "subparagraph" substituted for "section".

Attorney General Opinions

"Kamiano for Nukolii" is a "committee" for purposes of this section. Att. Gen. Op. 84-2.

§11-192 Campaign spending commission. There is established a campaign spending commission, consisting of five members appointed by the governor as follows:

The judicial council shall select a panel of ten persons, consisting of five persons from the membership of each of the two political parties for which the greatest number of voters cast party ballots in the last preceding primary election. From this panel the governor shall appoint two members from each political party and a chairman. Any vacancies in the commission shall be filled by the governor with a member from the panel or by reappointment of a member whose term has expired, subject to the limit on length of service imposed by section 26-34; provided the replacement member is from the same political party as the member being replaced; and provided further that the party is then one of the two political parties as determined above; otherwise, the replacement member shall be from one of the parties not represented on the commission.

The judicial council shall meet and expeditiously select additional persons for the panel whenever the number of the eligible panel members falls below five, or whenever a political party, being one of the two parties for which the greatest number of voters cast party ballots in the last primary election, is not represented. In either event, the judicial council shall select additional panel members so that there will be five from each of the two parties. A person shall no longer remain eligible to be on the panel when the person is not from one of the two parties for which the greater number of voters cast party ballots in the last preceding primary election. The requirement of being from the same party is not applicable to the replacement chairman.

Notwithstanding section 26-34, these appointments shall not be subject to senatorial confirmation. The term of the members shall be four years, except that the terms of the initial members shall be two years for two members, three

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EXHIBIT 1

is filed by the person in charge of the function with the commission prior to the date of the function setting forth the name and address of the person in charge, the price per person, the date, hour, and place of the affair and the method thereof.

(d) Fundraisers sponsored by a candidate for a statewide office are exempt from the $25 limit of subsection (a) and the restrictions of subsection (b), and fundraisers sponsored by a party for a political purpose for the general benefit of the party are exempt from the restrictions of subsection (b).

(e) The following expenses incident to a fundraiser and to all other political fundraising activities held for the benefit of a candidate for which there is a charge for attending or participating in the fundraiser or fundraising activity shall not be considered expenditures within the limitations set by section 11-209:

(1) The cost of food and beverages consumed at the function;
(2) Rent and utilities for the premises where the function is held;
(3) The amount paid for guest speakers and entertainment;
(4) Printing and postage related to a function; and
(5) All other direct costs incurred in solicitation of the fundraiser, or fundraising activity. [L 1979, c 224, pt of §2; am L 1980, c 232, §1 and c 246, §1(e); am imp L 1984, c 90, §1; am L 1987, c 369, §1(6)]

§11-204 Campaign contributions: limits as to persons. (a) No person or any other entity shall make contributions to a candidate or candidate's committee in an aggregate amount greater than $2,000 in any primary, special primary, special, or general election.

(b) A candidate or the candidate's immediate family in making a contribution 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 year.

(c) A contribution by a dependent minor shall be reported in the name of the minor but shall be counted against the contribution of the minor's parent or guardian.

(d) Any candidate or candidate's committee who knowingly receives in the aggregate more than $2,000 in any primary, special primary, special, or general election from a person, shall be required to return any excess over $2,000 to such person. If the contributor cannot be found, the excess over the contribution limit shall be deposited with the Hawaii election campaign fund. A candidate or candidate's committee who complies with the provisions of this subsection prior to the initiation of prosecution shall not be subject to any penalty under section 11-228.

(e) All payments made by a person or whose contributions or expenditure activity is financed, maintained or controlled by any corporation, labor organization, association, political party or any other person or committee, including any parent, subsidiary, branch, division, department or local unit of the corporation, labor organization, association, political party or any other person, or by any group of such persons shall be considered to be made by a single person.

(f) A contribution made by two or more corporations shall be treated as one person when such corporations:

(1) Share the majority of members of their boards of directors;
(2) Share two or more corporate officers;
(3) Are owned or controlled by the same majority shareholder or shareholders; or
(4) Are in a parent-subsidiary relationship.

(g) An individual and any general partnership in which the individual is a partner, or an individual and any corporation in which the individual owns a controlling interest, shall be treated as one person.

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 2846

NAME OF COUNSEL: Stanley D. Suyat, Esq., Lawrence S. Okinaga, Esq.
Carlsmith, Wichman, Case, Mukai & Ichiki

ADDRESS: Suite 2200, Pacific Tower
1001 Bishop Street
Honolulu, Hawaii 96813

TELEPHONE: (808) 523-2500

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

KUMAGAI PROPERTIES, INC.

May 5, 1989
Date

Signature
Koji Takehisa, Vice President

RESPONDENT'S NAME: Kumagai Properties, Inc.

ADDRESS: Suite 1404
1585 Kapiolani Boulevard
Honolulu, Hawaii 96814

HOME PHONE:

BUSINESS PHONE: (808) 942-7743

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TELEX 783-658 CWCMI SPN

May 8, 1989

Lawrence M. Noble, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D. C. 20463

Dear Mr. Noble:

Re: MUR 2846 - CPB PAC State

We represent CPB PAC State ("Respondent" or "CPB PAC"), which acknowledges receipt of a complaint and your correspondence dated April 17, 1989. Pursuant to 2 U.S.C. Section 437g(a)(1) and 11 C.F.R. Section 111.6, Respondent hereby respectfully requests that the Commission find, pursuant to 11 C.F.R. Section 111.7, that there is no reason to believe that a violation has been committed and that the complaint be dismissed.

The complaint states, inter alia, that Respondent, a political action committee of Central Pacific Bank (the "Bank"), made contributions on October 15, 1986, November 19, 1986, and April 2, 1987 in the amounts of $1,000, $500 and $1,000, respectively, to Citizens for Waihee, a State campaign election committee. The complaint alleges that a significant portion of the Bank's stock is owned by foreign nationals. The complaint further states that the claims with respect to CPB PAC were included "so that a ruling may be made on degree of ownership and or control of the entity making the contribution." See Count 9 of the complaint.

As discussed more fully below, under the FECA, the accompanying regulations and the relevant Advisory Opinions, the contributions referred to in the complaint were entirely proper in all respects and, specifically, were not made,

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directly or indirectly, through foreign nationals. Accordingly, the complaint as to CPB PAC is wholly without merit and should summarily be dismissed.

FACTUAL BACKGROUND

Central Pacific Bank is a Hawaii-chartered banking corporation, with its principal office located in Honolulu, Hawaii. All of the Bank's stock is owned by the Bank's parent corporation, CPB, Inc. (the "Parent"), which is also a Hawaii corporation with its principal place of business in Honolulu, Hawaii.

Respondent is a political action committee of the Bank. According to Respondent's Constitution,[1] which is attached hereto as Exhibit 1, CPB PAC's activities are managed by a four member Contribution Committee. The Committee is made up of one director and two officers, who are vested with all decision-making authority with respect to the PAC. Three members of the Contribution Committee are, and have been since the formation of the PAC, citizens of the United States and one is lawfully admitted to the United States for permanent residence.

CPB PAC does not receive any funds, either directly or indirectly, from foreign nationals. In addition, no foreign nationals participate in any way in the decision-making process of CPB PAC with respect to political contributions or expenditures. Further, CPB PAC does not solicit or accept any recommendations from any foreign nationals with respect to such decisions.

The Bank itself has five officers and sixteen directors. All five of the officers are either citizens of the United States or are lawfully admitted for permanent residence. Fifteen of the sixteen directors are also citizens of the United States or are lawfully admitted for permanent residence; the remaining director is a citizen of Japan. The director who is a Japanese national has not provided any funds to CPB PAC or

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[1]CPB PAC State is a separate segregated account. See Exhibit 1, Article VIII.

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exercised any decision-making authority over CPB PAC's activities.

With respect to the Parent corporation, 13.7% of the stock is owned by Sumitomo Bank, a foreign corporation. The Parent has nine directors. Eight of these directors are either citizens of the United States or lawfully admitted for permanent residence in the United States. The remaining director is a citizen of Japan. Neither Sumitomo Bank nor the single foreign national director has provided funds to CPB PAC, nor has either had any decision-making authority with respect to CPB PAC's activities.

DISCUSSION

1. Hawaii Law Permits Corporate Contributions

As a preliminary matter, Hawaii law permits a corporation or its political action committee to make contributions to candidates for state or local election. See Hawaii Revised Statutes, Sections 11-191(17) and 11-204(f), attached hereto as Exhibit 2.

2. Neither the Bank nor its Parent is a Foreign National

Under the FECA and the accompanying regulations, foreign nationals may not make any contributions, directly or through any other person, in connection with any election to political office. 2 U.S.C. Section 441e; 11 C.F.R. Section 110.4(1). Under Section 441e(b)(1), foreign national means a foreign principal, as that term is defined in 22 U.S.C. Section 611(b), or an individual who is not a citizen of the United States and is not lawfully admitted for permanent residence, as defined by 8 U.S.C. Section 1101(a)(20).

With respect to corporations, Section 611(b) of Title 22 states that a corporation will be considered a "foreign principal" when it is organized under the laws of, or has its principal place of business in, a foreign country. Numerous Advisory Opinions have interpreted this portion of Section 611(b) to establish that a corporation organized under the laws of any state of the United States with its principal place of business in the United States is not a foreign principal.

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Accordingly, such a corporation would not be a "foreign national" under Section 441e of FECA. See Advisory Opinions 1985-3; 1983-31; 1982-10; 1981-36.

Both the Bank and its Parent are organized under the laws of the State of Hawaii, and each has its respective principal place of business in Honolulu, Hawaii. The fact that 13.7% of the Parent's stock is owned by a Japanese corporation does not render the Parent a foreign national, because stock ownership is not the test. Rather, the Commission has repeatedly stated that "a domestic corporation whose principal place of business is within the United States is not a 'foreign principal' and hence not a 'foreign national....'" Advisory Opinion 1980-100. See also Advisory Opinion 1985-3 ("a corporation organized under the law of any state within the United States whose principal place of business is in the United States is not a foreign principal and, accordingly, would not be a 'foreign national....'"). Therefore, neither the Bank nor the Parent is a "foreign national" under 2 U.S.C. 441e.

3. A Corporation Which is Not a Foreign National May Lawfully Establish a PAC to Contribute to State and Local Elections As Long As Foreign Nationals Do Not Contribute Funds or Exercise Decision-Making Authority Over the PAC

In addition to prohibiting direct contributions by foreign nationals, Section 441e also prohibits contributions by foreign nationals "through any other person." Under the standards discussed below, because foreign nationals do not contribute to or have decision-making authority over CPB PAC, the contributions listed in the complaint cannot be said to violate this provision either.

In the first instance, a domestic corporation, even one that is wholly-owned by foreign nationals, may form a political action committee if the foreign nationals do not contribute to the fund or exercise decision-making authority with respect to the committee's activities. See Advisory Opinion 1980-100. In Advisory Opinion 1980-100, Revere Sugar Corporation asked the Commission whether it could establish and administer a separate segregated fund to solicit contributions for political purposes, given that Revere was wholly-owned by

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Philippine and Netherlands Antilles citizens and corporations. The Commission ruled that Revere could establish and administer such a fund based on the following representations by Revere: 1) Revere was a domestic corporation with its principal place of business in the United States (i.e., Revere was not a "foreign national"); 2) the committee would not solicit or accept contributions from foreign nationals; and 3) the individuals exercising decision-making authority over the fund's activities would not be foreign nationals.

All of these factors are present here. The Bank is a Hawaii corporation with its principal place of business in Hawaii. It did and does not solicit or accept funds from foreign nationals, and all decision-making authority is maintained by United States citizens or those lawfully admitted for permanent residence.

It is equally well established that the Bank, through CPB PAC, may make contributions under these circumstances to state and local elections. A host of Advisory Opinions make it clear that a United States subsidiary that is wholly-owned by a foreign national may make contributions to a state or local election as long as the foreign parent does not directly or indirectly provide funds for such contributions or have any decision-making responsibility with respect to the contributions. See, e.g., Advisory Opinion 1985-3; Advisory Opinion 1978-21; Advisory Opinion 1982-10; Advisory Opinion 1980-100. Thus, in Advisory Opinion 1985-3, a wholly-owned U.S. subsidiary of a Canadian corporation asked the Commission whether it could make a contribution to an election without violating the prohibitions of Section 441e. The Commission held that the subsidiary could make a contribution under the following conditions:

1. The foreign parent could not directly or indirectly provide the funds for any contribution;

2. No foreign national could have any decision-making role or control with respect to the making of any political contribution by the subsidiary.

Advisory Opinion 1985-3 (citing Advisory Opinion 1981-36; Advisory Opinion 1983-31).

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Similarly, in Advisory Opinion 1983-31, Syntex USA, Inc., a Delaware corporation which was wholly-owned by a Panamanian corporation, formed a political action committee known as "Syntex Good Government Committee" for the purpose of making contributions and expenditures in connection with state and local elections. All of the individuals responsible for exercising the decision-making authority of the committee were United States citizens or persons lawfully admitted for permanent residence in the United States. In addition, no individual who is a foreign national participated in the decision-making process of the committee with regard to political contributions or expenditures, and the committee did not solicit or accept any recommendations from any foreign nationals in connection with decisions affecting contributions. The Commission concluded that the subsidiary which formed the committee was not a foreign principal, and on the above-described facts was not prohibited from using funds contributed to it in connection with local or state elections.

The facts with respect to respondent CPB PAC are even more compelling. In both Advisory Opinions 1985-3 and 1983-31, the corporation forming the PAC was wholly-owned by a foreign national. Here, the subsidiary bank that formed the PAC is a domestic corporation. In addition, the Bank's Parent, as discussed above, is not a foreign national, because it is incorporated in Hawaii and has its principal place of business in Hawaii. If a domestic subsidiary wholly-owned by a foreign principal is not prohibited from making contributions, a fortiori, a domestic subsidiary owned by a corporation that is also a domestic corporation is not prohibited from making state and local contributions through its PAC, as long as the conditions relating to foreign funds and decision-making authority are met.

In the present case, no foreign national contributed to CPB PAC or exercised control over CPB PAC's actions. In the first instance, CPB PAC did not receive any funds at all from foreign nationals. Therefore, the contributions at issue were not funds directly or indirectly contributed by foreign nationals. Indeed, Sumitomo Bank, which is the foreign shareholder in the Bank and its Parent did not contribute funds to CPB PAC.

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Second, with respect to decision-making authority, as stated above, all decision-making with regard to contributions is vested in the Contribution Committee, which is, and at all relevant times has been, wholly comprised of U.S. nationals and individuals lawfully admitted for permanent residence. Moreover, the Bank and its Parent each have only one foreign national who is a member of the respective boards of directors, and that individual does not participate in any manner in the decision-making process of CPB PAC in connection with contributions to state and local elections.

This was precisely the situation in Advisory Opinion 1982-10. In that Opinion, which also involved Syntex USA, Inc., one of the corporate officers was a foreign national. The Commission concluded that Syntex USA, Inc. was not prohibited from making contributions and expenditures in connection with campaigns for state and local political office, provided that that foreign national officer did not participate in any way in the decision-making process with regard to proposed contributions or expenditures in connection with state or local elections. Indeed, in Advisory Opinion 1985-3 as well, the Commission, in holding that an American subsidiary did not violate Section 441e as long as its foreign parent did not directly or indirectly provide funds for any political contributions and that no other person who was a foreign national had any decision-making role with respect to such contributions, merely noted that the board of directors was "wholly or substantially comprised of U.S. citizens." Surely, this is the case here, where all but one of the directors on each Board are not foreign nationals, and the single foreign national on each Board does not have any decision-making role or control with respect to any contribution.

Advisory Opinion 1978-21 is also instructive. In 1978-21, Budd Company of Troy, Michigan, a Pennsylvania corporation ("Budd"), was about to become a wholly-owned subsidiary of Thyssen, A.G., a West German corporation. Budd was to retain its autonomous corporate form as a Pennsylvania corporation, and its principal place of business was to remain in the United States. The Commission was asked to opine whether Budd's political action committee could continue to operate by soliciting contributions from its executive and administrative personnel and in making contributions to candidates. The Commission issued an opinion that the

continuing existence of Budd as a discrete corporation, organized under the laws of Pennsylvania with its principal place of business in the United States, would permit Budd to continue its sponsorship of the committee, provided that contributions to the committee were not solicited or accepted from foreign nationals and the decisions made by the committee were not dictated or directed by personnel of foreign nationals.

The facts of Advisory Opinion 1978-21 are dispositive with respect to the issues raised here. First, Budd was to become a wholly-owned subsidiary of a foreign national. In this case, the Bank is and will remain a wholly-owned subsidiary of its domestic parent. Moreover, taking the Budd and Syntex USA, Inc. Opinions together (Syntex USA, Inc. was also a wholly-owned subsidiary of a foreign national), it is clear that CPB PAC was not prohibited from making the cited contributions, because the Bank is a domestic corporation and funds were not solicited or collected from foreign nationals and foreign nationals did not possess authority to control the activities of CPB PAC. These Opinions also establish that the fact that 13.7% of the Parent's stock is owned by a foreign corporation does not require a different result, because the subsidiary Bank has maintained its identity as a domestic corporation and the Parent's foreign stockholder did not contribute funds to CPB PAC or exercise decision-making authority over it.

On the basis of the facts presented and analysis of the Commission's previous Advisory Opinions, Respondent respectfully requests that the Commission dismiss the complaint

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against it. Respondent will also provide any additional information that would be helpful to the General Counsel's office in formulating its recommendation to the Commission.

Respectfully submitted,

CARLSMITH, WICHMAN, CASE,
MUKAI AND ICHIKI

By Stanley D. Suyat
Lawrence S. Okinaga
Stanley D. Suyat

SDS:jai
Enclosures

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CPB PAC-FED
CONSTITUTION

ARTICLE I

Name. There is hereby established by CENTRAL PACIFIC BANK, in the State of Hawaii, the political action committee named CPB PAC-FED (hereinafter called PAC).

ARTICLE II

Principal Office and Address. The principal office of PAC shall be located at, and its address shall be, 50 North King Street, Honolulu, Hawaii 96817.

ARTICLE III

Organization. The PAC shall be a voluntary, non-profit, unincorporated political association comprised of its members, who shall be individuals. The PAC shall be independent of any political party, candidate or other organization, except that CENTRAL PACIFIC BANK shall defray all costs and expenses incurred in the establishment of, the administration of, and the solicitation of contributions to the PAC, and shall have the power to appoint and remove all Officers and Members of the Contribution Committee of the PAC, and to otherwise direct its activities.

ARTICLE IV

Purposes and Powers. The purposes of PAC are the protection, preservation and furtherance of the private

EXHIBIT 1

enterprise system and, in particular, the protection and advancement of the commercial banking industry, through political Activity. To achieve these purposes, PAC shall have the power to solicit and accept voluntary contributions from all sources, and to expend such contributions to all recipients, within the limits permitted by law to influence the nomination for election, and the election, of those candidates to Federal and State elective office who its Contribution Committee determines to be in general agreement wi[illegible] lawful purpose of PAC. In carrying out the foregoing PA[illegible] shall also have the power to make contributions, within the [illegible]mits permitted by law, to National, State and local Committees of National political parties and to other political committees. PAC shall have the power and authority to do and perform any and all acts necessary to carry out any activities in furtherance of its lawful purposes.

ARTICLE V

Membership. All the stockholders and their families and the executive or administrative personnal and thair families of CENTRAL PACIFIC BANK and its branches and/or affiliates shall be eligible for membership in PAC.

ARTICLE VI

Contributions.

Section 1. All contributions to PAC shall be voluntary, and no contributions to PAC shall be solicited or secured by physical force, job discrimination, financial reprisal, or by threat of force, job discrimination or

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financial reprisal, or as a condition of employment by CENTRAL PACIFIC BANK.

Section 2. No contributions shall be accepted, and no expenditures shall be made, by or on behalf of PAC at a time when there is a vacancy in either the office of Chairman or Treasurer.

Section 3. No member of PAC, or contributor thereto, if not a member, shall have a right to share personally in any funds or assets of PAC upon its dissolution, or at any other time.

Section 4. The expenditure of any funds of PAC shall be within the sole discretion of PAC's Contribution Committee.

ARTICLE VII

Depositories. The Treasurer shall designate one or more national or state banks as campaign depositories of PAC and shall maintain a checking account at each depository so designated.

ARTICLE VIII

Separate Segregated Funds. All contributions and expenditures of PAC shall be accounted for in one of two separate, segregated funds. All contributions to and expenditures by PAC in support of any candidate or political committee in connection with election to federal office shall be deposited in and expended from the fund designated to be used exclusively for federal purposes, provided, however, that Bank shall not make any contribution to said fund for federal purposes. This fund, which shall be called the

2404357034 1

CEN-PAC FED Fund, shall be duly registered with the Federal Election Commission. All contributions to and expenditures by PAC in support of any candidate or political committee in connection with election to state or local office shall be made from the fund designated exclusively for such use. Allocation of contributions to PAC between the two separate, segregated funds as permitted by law shall be within the sole discretion of PAC's Contribution Committee. No monies may be transferred from the state fund to the federal fund in any event.

ARTICLE IX

Officers.

Section 1. The officers of PAC shall be a Chairman, Vice Chairman, Treasurer, Assistant Treasurer and Secretary, and shall be appointed by CENTRAL PACIFIC BANK. Each officer of PAC shall continue to serve in his office until his successor is appointed and qualified.

Section 2. The Chairman shall be the chief executive officer of PAC and shall, subject to the determination of the Contribution Committee provided for in Section 2 of ARTICLE X hereof, administer the affairs of PAC. The Chairman shall preside at all meetings of PAC or its Contribution Committee.

Section 3. The Treasurer shall be the chief financial officer of PAC. The Treasurer subject to the provisions of this Constitution, shall have general responsibility for all funds collected by PAC and shall cause all monies to be deposited and all books of account to be kept in accordance with the directives and in the manner

7404357034 2

authorized by the Contribution Committee pursuant to ARTICLE X hereof. The Treasurer shall also prepare, maintain, file and maintain copies of all records and reports of PAC activities required to be maintained or filed by law.

Section 4. The Secretary shall maintain all minutes of meetings of PAC and the Contribution Committee.

Section 5. During the absence or incapacity of the Chairman, the Vice Chairman shall assume the duties and exercise the powers of the Chairman. The Vice Chairman shall perform such other duties as may be assigned to him by this Constitution or by the Chairman.

Section 6. During the absence or incapacity of the Treasurer, the Assistant Treasurer shall perform the duties and functions and exercise the powers of the Treasurer.

ARTICLE X

Contribution Committee.

Section 1. The affairs of PAC, including the making of any contributions to or expenditures on behalf of, candidates or political committees, shall be supervised and directed by the Contribution Committee. The Chairman of PAC shall serve as a member of the Contribution Committee and as its Chairman. Other members of the Contribution Committee shall be the Vice Chairman and Treasurer of PAC, and such other PAC members as may be designated and appointed by CENTRAL PACIFIC BANK. If a vacancy shall occur on the Contribution Committee either through death, total disability, the end of the individual's association with CENTRAL PACIFIC BANK, or removal for cause, the Chairman may appoint an

9404357034 3

individual to fill the unexpired term. A quorum of the Contribution Committee for the transaction of business shall consist of a majority of its members.

Section 2. The Contribution Committee may delegate to the Chairman and/or Treasurer, subject to the direction of the Committee, the power to allocate receipts to the two separate, segregated funds as permitted by law and the power to determine the candidates and/or political committees that PAC shall support, provided, however, that no Bank fund shall be used for federal purposes.

ARTICLE XI

Meetings. The Contribution Committee may be called into session by the Chairman or any other two members. A meeting of the members of PAC may be called by a majority of the members of the Contribution Committee.

ARTICLE XII

Adoption, Amendments and Bylaws.

Section 1. These ARTICLES shall be adopted effective May ____, 1980.

Section 2. The ARTICLES may be amended by action of a majority of the Contribution Committee, provided, however, that Sections 1, 2 and 3 of ARTICLE VI shall not be subject to amendment or repeal so long as PAC remains in existence.

Section 3. Bylaws of PAC may hereafter be adopted, amended and repealed by the Contribution Committee in accordance with procedures established in such Bylaws.

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ARTICLE XIII

Dissolution. PAC may be dissolved at any time by action of a majority of the Contribution Committee, or by CENTRAL PACIFIC BANK. In the event of such dissolution, all funds of PAC remaining after satisfaction of all outstanding liabilities shall be promptly distributed to candidates or political committees chosen in a manner consistent with ARTICLE X hereof and for the purposes set forth in ARTICLE IV hereof.

CENTRAL PACIFIC BANK

By: [signature]
Its Senior Vice President

Date: May 14 1980

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(16) "Office" means any elective public or constitutional office excluding federal elective offices.

(17) "Person" means an individual, partnership, committee, association, corporation, or labor union and its auxiliary committees.

(18) "Political party" means any party which satisfies the requirements of section 11-61.

(19) "Private contribution" means a monetary contribution other than from a candidate's own funds or from the Hawaii election campaign fund.

(20) "Qualifying campaign contribution" means a monetary contribution of $100 or less, and not more than $100 of a person's total aggregate monetary contribution. Qualifying contributions do not include loans or in-kind contributions. [L 1979, c 224, pt of §2; am L 1980, c 232, §1 and c 246, §1(a); am L 1981, c 102, §1 and c 217, §1; am imp L 1984, c 90, §1]

Revision Note

In paragraph (6)(D), "subparagraph" substituted for "section".

Attorney General Opinions

"Kamiano for Nakoli" is a "committee" for purposes of this section. Att. Gen. Op. 84-2.

§11-192 Campaign spending commission. There is established a campaign spending commission, consisting of five members appointed by the governor as follows:

The judicial council shall select a panel of ten persons, consisting of five persons from the membership of each of the two political parties for which the greatest number of voters cast party ballots in the last preceding primary election. From this panel the governor shall appoint two members from each political party and a chairman. Any vacancies in the commission shall be filled by the governor with a member from the panel or by reappointment of a member whose term has expired, subject to the limit on length of service imposed by section 26-34; provided the replacement member is from the same political party as the member being replaced; and provided further that the party is then one of the two political parties as determined above; otherwise, the replacement member shall be from one of the parties not represented on the commission.

The judicial council shall meet and expeditiously select additional persons for the panel whenever the number of the eligible panel members falls below five, or whenever a political party, being one of the two parties for which the greatest number of voters cast party ballots in the last primary election, is not represented. In either event, the judicial council shall select additional panel members so that there will be five from each of the two parties. A person shall no longer remain eligible to be on the panel when the person is not from one of the two parties for which the greater number of voters cast party ballots in the last preceding primary election. The requirement of being from the same party is not applicable to the replacement chairman.

Notwithstanding section 26-34, these appointments shall not be subject to senatorial confirmation. The term of the members shall be four years, except that the terms of the initial members shall be two years for two members, three

EXHIBIT 2

2404357034 6

is filed by the person in charge of the function with the commission prior to the date of the function setting forth the name and address of the person in charge, the price per person, the date, hour, and place of the affair and the method thereof.

(d) Fundraisers sponsored by a candidate for a statewide office are exempt from the $25 limit of subsection (a) and the restrictions of subsection (b), and fundraisers sponsored by a party for a political purpose for the general benefit of the party are exempt from the restrictions of subsection (b).

(e) The following expenses incident to a fundraiser and to all other political fundraising activities held for the benefit of a candidate for which there is a charge for attending or participating in the fundraiser or fundraising activity shall not be considered expenditures within the limitations set by section 11-209:

(1) The cost of food and beverages consumed at the function;
(2) Rent and utilities for the premises where the function is held;
(3) The amount paid for guest speakers and entertainment;
(4) Printing and postage related to a function; and
(5) All other direct costs incurred in solicitation of the fundraiser, or fundraising activity. [L 1979, c 224, pt of §2; am L 1980, c 232, §1 and c 246, §1(e); am imp L 1984, c 90, §1; am L 1987, c 369, §1(6)]

§11-204 Campaign contributions; limits as to persons. (a) No person or any other entity shall make contributions to a candidate or candidate's committee in an aggregate amount greater than $2,000 in any primary, special primary, special, or general election.

(b) A candidate or the candidate's immediate family in making a contribution 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 year.

(c) A contribution by a dependent minor shall be reported in the name of the minor but shall be counted against the contribution of the minor's parent or guardian.

(d) Any candidate or candidate's committee who knowingly receives in the aggregate more than $2,000 in any primary, special primary, special, or general election from a person, shall be required to return any excess over $2,000 to such person. If the contributor cannot be found, the excess over the contribution limit shall be deposited with the Hawaii election campaign fund. A candidate or candidate's committee who complies with the provisions of this subsection prior to the initiation of prosecution shall not be subject to any penalty under section 11-228.

(e) All payments made by a person or whose contributions or expenditure activity is financed, maintained or controlled by any corporation, labor organization, association, political party or any other person or committee, including any parent, subsidiary, branch, division, department or local unit of the corporation, labor organization, association, political party or any other person, or by any group of such persons shall be considered to be made by a single person.

(f) A contribution made by two or more corporations shall be treated as one person when such corporations:

(1) Share the majority of members of their boards of directors;
(2) Share two or more corporate officers;
(3) Are owned or controlled by the same majority shareholder or shareholders; or
(4) Are in a parent-subsidiary relationship.

(g) An individual and any general partnership in which the individual is a partner, or an individual and any corporation in which the individual owns a controlling interest, shall be treated as one person.

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 2846

NAME OF COUNSEL: Stanley D. Suyat, Esq., Lawrence S. Okinaga, Esq.
Carlsmith, Wichman, Case, Mukai & Ichiki

ADDRESS: Suite 2200, Pacific Tower
1001 Bishop Street
Honolulu, Hawaii 96813

TELEPHONE: (808) 523-2500

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

MAY - 1 1989
Date

Signature

RESPONDENT'S NAME: CPB PAC State

ADDRESS: c/o Central Pacific Bank
220 South King Street
Honolulu, Hawaii 96813

HOME PHONE:

BUSINESS PHONE: (808) 544-0500

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RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION
89 MAY 12 PM 12:37

MATSUBARA, LEE & KOTAKE
ATTORNEYS AT LAW
A LAW CORPORATION

BENJAMIN M. MATSUBARA
GARY B. K. T. LEE
MERVYN M. KOTAKE
STEPHANIE A. REZENTS

DEXTER T. HIGA
EDSEL M. YAHADA

CHARLES R. KENDALL BUILDING
888 MILILANI STREET, EIGHTH FLOOR
HONOLULU, HAWAII 96813-2916
TELEPHONE (808) 545-3866
FACSIMILE (808) 538-3840

May 10, 1989

VIA FEDERAL EXPRESS

Ms. Patty Reilly
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 2846 - Hiroshi Kobayashi

Dear Patty:

Pursuant to our conversation of today, I am writing to formally request a twenty (20) day extension to file a response on behalf of Mr. Kobayashi. As I mentioned during our conversation, we were just retained by Mr. Kobayashi to represent him in this matter. Thus, we request the extension so that we may be able to gather factual and legal materials that we feel will be relevant to the Commission's analysis.

I have enclosed Mr. Kobayashi's Statement of Designation of Counsel.

Thank you for your attention to this matter. It was a pleasure talking to you today.

Very truly yours,

MATSUBARA, LEE & KOTAKE

Sandra-Ann Y. H. Wong

Sandra-Ann Y. H. Wong

SAYHW/syh

Enclosure

cc: Mr. Hiroshi Kobayashi

89 MAY 15 PM 3:07

24043570349

STATEMENT OF DESIGNATION OF COUNSEL

HUR 2846

NAME OF COUNSEL: MATSUBARA, LEE & KOTAKE

ADDRESS: Charles R. Kendall Building
888 Mililani Street, Eighth Floor
Honolulu, Hawaii 96813

TELEPHONE: (808)526-9566

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

May 10, 1989
Date

Signature

RESPONDENT'S NAME: HIROSHI KOBAYASHI

ADDRESS: 921 Aliamanu Place
Honolulu, Hawaii 96818

HOME PHONE: (808)422-7623

BUSINESS PHONE: (808)226-1917

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 18, 1989

Sandra-Ann Y. H. Wong, Esquire
Matsubara, Lee & Kotake
888 Mililani Street, Eighth Floor
Honolulu, Hawaii 96813-2918

RE: MUR 2846
Hiroshi Kobayashi

Dear Ms. Wong:

The Office of the General Counsel is in receipt of your recent request for an extension of time to respond to the complaint in the above-captioned matter. After considering the circumstances as detailed in your letter, this Office will grant the requested twenty-day extension. Accordingly, your response is due no later than May 30, 1989.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

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FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION

89 MAY 18 AM 10:37

HONG, IWAI AND HULBERT

ATTORNEYS AT LAW
SUITE 2200, PAUAHI TOWER
BISHOP SQUARE
1001 BISHOP STREET
HONOLULU, HAWAII 96813

TELEPHONE
(808) 524-4800

FAX
(808) 528-8473

GEORGE S. W. HONG
DONALD K. IWAI
NEIL F. HULBERT*
CAROL LEE HONG
JEFFREY C. WILK
ROY R. KAMANO
HARLAN Y. KIMURA

*A LAW CORPORATION

May 15, 1989

Ms. Patty Reilly
Federal Election Commission
Washington, D.C. 20463

Dear Ms. Reilly:

Re: Friends of Frank Fasi
MUR2846

Reference is hereby made to our telephone conversation of May 12, 1989. As I informed you at that time, the Mayor is out of the country for at least another week. Accordingly, I would like an extension of time to respond to your letter of April 17, 1989.

Since we already represent Yoshinori Hayashida in this matter, it will probably be necessary to obtain other counsel for the Mayor. That may take some additional time and I would request until at least June 15 within which to provide a response.

You also indicated that generally you would grant such additional time for other parties involved in the same complaint.

Very truly yours,

HONG, IWAI AND HULBERT

By Neil F. Hulbert
Neil F. Hulbert

NFH:et

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FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

89 MAY 22 PM 12:30

HONG, IWAI AND HULBERT

GEORGE S. W. HONG
DONALD K. IWAI
NEIL F. HULBERT*
CAROL LEE HONG
JEFFREY C. WILK
ROY K. KAMANO
HARLAN Y. KIMURA

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TELEPHONE
(808) 524-4800

FAX
(808) 528-5473

May 17, 1989

Federal Election Commission
999 "E" Street, N.W.
Washington, D.C. 20563

Attention: George P. Rishel
Acting Associate General Counsel

89 MAY 22 PM 3:47

Re: MUR 2846
Yoshinori "Ken" Hayashida

Dear Mr. Rishel:

This letter is in response to your letter dated April 17, 1989, regarding the above-referenced matter. Enclosed please find the fully executed Statement of Designation of Counsel authorizing our law firm to receive any notifications and other communications from the Federal Election Commission (hereinafter "Commission") and to act on behalf of Mr. Hayashida.

As we understand the Complaint being brought against Mr. Hayashida by Mr. Locricchio and others (hereinafter "Complainants"), the allegations involve violations of the Federal Election Campaign Act of 1971, as amended (hereinafter the "Act"). Although the Complainants' claims lack any specification of which statutory sections are involved, it appears that the allegations concern violations of the Act as it relates to:

1. Prohibition of a foreign national from making political contributions (2 U.S.C. §441e and 11 CFR §110.4(a));

2. Prohibition against contributions made in the name of another (2 U.S.C. §441f and 11 CFR §110.4(b)); and

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3. Failure to report a contributor's current residence address when making a political contribution (No applicable statutory provision or rules or regulations were found.).

In response to the allegations of the Complainants, Mr. Hayashida affirmatively states that the political contributions were made to candidates running for State and local offices. Therefore, the Commission has no jurisdiction over the allegations raised by the Complainants.

The Act refers to candidates running for election to Federal offices only. 2 U.S.C. §431. It is the duty of the Commission to "administer, seek to obtain compliance with, and formulate policy with respect to, this Act." Id. at §437c(b)(1). Pursuant to its statutory grant of authority, the Commission has promulgated rules and regulations to carry out the provisions of the Act. Id. at §438(a)(8).

The Rules and Regulations promulgated by the Commission to implement the provisions of the Act are contained in 11 CFR §100.1 et seq. Throughout the rules and regulations, references are made to candidates and elections regarding Federal Office. The only reference we have been able to find indicating that the rules and regulations also apply to State and local elections is in 1 CFR §110.4(a)(1) as it relates to contributions by foreign nationals. However, contributions are defined as a "gift, subscription, loan..., advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal Office." 11 CFR §100.7(a)(1) [Emphasis added]. Therefore, an apparent inconsistency or ambiguity exists within the provision being relied upon by the Complainants.

It is well settled that a statute (or rules and regulations adopted thereby) is open to construction when the language used therein requires interpretation or may be reasonably considered ambiguous. 73 Am.Jur.2d Statutes, §194 (1974). Where there is ambiguity, the scope or provisions of the statute is considered in order that an interpretation thereof would render it consistent or in conformity with that scope or provision. United States v. Turkette 452 U.S. 576 101 S. Ct. 2524; 69 L. Ed. 2d 246 (1981) 73 Am.Jur.2d Statutes, Id. at §149. Similarly, an ambiguous statute may be interpreted according to its subject matter. 73 Am.Jur.2d Statutes, at §148.

An application of the above rules of statutory construction would indicate that the purpose and scope of the Act, and the rules and regulations promulgated thereby, were to monitor the activities of candidates who run for Federal office. To

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interpret the provision prohibiting contributions of foreign nationals to extend to State and local offices would run counter to the purposes and intent of Congress. In this situation, where you have conflicting provisions within portions of the rules and regulations, they are to be construed to give effect to the purpose of the statute and the intention of Congress. 73 Am.Jur.2d Statutes, §255. Therefore, the phrase "local, State" should not be given effect.

This interpretation of the rules and regulations promulgated by the Act is further buttressed by the Act's pre-emptory language. 2 U.S.C. §453. That provision states that "the provisions of this Act, and of the rules prescribed under this Act, supercede and preempt any provision of State law with respect to election to Federal office." Id. Therefore, the rules and regulations prescribed pursuant to the Act should apply to only contributions for Federal office.

Assuming arguendo that the rules and regulations promulgated pursuant to the Act do not apply to State and local elections, there is still no violation. Mr. Hayashida is a permanent resident as defined in 8 U.S.C. §1101(a)(20) and, therefore, is not a foreign national prohibited from making contributions. 11 CFR §110.4(a)(3)(ii). To verify Mr. Hayashida's permanent residence status with the Immigration and Naturalization Service

The second allegation of the Complainants is that Mr. Hayashida made contributions in his name, although the funds came from another source. Specifically, the contributions relate to the campaigns for the Mayor of the City and County of Honolulu (hereinafter "Pasi Campaign"), and the Governor of the State of Hawaii (hereinafter "Waihee Campaign"). In regard to the contributions, funds allegedly given and attributable to Mr. Hayashida have been returned. Therefore, this issue is moot as to whether the contributions originally belonged to Mr. Hayashida.

Even if this issue is not rendered moot by the return of the contributions, Mr. Hayashida made his contributions with funds over which he had direct control and the right to use for his own personal purposes. Therefore, the funds contributed by Mr. Hayashida belonged to him.

The third allegation of the Complainants relates to contributions being made by Mr. Hayashida without him giving his current residence address when making those political contributions. According to the Act, the treasurer of a political committee has the duty to keep an account of the name and address

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of any person making a contribution in excess of $50.00. 2 U.S.C. §432(C)(2). Similarly, the rules and regulations provide that the political committee is required to report to the Commission the name and mailing address of each contributor. 11 CRF Part 104. There is no requirement that Mr. Hayashida give any address other than that which would reasonably be calculated to give him actual notice of any action to be taken by the political committee to which he contributed or by the Commission. Exhibits C and D to the Complaint both show an address for Mr. Hayashida as 581 Kamoku Street, Honolulu, Hawaii 96826. As far as Mr. Hayashida is concerned, this allegation is unsupported by the Complainants own statement.

Based upon all of the foregoing, we respectfully submit that on behalf of Mr. Hayashida, no action should be taken by the Commission against him because the Commission has no jurisdiction over the issues raised by the Complainants. Alternatively, the Commission should not take any action because there is no reason to believe that any violation of either the Act or the rules and regulations promulgated thereby has occurred.

Very truly yours,

HONG, IWAI AND HULBERT

By _____
Neil F. Hulbert

NFH:et

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RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION
89 MAY 30 AM 10:37

MATSUBARA, LEE & KOTAKE

ATTORNEYS AT LAW
A LAW CORPORATION

BENJAMIN M. MATSUBARA
GARY S. K. T. LEE
MERVYN M. KOTAKE
STEPHANIE A. REZENTS
DEXTER T. HIGA
EDBEL M. YAMADA

CHARLES R. KENDALL BUILDING
888 MILILANI STREET, EIGHTH FLOOR
HONOLULU, HAWAII 96813-2918
TELEPHONE (808) 526-0566
FACSIMILE (808) 536-3840

May 24, 1989

VIA FAX

Mr. Jonathan Bernstein
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 2846 - Hiroshi Kobayashi

Dear Mr. Bernstein:

Pursuant to our conversation of today, I am writing to formally request a second extension to file a written response on behalf of Mr. Kobayashi. We are currently in the process of reviewing and reseaching the applicable law and its possible application to our client's situation. We then will require some time to meet with Mr. Kobayashi to discuss the law and its possible ramifications. As we feel that it is important that our written statement to the Commission be as accurate and complete as possible, we respectfully ask that our response deadline be extended to June 12, 1989.

In regard to your concern of the possible delay to other parties involved in this matter, it is my understanding that some of the other parties will also be requesting extensions to file responses.

Please call me as soon as you arrive at a decision on my request. My response deadline is currently May 30, 1989. Thank you for your attention to this matter. It was a pleasure speaking with you today.

Very truly yours,

MATSUBARA, LEE & KOTAKE

Sandra-Ann Y. H. Wong

SAYHW/ea
cc: Mr. Hiroshi Kobayashi

89 MAY 30 AM 11:52

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 26, 1989

Sandra-Ann Y. H. Wong
Matsubara, Lee & Kotake
Charles R. Kendall Building
888 Mililani Street, 8th Floor
Honolulu, Hawaii 96813

RE: MUR 2846
Hiroshi Kobayashi

Dear Ms. Wong:

This is in response to your letter dated May 24, 1989, which we received via FAX on that date, requesting a second extension of time to respond to the complaint filed in this matter. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on June 12, 1989.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

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OGC 2862

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May 23, 1989

BY DHL COURIER

Federal Election Commission
Office of General Counsel
999 E Street, N.W.
Washington, D. C. 20463

Attention: Patty Reilly

Re: MUR 2846
Ohbayashi Hawaii Corporation

Dear Ms. Reilly:

This letter presents the response of Ohbayashi Hawaii Corporation to the March 29, 1989 Complaint filed by Anthony Locricchio with the Federal Election Commission.

In pertinent part, Locricchio alleges that the two thousand dollar ($2,000) contribution made by Ohbayashi Hawaii Corporation to Citizens for John D. Waihee on or about September 12, 1988 is improper and illegal. See: Page 4 of the Complaint and Exhibit "J" to the Complaint.

The allegation by Locricchio against Ohbayashi Hawaii Corporation is without merit. The allegation is not supported by the law or the facts and circumstances relevant to Ohbayashi Hawaii Corporation (hereinafter "Ohbayashi Hawaii").

Based on the following facts, authorities and analysis, Ohbayashi Hawaii submits that the Federal Election Commission should find that no action should be taken against Ohbayashi Hawaii in response to the Locricchio Complaint.

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FACTS

The following are undisputed and pertinent facts.

(1) Ohbayashi Hawaii Corporation is a Hawaii corporation. Ohbayashi Hawaii was formed in 1972.

(2) Ohbayashi Hawaii is a wholly owned subsidiary of Ohbayashi Gumi, a Japanese corporation.

(3) Ohbayashi Hawaii has continuously done business in the State of Hawaii since 1972. Ohbayashi Hawaii is principally engaged in the construction of homes, hotels and commercial buildings and real estate development.

(4) The President of Ohbayashi Hawaii, Toshiharu Hino, and the Vice-President of Ohbayashi Hawaii, Norihide Okazaki have been granted permanent resident alien status by the United States Immigration and Naturalization Service. The Secretary-Treasurer of Ohbayashi Hawaii is Eiichi Iwasaki. Mr. Iwasaki is an American citizen.

(5) Norman Quon is a consultant retained by Ohbayashi Hawaii to assist with and manage the development of a 160 home residential and recreational project on the island of Oahu. Mr. Quon is an architect and an American citizen.

(6) Norman Quon recommended to Ohbayashi Hawaii that it make a contribution to the Citizens for Waihee and contributions to other persons (or their political committees) seeking elected office in the State of Hawaii.

(7) The President of Ohbayashi Hawaii followed the recommendation of its consultant, Norman Quon, and made the $2,000 contribution to Citizens for Waihee which is the subject of the Locricchio Complaint.

(8) Ohbayashi also followed the recommendation of its consultant, Norman Quon, and made other contributions to persons seeking elected office in the State of Hawaii.

(9) Citizens for Waihee is a political committee formed to receive contributions, make disbursements and promote the election of John Waihee to the office of Governor of the State of Hawaii.

See: Affidavits of Toshiharu Hino and Norman Quon attached hereto.

AUTHORITIES

1. Federal Election Campaign Act of 1971

The Federal Election Campaign Act of 1971, 2 U.S.C., §431 et. seq., prohibits contributions by foreign nationals to candidates for federal office. Section 319 of the Act (2 U.S.C. §441e) states in relevant part:

> Contributions by foreign nationals. (a) It shall be unlawful for a foreign national directly or through any other person to make any contribution of money or other thing of value, or to promise expressly or impliedly to make any such contribution, in connection with an election to any political office or in connection with any primary election, convention, or caucus held to select candidates for any political office; or for any person to solicit, accept, or receive any such contribution from a foreign national.

Ohbayashi Hawaii submits that the above prohibition on foreign contributions should be applied only to elections for federal offices, and not to state or local elections.

The Federal Election Campaign Act by its title as well as the plain language of its provisions was intended to address only federal elections. For example, the definition of "contributions" refers to "any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office." Section 301(8)(A) of the Act (2 U.S.C. 431) (emphasis added).

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Similarly, with respect to foreign contributions made "in connection with any primary election, convention, or caucus held to select candidates for any political office," the Act has defined "candidates" to mean "an individual who seeks nomination for election, or election, to Federal office." Sections 301(2) and 319 of the Act (2 U.S.C. §§ 431 and 441d) (emphasis added).

Importantly, the preemption clause at Section 403 of the Act (2 U.S.C. 454) states, "The provisions of this Act, and of rules prescribed under this Act, supersede and preempt any provision of State law with respect to election to Federal office." (emphasis added).

Finally, the term "Federal office" does not refer to any state or local public offices and is limited to the "office of the President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress." Section 301(3) of the Act (2 U.S.C. §431).

Therefore, it is our impression that Section 319 of the Federal Election Campaign Act of 1971 does not apply to the particular situation presented in this case.

Additionally, the term "foreign national" for purposes of applying the prohibition against contributions is defined at Section 319 of the Act (2 U.S.C.441e(b)(2)) as meaning:

> (2) an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 101(a)(20) of the Immigration and Nationality Act.

As noted above, two of the officers of Ohbayashi Hawaii hold permanent resident status. The remaining officer of the company is an American citizen.

2. Hawaii Campaign Spending Law

Based upon the belief that the Federal Election Campaign Act applied only to federal elections, the Executive Director of the Hawaii State Campaign Spending Commission has advised persons that contributions by foreign nationals to candidates for elected office in the State of Hawaii is permissible.

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Mr. Locricchio concedes this fact in his Complaint. See: Page 7 of the Complaint ("... the Commission should be aware that the State Campaign Spending Commissioner in Hawaii has reportedly advised state and local candidates for office that the federal law in this area did not apply to Hawaii persons running for State or Local offices."

It is our further opinion that Hawaii law does not prohibit contributions by foreign nationals to candidates in state and local elections. See: Chapter 11 of the Hawaii Revised Statutes (regarding Elections, Generally).

3. Federal Election Commission Regulations

Federal Election Commission ("FEC") regulation, 11 CFR §110.4, states the following in pertinent part:

> §110.4. Prohibited contributions.
>
> (a)(1) A foreign national shall not directly or through any other person make a contribution, or expressly or impliedly promise to make a contribution, in connection with a convention, caucus, primary, general, special or runoff election in connection with any local, state or Federal public office.

(emphasis added).

In promulgating FEC regulation §110.4, the Commission appears to literally interpret the term "any political office" contained in section 319 of the Federal Election Campaign Act. However, based on the plain language of the Act (as set forth above), we believe that such an interpretation extends beyond the scope of the matter intended to be regulated by the Act and also impermissibly preempts or infringes upon the States' control over local elections.

Additionally, the Commission's interpretation of section 319 appears to be inconsistent with its interpretations of other provisions of the Act. For example, Section 317 of the Act (2 U.S.C. §441c) makes it unlawful for federal contractors to make contributions "to any political party, committee, or candidate for public office or to any person for any political purpose of use."

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Thus, and despite statutory language similar to, if not broader than the provisions of Section 319 of the Act, the Commission's regulations limit the application of Section 317 to only federal offices and declares that the "prohibition does not apply to contributions or expenditures in connection with State or local elections." See: FEC Regulations Section 115.2(a).

Based on the foregoing, it is our contention that the scope of the Commission's prohibition at 11 CFR §110.4 is impermissibly overbroad, and that the prohibition against foreign contributions should not be applied to state and local elections.

4. Federal Election Commission Advisory Opinions

The $2,000 contribution by Ohbayashi Hawaii to Citizens for Waihee is permissible based upon previous Advisory Opinions issued by the Federal Election Commission.

In the past, the Commission permitted candidates for state or local elections to accept contributions from domestic corporations with their principal place of business in the United States, even if they were wholly or substantially owned by foreign nationals in the following advisory opinions. See: AO 1985-3 (CCH §5809); AO 1983-19 (CCH §5722); AO 1983-31 (CCH §5735); AO 1982-10 (CCH §5651); AO 1982-34 (CCH §5678); AO 1980-100 (CCH §5548); AO 1981-36 (CCH §5632); AO 1980-111 (CCH §5560); AO 1978-21 (CCH §5327).

The Commission has held that a domestic company which is a discrete corporate entity with its principal place of business in the United States would not be considered a "foreign national" subject to the prohibition of Section 319 of the Act (2 U.S.C. §441e). However, the Commission has cautioned that the persons who will exercise decision-making authority on behalf of such domestic corporations must not be "foreign national(s)."

ANALYSIS

Ohbayashi Hawaii made a $2,000 contribution to Citizens for Waihee, the political committee responsible for receiving contributions, making disbursements and promoting John Waihee as and to be reelected Governor of the State of Hawaii. There is nothing improper or illegal

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about the Ohbayashi Hawaii contribution based on the following.

First, the prohibition against contributions by foreign nationals contained in the Federal Election Campaign Act of 1971 does not apply to the election for Governor of the State of Hawaii. The Act does not preempt applicable state law.

Second, and even assuming arguendo that the Act does apply to an election for state or local office (and Ohbayashi Hawaii does not concede this fact), the evidence in this case establishes the following pertinent facts.

(1) Ohbayashi Hawaii is a Hawaii corporation and has been engaged in the construction and real estate development business in the State of Hawaii for the past 12 years. Ohbayashi Hawaii is a wholly owned subsidiary of a Japanese corporation, Ohbayashi Corporation.

(2) The President and Vice-President of Ohbayashi Hawaii hold permanent resident status by the U.S. Department of Immigration and Naturalization Service.

(3) The Treasurer of Ohbayashi Hawaii is an American citizen.

(4) Ohbayashi Hawaii made the contribution to Citizens for Waihee at the recommendation of its consultant, Norman Quon. Mr. Quon is also an American citizen.

(5) Ohbayashi's decision to follow the recommendation of Mr. Quon was made by the company's President, Toshiharu Hino. Mr. Hino holds permanent resident status.

Based on the above facts, Ohbayashi Hawaii is not a "foreign national" within the definition and scope of section 319 of the Federal Election Campaign Act (2 U.S.C. §441e).

The present situation involving Ohbayashi Hawaii is no different from the situations presented in the FEC Advisory Opinions referred to herein. Ohbayashi Hawaii is a discrete Hawaii corporation. The person responsible for making the recommendation to Ohbayashi to make a

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contribution to Citizens for Waihee is an American citizen. The President of Ohbayashi Hawaii holds permanent resident status and merely followed the recommendation and advice of its consultant.

Under the above facts and circumstances, the prohibition contained in section 319 of the Federal Election Campaign Act (2 U.S.C. §441e) is inapplicable to Ohbayashi Hawaii.

Finally, there is absolutely no evidence to suggest that Ohbayashi Hawaii acted with an improper motive or with the knowledge that the contribution made to Citizens for Waihee may be in violation of federal law. On the contrary, the evidence establishes that Ohbayashi Hawaii acted entirely in good faith and solely in reliance upon the company's retained consultant.

CONCLUSION

Based upon the foregoing facts, authorities and analysis, Ohbayashi Hawaii respectfully submits that the Office of the General Counsel should report to the Federal Election Commission and recommend that the Commission find that there is no reason to believe that the Locricchio Complaint sets forth a possible violation of the Federal Election Campaign Act of 1971, and close the file with respect to Ohbayashi Hawaii in the above-referenced matter.

Please contact the undersigned if you have any questions or require additional information. Thank you for your consideration of this response on behalf of our client.

Very truly yours,

KEVIN S.C. CHANG
for
KOBAYASHI, WATANABE,
SUGITA, KAWASHIMA & GODA

KSCC:me

Enclosures

(1. Affidavit of Toshiharu Hino)
(2. Affidavit of Norman Y. Quon)

cc: Ohbayashi Hawaii Corporation
(with enclosures)

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AFFIDAVIT OF TOSHIHARU HINO

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

TOSHIHARU HINO, being first duly sworn, deposes and states:

1. He is the President of Ohbayashi Hawaii Corporation (hereinafter "Ohbayashi Hawaii").

2. Ohbayashi Hawaii is a Hawaii corporation and has been in existance since 1972.

3. Ohbayashi Hawaii maintains offices at 1001 Bishop Street, Suite 2680, Honolulu, Hawaii 96813 and is engaged primarily in the construction of residences, hotels and commercial buildings and real estate development.

4. Ohbayashi Hawaii is a wholly owned subsidiary of Ohbayashi Corporation, a Japanese corporation.

5. The Vice-President of Ohbayashi Hawaii is Norihide Okazaki and the Secretary-Treasurer of Ohbayashi Hawaii is Eiichi Iwasaki.

6. Affiant and Norihide Okazaki have been granted permanent resident status by the United States Immigration and Naturalization Service. Eiichi Iwasaki is an American citizen.

7. In the fall of 1987, Ohbayashi Hawaii retained the services of Norman Y. Quon as a consultant to assist Ohbayashi

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Hawaii and manage the company's development of a 160 unit residential and recreational project on the north shore of the island of Oahu. Mr. Quon is an American citizen.

8. In approximately June 1988, Mr. Quon recommended that Ohbayashi Hawaii make contributions to candidates for election or reelection to public offices in the State of Hawaii or their respective political committees.

9. Mr. Quon recommended that Ohbayashi Hawaii make a contribution to Citizens for Waihee. John Waihee is the Governor of the State of Hawaii. He was elected to office in 1986.

10. Ohbayashi Hawaii followed the recommendation of Norman Quon and made a two thousand dollar ($2,000) contribution to Citizens for Waihee in approximately July 1988. Ohbayashi Hawaii also made contributions to other candidates for election or reelection to state or local offices or their respective political committees.

11. Your affiant signed the $2,000 contribution check drawn on the Bank of Hawaii account of Ohbayashi Hawaii Corporation.

12. Ohbayashi Hawaii Corporation made the contribution to Citizens for Waihee because of the recommendation of Norman Quon.

13. At the time Ohbayashi Hawaii made its contribution to Citizens for Waihee, your affiant believed that it was proper and not against the law for Ohbayashi Hawaii Corporation to make

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a campaign contribution to a person seeking election or reelection to a state or local office or his political committee.

Further Affiant sayeth naught.

TOSHIHARU HINO

Subscribed and sworn to before me
this 23rd day of May 1989.

Shirley S. Higashida
Notary Public, State of Hawaii

My commission expires: 12-27-90

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AFFIDAVIT OF NORMAN Y. QUON

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

NORMAN QUON, being first duly sworn, deposes and states:

1. He is an architect with offices situated at 2212 McKinley Street, Honolulu, Hawaii.

2. He is an American citizen.

3. In or about September 1987, Affiant and Ohbayashi Hawaii Corporation entered into an Agreement for Consultant Services under which Affiant would perform certain project management services for the development of property located on the north shore of the island of Oahu owned by Ohbayashi Hawaii Corporation.

4. Since September 1987, Affiant has been and continues to be retained as a consultant by Ohbayashi Hawaii Corporation in connection with the above-described project.

5. Affiant's scope of work in connection with the above project included, but was not limited to the following: (a) creating a community relations program and interfacing with the community; (b) directing, coordinating, monitoring, selecting and managing other project consultants including civil engineers, land use planners, socio-econmic consultants and market

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researchers; (c) directing media relations and interacting with representatives of the media; (d) creating, directing and coordinating the Market Plan and Land Use Plan for the project; (e) directing and interacting in the political processing efforts of the project; (f) directing architects, engineers and contractors in the design and construction phases of the project; and (g) whatever other tasks necessary to ensure the project's success.

6. During his tenure as a consultant and following discussion with and after receiving advice of counsel, Affiant recommended to Ohbayashi Hawaii Corporation that the company make contributions to persons (or their political committees) seeking election or reelection to public offices in the State of Hawaii.

7. Specifically, in the summer of 1988, Affiant recommended to the President of Ohbayashi Hawaii Corporation, Toshiharu Hino, that Ohsbayashi Hawaii make a two thousand dollar ($2,000) contribution to Citizens for Waihee.

8. Ohbayashi Hawaii followed Affiant's recommendation and made the above-described contribution to Citizens for Waihee. Ohbayashi Hawaii also made contributions to other candidates for election or reelection to state or local offices or their respective political committees.

9. At the time Affiant recommended to Ohbayashi Hawaii Corporation that the company make its contributions, Affiant had previously conferred with counsel and believed that it was proper

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and legal for Ohbayashi Hawaii Corporation to make a campaign contribution to a person seeking election or reelection to a state or local office or his political committee.

Further Affiant sayeth naught.

NORMAN Y. QUON

Subscribed and sworn to before me
this 23rd day of May 1989.

Notary Public, State of Hawaii

My commission expires: 11-9-92

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Fred Tripcony

May 24, 1989

Federal Election Commission
Office of General Counsel
999 E Street, N.W.
Washington, D.C. 20463

Attn: Patty Reilly

Re: MUR 2846
Mauna Lani Resort, Inc.
Mauna Lani Resort PAC

Dear Ms. Reilly:

Our law firm has been retained by Mauna Lani Resort, Inc. and Mauna Lani Resort PAC (collectively referred to as "Mauna Lani") to respond to the above referenced matter.

ISSUES:

As applied to Mauna Lani, the complaint brought by Anthony P. Locricchio and others essentially alleges that contributions in violation of the Federal Election Campaign Act were made to Governor John Waihee's state campaign by a domestic Hawaii corporation which is a wholly owned subsidiary of foreign corporations. The complaint specifically refers to two contributions by Mauna Lani of $1,000 each which were reported by the Citizens for Waihee state campaign committee in 1987. See Exhibits N and O to Complaint.

The sole issue as applied to Mauna Lani is whether the Federal Election Campaign Act prohibits a domestic Hawaii corporation from making state campaign contributions if it is a wholly owned subsidiary of foreign corporations.

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FACTS:

Mauna Lani Resort, Inc. is a Hawaii corporation with its principal place of business in Hawaii. All of its stock is owned by the Tokyu Group and Mitsubishi Corporation which are foreign corporations with their principal places of business in Japan.

Since 1984, all campaign contributions by Mauna Lani Resort, Inc. have been made through the Mauna Lani Resort PAC which is organized under the Hawaii Campaign Spending Law and is funded entirely by Mauna Lani Resort, Inc. without any contributions from individual officers or employees. Mauna Lani Resort PAC makes campaign contributions in state and local elections, but not in federal elections.

The decisions regarding the political contributions identified in the Complaint were made by Francine Duncan, Mauna Lani's Vice President of Corporate Communications, who is and always has been an American citizen. See attached affidavit of Francine Duncan. Ms. Duncan determined who would receive political contributions and what amounts would be contributed, without any control or direction by foreign nationals or restrictions as to budgeted amounts.

The only involvement by foreign nationals was in the manual procedure of issuing the checks. Since Mauna Lani Resort PAC is fully funded by Mauna Lani Resort, Inc., funds are transferred from the latter into the former's separate bank account. The procedure followed to obtain the funds from Mauna Lani Resort, Inc. was the same as used by Mauna Lani for all other corporate check disbursements in its operations. In accordance with normal accounting security measures, Mauna Lani's normal check disbursement process requires a written request to be submitted by the department head, which is then reviewed by the Corporate Secretary, Chief Accountant, and Treasurer. The actual checks for both the Mauna Lani Resort, Inc. and Mauna Resort PAC were co-signed by the President and Treasurer. Except for the Vice President of Corporate Communications and the Chief Accountant, the other persons involved in the check disbursement procedures were Japanese citizens working in Hawaii on business visas but without permanent resident alien status.

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Notwithstanding this limited involvement of foreign nationals in the disbursement process, the actual decision-making and control was vested solely in an American citizen, the Vice President of Corporate Communications. None of her decisions to make campaign contributions was initiated, altered or rejected by any foreign national.

In accordance with state law, Mauna Lani reported campaign contributions made by it to the State Campaign Spending Commission.

LAW:

1. U.S. Constitution

The Tenth Amendment to the U.S. Constitution states:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The Tenth Amendment has been interpreted by the U.S. Supreme Court as reserving to the states the power to regulate state and local elections. In Oregon v. Mitchell, 400 U.S. 112, 91 S. Ct. 260, 27 L.Ed.2d 272 (1970), the Supreme Court struck down a provision of the federal Voting Rights Act which had lowered the voting age from 21 to 18 in state and local elections. While recognizing that Congress has ultimate supervisory power over congressional, presidential and vice-presidential elections, the plurality opinion of the Court written by Justice Black stated:

> On the other hand, the Constitution was also intended to preserve to the States the power that even the Colonies had to establish and maintain their own separate and independent governments, except insofar as the Constitution itself commands otherwise. ... No function is more essential to the separate and independent existence of the States and their governments than the power to determine within the limits of the Constitution the qualifications of their own voters for state, county, and municipal offices and the nature of their own machinery for filling local public offices. ... It is a plain fact of history that the framers never imagined that the national Congress

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> would set the qualifications for voters in every election from President to local constable or village alderman. It is obvious that the whole Constitution reserves to the States the power to set voter qualifications in state and local elections, except to the limited extent that the people through constitutional amendments have specifically narrowed the powers of the States. Amendments Fourteen, Fifteen, Nineteen, and Twenty-four, each of which has assumed that the States had general supervisory power over state elections, are express limitations on the power of the States to govern themselves. And the Equal Protection Clause of the Fourteenth Amendment was never intended to destroy the States' power to govern themselves... In interpreting what the Fourteenth Amendment means, the Equal Protection Clause should not be stretched to nullify the States' powers over elections which they had before the Constitution was adopted and which they have retained throughout our history.

Oregon v. Mitchell, supra, 400 U.S. at 125-126, 27 L.Ed. 2d at 281-282.

The particular State right at issue in the Oregon case was the right to set voter qualifications in state and local elections which is specifically recognized by Article I, §2 of the Constitution. The Supreme Court, however, also generally recognized the States' rights under the Tenth Amendment to "establish and maintain their own separate and independent governments," including the right to generally govern their own state and local elective process, unless specifically limited otherwise by other provisions of the Constitution.

Only where the States' Tenth Amendment right to govern state and local elections conflicted with other rights expressly guaranteed by the Consititution did the Supreme Court in Oregon find it necessary to override the States' sovereign powers. Because the right to vote regardless of race or color is expressly provided by the Fifteenth Amendment to the U.S. Constitution, the Court validated another portion of the federal Voting Rights Act which prohibited states from using literacy tests in "any Federal, State, or local election." 42 U.S.C. §1973b(a). The Court reasoned that Congress could have found that the literacy tests were being used t. discriminatorily

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disfranchise voters on account of their race in violation of the right to vote guaranteed by the Fifteenth Amendment and that nationwide discrimination required nationwide legislation. In the absence of such a specific countervailing provision of the Constitution, however, it is doubtful that the literacy test ban provision under federal law would have prevailed over the States' Tenth Amendment right to control its elective process. See 72 Am. Jur. 2d, States, Territories, and Dependencies, §§ 16-18 (1974).

The mere fact that there is foreign involvement is not sufficient justification for the federal government to override a State's Tenth Amendment right to govern its own elective process. Article I, §§9 and 10 of the U.S. Constitution gives the federal government the exclusive right to control immigration and naturalization, regulate foreign commerce, enter into foreign treaties and agreements, or lay duties on imports and exports. The Constitititution, however, does not give the federal government exclusive control over all matters involving foreigners. Since the Tenth Amendment specifically reserves to the States whatever "powers not delegated to the United States by the Constitution, nor prohibited by it to the States," the States have the right to regulate foreign nationals in other areas not expressly delegated to the federal government.

For example, in Terrace v. Thompson, 263 U.S. 197, 44 S.Ct. 15, 68 L.Ed. 255 (1923), the U.S. Supreme Court recognized the States' right to control alien land ownership within its borders and upheld a Washington state constitutional provision which prohibited the ownership of land by aliens other than those who in good faith have declared their intention to become citizens of the United States. The Court reasoned that the 14th Amendment:

> does not take away from the state those powers of police that were reserved at the time of the adoption of the Constitution.... And in the exercise of such powers the state has wide discretion in determining its own public policy and what measures are necessary for its own protection and properly to promote the safety, peace and good order of its people. And, while Congress has exclusive jurisdiction over immigration, naturalization and the disposal of the public domain, each state, in the absence of any treaty provision to the contrary, has power to deny aliens the right to own land within its borders.

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Id., 263 U.S. at 217. Although the Supreme Court did not specifically refer to the Tenth Amendment, it expressly recognized a state's "reserved" right to determine its own public policy and take actions to promote "the good order of its people."

If a State has the reserved right to control alien land ownership within its own borders, it should similarly have the right to determine public policy in matters concerning its own governance, i.e., whether or not foreign contributions will be permitted with respect to its own state and local elections. In the absence of a Constitutional provision to the contrary, the federal government is without authority to interfere with the States' Tenth Amendment right to control state and local elective processes. Since there is no conflicting constitutional provision, a federal ban on foreign campaign contributions in state and local elections would be an unconstitutional infringement upon the States' Tenth Amendment right to govern themselves.

2. Federal Election Campaign Act

The Federal Election Campaign Act clearly prohibits contributions by foreign nationals to candidates for federal office. Section 319 of the Act (2 U.S.C. §441d) states in relevant part:

> Contributions by foreign nationals. (a) It shall be unlawful for a foreign national directly or through any other person to make any contribution of money or other thing of value, or to promise expressly or impliedly to make any such contribution, in connection with an election to any political office or in connection with any primary election, convention, or caucus held to select candidates for any political office; or for any person to solicit, accept, or receive any such contribution from a foreign national.

This prohibition on foreign contributions, however, should be applied only to federal campaigns, and not to state or local elections. The Federal Election Campaign Act by its title as well as the plain language of its provisions was intended to address only federal elections. For example, the definition of "contributions" refers to "any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of

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influencing any election for Federal office." Sec. 301(8)(A) (2 U.S.C. 431) (emphasis added). Similarly, in prohibiting foreign contributions "in connection with any primary election, convention, or caucus held to select candidates for any political office," the Act has defined "candidates" to mean "an individual who seeks nomination for election, or election, to Federal office." Sec. 319 (2 U.S.SC. §441d); Sec. 301(2) (2 U.S.C. §431) (emphasis added).

Most importantly, the preemption clause at Section 403 of the Act (2 U.S.C. 454) does not propose to preempt state law with respect to state or local elections and states, "The provisions of this Act, and of rules prescribed under this Act, supersede and preempt any provision of State law with respect to election to Federal office." (Emphasis added). Likewise, the definition of "Federal office" says nothing of state or local public offices and is limited to the "office of the President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress." Section 301(3) (2 U.S.C. §431).

Because the Federal Election Law does not specifically prohibit foreign contributions to be made in state or local elections and there is no showing that the enforcement of another constitutional provision requires the abrogation of the States' rights which have been reserved under the Tenth Amendment, the FEC Act's prohibition of foreign contributions should be narrowly read to apply only in federal elections, and should not be unconstitutionally extended to cover state or local elections.

3. Foreign Agents Registration Act

The Federal Election Law refers to the Federal Agents Registration Act in defining the term "foreign national." 2 U.S.C. §441d (b) provides:

> As used in this section, the term "foreign national" means --
>
> (1) a foreign principal, as such term is defined by section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b)), except that the term "foreign national" shall not include any individual who is a citizen of the United States; or

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(2) an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 101 (a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)).

The Foreign Agent Registration Act, 22 U.S.C. §611(b), defines "foreign principal" as including:

(1) a government of a foreign country and a foreign political party;

(2) a person outside the United States, unless it is established that such person is an individual and a citizen of and domiciled within the United States, or that such person is not an individual and is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States; and

(3) a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.

Nothing in the Foreign Agents Registration Act evidences Congressional intent to specifically regulate state or local elections. Although the territorial application clause of the Act (22 U.S.C. §619) provides that it applies to the states, the true intent of this provision seems to be simply to designate the geographical areas where the Act will be applied, i.e., throughout the United States as well as within its foreign possessions and territories. The actual activities which the Act is designed to regulate, however, concern only those which affect foreign or domestic policies of the federal government, not the states.

When read as a whole, the Act's exclusive concern with federal activities is evident since it refers throughout to the policies, agencies, officials and employees of the federal government and is silent as to those of the states. For example, the definition of a foreign agent includes a person within the United States who represents the interests of a foreign principal "before any agency or official of the Government of the United States." 22 U.S.C. §611(c)(1)(iv) (emphasis added). The registration and filings required by the Act are to be made with the U.S.

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Attorney General. 22 U.S.C. §§612 and 614. A foreign agent must disclose that he is registered before distributing political propaganda or requests to any agency or official of the United States government. See section heading to 22 U.S.C. §614(e). A foreign agent appearing "before any committee of Congress" must also furnish the committee with a copy of his most recent foreign agent registration statement. 22 U.S.C. §614(f).

The Act exempts attorneys from its requirements when they are involved in "the legal representation of a disclosed foreign principal before any court of law or any agency of the Government of the United States". 22 U.S.C. §613(g). This is a significant change from an earlier draft of this exemption which included legal representation before the courts or administrative agencies "of any State or political subdivision thereof." See House Report No. 1470, 2 U.S. Cong. & Admin. News '66, 2397, 2408.

The statutory definition of the term "political activities" is limited to the dissemination of political propaganda and any other activity which is intended to "influence any agency or official of the Government of the United States or any section of the public within the United States with reference to formulating, adopting, or changing the domestic or foreign policies of the United States or with reference to the political or public interest, policies, or relations of a government of a foreign country or a foreign political party." 22 U.S.C. §611(o) (emphasis added).

House Report No. 1470, supra, implicitly recognizes that the Act applies only to attempts to influence the federal government and not the states since it defines the word "agency" as used in the Act as referring to "every unit in the legislative and executive branches of the Government, including congressional committees." It further defines the word "official" to include "Members and officers of both Houses of Congress as well as officials in the executive branch." Id. at 2402 (emphasis added).

The House Report explains the intent of the Act as being "to protect the interests of the United States by requiring complete public disclosure by persons acting for or in the interests of foreign principals where their activities are political in nature or border on the political." Id. at 2398. But the report expressly recognizes that the political activities meant to be regulated by the Act are limited those which have seek to influence:

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> (1) formulating, adopting, or changing the foreign or domestic policies of our Government, or
>
> (2) the political or public interests, policies or relations of a foreign government or a foreign political party.

Id. at 2402.

In defining the phrase "political or public interests, policies, or relations," the House Report states:

> It is the committee's understanding that the phrase refers to matters which on the domestic governmental level would be called a policy matter, in the international context may be called questions concerning a country's foreign relations, and in the context of party politics may be termed matters involving the national interest.

Id. at 2403.

From the statute and the House committee report, it is clear that the Foreign Agents Registration Act was intended to cover matters of national or international concern, rather than merely state or local issues. Because undue foreign influence over federal elected officials affect national or international policies, the Act may be used to evidence Congressional intent to prohibit foreign campaign contributions in federal elections.

But the same cannot be said of state or local elections. There is nothing in the Act or the accompanying Congressional committee reports which evidences an intent to regulate foreign agents' conduct before state governments if there is no impact upon national interests. Additionally, state and local elected officials do not set national or international policy, as those powers have been delegated to Congress and the Executive Branch. Therefore, the Foreign Agents Registration Act should not be used to evidence Congressional intent to prohibit foreign campaign contributions in state or local elections.

Moreover, to use the Federal Agents Registration Act as the reason to limit the State's reserved power to regulate its own elections would be a travesty of the Constitution. The Foreign Agents Registration Act is involved only because the Federal Election Campaign Act has

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used it to define "foreign nationals." Neither of these acts specifically propose to regulate state or local elections with respect to foreign campaign contributions. In the absence of such specific statutory authority, much less any countervailing constitutional authority, the States' Tenth Amendment right to govern their own state and local elections should not be abrogated.

4. Voting Rights Act

Rather than looking to the Foreign Agents Registration Act to determine Congressional intent as to whether or not the FEC Act's prohibition against foreign contributions was meant to apply in state and local elections, the Commission should look at the federal Voting Rights Act of 1965. The Voting Rights Act is not only similar in subject matter to the FEC Act, but has also been reviewed by the U.S. Supreme Court with respect to the constitutionality of several of its provisions in the Oregon case, supra.

The statutory language as well as the legislative history to the Voting Rights Act would provide clear guidance as to Congressional intent in interpreting the FEC Act. 42 U.S.C. §1973i(c) of the Voting Rights Act makes it unlawful to give false information for voter registration purposes and contains the following proviso limiting its jurisdiction to federal elections only:

> Provided, however, That this provision shall be applicable only to general, special, or primary elections held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United State House of Representatives, Delegate from the District of Columbia, Guam, or the Virgin Islands, or Resident Commissioner of the Commonwealth of Puerto Rico.

Senator Williams, the original sponsor of the false registration provision (amendment no. 82), did not propose this proviso as it was his intent that the false registration provisions would apply to all states and in all elections. 111 Cong. Rec. 8424 (1965). Therefore, concerns such as the following by Senator Hart were raised as to the constitutionality of federal restrictions in state and local elections:

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> Mr. President, [amendment no. 82] ... applies to State and local elections, as well as to the Federal elections. That question, whether Congress has the power to insure fair election procedures in State and local elections, unless they are related to insuring the guarantees under the 14th and 15th amendments, is a very open one and a very serious one. This is the second reason which persuades us to hope that the amendment will not be agreement to.

111 Cong. Rec. 8431 (1965).

To alleviate the concerns raised by Senator Hart, Senator Ervin proposed the proviso above and stated:

> I am in favor of amendment No. 82. However, in my opinion amendment No. 82 in its present form is unconstitutional because it is not restricted to Federal elections. By the term "Federal elections", I mean elections in which presidential electors and Members of the U.S. Senate and Members of the U.S. House of Representatives are chosen.
>
> The only effect of my amendment would be to confine the application of amendment No. 82 to Federal elections and thereby make it constitutional under the interpretation placed on the 15th amendment by the Supreme Court of the United States in a number of cases.

111 Cong. Rec. 8975 (1965).

Thus, the statutory language and legislative history of the Voting Rights Act makes it clear that Congress did not intend to abrogate the States' constitutional right to govern state and local elections.

Presumably, when Congress enacted the Federal Election Campaign Act in 1971, it was aware of the constitutional issues concerning States' rights in governing state and local elections since it had considered such issues in debating the Voting Rights Act of 1965 and a portion of the latter Act had been found by the Supreme Court to be an unconstitutional infringement of States' rights in the 1970 Oregon case. If it had been Congress's intent to apply the FEC Act's foreign contribution

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prohibition to state and local elections, it logically would have expressly stated so rather than impairing a constitutionally recognized right of the States by mere implication. Therefore, the fact that 2 U.S.C. §441d does not specifically apply to state and local elections should be viewed as Congressional intent to not affect the States' Tenth Amendment right to regulate its own elections.

5. FEC Regulations

In light of the discussion above, the FEC's regulation at 11 CFR §110.4 goes beyond its statutory authority to promulgate rules to carry out the purposes of the federal Act. Section 307(8) (2 U.S.C. §437d). The relevant portion of 11 CFR §110.4 states:

> §110.4. Prohibited contributions.
>
> (a)(1) A foreign national shall not directly or through any other person make a contribution, or expressly or impliedly promise to make a contribution, in connection with a convention, caucus, primary, general, special or runoff election in connection with any local, state or Federal public office.

(Emphasis added).

Although the Commission could try to justify this far-reaching regulation on the basis that Section 319 prohibits foreign contributions in connection with "any political office," such an interpretation goes beyond the scope of the matter intended to be regulated by the Act itself and unconstitutionally preempts the States' sovereign right to regulate state and local elections.

Moreover, the Commission's regulation is inconsistent with its interpretations of other provisions of the Act. For example, Section 317 (2 U.S.C. §441c) makes it unlawful for federal contractors to make contributions "to any political party, committee, or candidate for public office or to any person for any political purpose of use." While this statutory language is similar to if not broader than the provisions of Section 319, the Commission's regulations limit Section 317's application to only federal office and states that the "prohibition does not apply to contributions or expenditures in connection with State or local elections." FEC Regulations Section 115.2(a).

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For the foregoing reasons, it is our contention that the scope of the Commission's regulations at 11 CFR §110.4 is impermissibly overbroad, and the prohibition against foreign contributions should not be applied to state and local elections.

6. FEC Advisory Opinions

Even if the Commission declines to narrow the scope of its regulations to apply to contributions only in federal elections, Mauna Lani's actions have fallen within the ambit of permissible activity under the FEC's prior advisory opinions.

In numerous advisory opinions, the Commission has permitted candidates for state or local elections to accept contributions from domestic corporations with their principal place of business in the United States, even if they were wholly or substantially owned by foreign nationals. See AO 1985-3 (CCH §5809); AO 1983-19 (CCH §5722); AO 1983-31 (CCH §5735); AO 1982-10 (CCH §5651); AO 1982-34 (CCH §5678); AO 1980-100 (CCH §5548); AO 1981-36 (CCH §5632); AO 1980-111 (CCH §5560); AO 1978-21 (CCH §5327). The Commission has consistently reasoned that a domestic company which is a discrete corporate entity with its principal place of business in the United States would not be considered a "foreign national" subject to the prohibition of 2 U.S.C. §441e. The Commission has cautioned, however, that the persons who will exercise decision-making authority on behalf of such domestic corporations must not be foreign nationals.

The Commission has also specifically permitted a PAC to be formed by a trade association which included foreign members. In AO 1980-111, the Commission found that the trade association would not be considered a foreign national because it was an American corporation with its principal place of business in the U.S. Consequently, the Association was able to establish a separate segregated fund which could make campaign contributions (apparently for federal elections) without violating the prohibitions of §441e, so long as no foreign nationals exercised decision-making authority with respect to PAC activities and made no contributions to the PAC.

In AO 1981-36, the Commission went even further in permitting a trade association incorporated and situated in California to establish a PAC and fund it with general membership dues from persons which included non-voting

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foreign nationals. So long as no foreign nationals served in decision making positions on the PAC or directed the decisions of the PAC, the Commission found that the PAC could make campaign contributions to state elections.

7. Hawaii Campaign Spending Law

Because of the belief that the Federal Election Campaign Act applied only to federal elections and did not apply to state or local elections, the Executive Director since 1976 of the Hawaii State Campaign Spending Commission has been advising persons for years that contributions by foreign nationals are permitted under state law and was under the belief that the federal prohibition of foreign contributions applied only to federal elections and not to state and local elections. See attached affidavit of Jack Gonzales. In fact, as Mr. Gonzales points out in his affidavit, he has even received information from the FEC's staff that the Federal Election Law applies only to federal elections, and not to state or local elections.

Although unsuccessful attempts to change state law were made this year, nothing in existing Hawaii law prohibits contributions by foreign nationals in state and local elections. See Hawaii Revised Statutes Chapter 11.

APPLICATION OF LAW TO PRESENT CASE:

If the foreign contribution ban is found to be limited to federal campaigns, then the complaint against Mauna Lani should be dismissed since there was no contribution made to any federal campaign.

Even if the Commission continues to apply the foreign contribution ban to state and local elections, the complaint against Mauna Lani should be dismissed for the following reasons. First, neither Mauna Lani Resort, Inc. nor Mauna Lani Resort PAC should be considered foreign nationals. Mauna Lani Resort, Inc. is a discrete corporate entity organized under the laws of the State of Hawaii and has its principal place of business in the United States. Mauna Lani Resort PAC is established and fully funded by Mauna Lani Resort, Inc., and likewise, should not be considered a foreign national.

Second, all decisions regarding Mauna Lani's campaign contributions are made solely by the Vice-President for Community Relations, who is and always has been an American citizen. Although the manual process of disbursing

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checks involves Japanese citizens, this is the same procedure that Mauna Lani uses for all of its other disbursements and is necessary to ensure proper accounting control. Other than this manual step, no foreign national is involved in making any campaign contribution decisions or has ever initiated, altered or rejected the Vice-President of Corporate Communications' decision to make campaign contributions. Thus, as required by the Commission's advisory opinions, no foreign national directs or controls any of Mauna Lani's decisions to make campaign contributions.

Third, there was no intent on the part of Mauna Lani to violate federal law. As required by State law, Mauna Lani has also reported its campaign contributions to the State Campaign Spending Commission. Moreover, in making campaign contributions, Mauna Lani was acting in accordance with the long-standing belief in this State that the federal prohibition against campaign contributions did not apply to state or local elections. Finally, as a result of the public controversy over foreign contributions at the beginning of this year, Mauna Lani's Vice-President of Corporate Communication has decided to not make any more campaign contributions until this matter is resolved. Clearly, therefore, there is and was no intent on the part of Mauna Lani to violate the Federal Election Law.

CONCLUSION:

In light of the state and federal law and cases above and the long-standing belief in Hawaii that foreign contributions were permissible in state and local elections, Mauna Lani respectfully requests that the complaint against it be dismissed without further investigation on the basis that federal law does not preempt state control of this area.

Alternatively, Mauna Lani requests that the Commission find that it has not violated Section 319 of the Federal Election Campaign Act (2 U.S.C. §441d) since Mauna Lani Resort, Inc. is not a foreign corporation, but is a discrete corporate entity organized under the laws of Hawaii and having its principal place of business in Hawaii, and no foreign national controlled or directed Mauna Lani's decisions to make campaign contributions to Governor Waihee's state election.

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If we can be of further assistance, please feel free to contact the undersigned.

Sincerely,

Cheryl K. Kakazu

CHERYL K. KAKAZU
for
KOBAYASHI, WATANABE,
SUGITA, KAWASHIMA & GODA

Encl.

3451E

cc: Francine Duncan

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STATE OF HAWAII)
) SS.
COUNTY OF HAWAII)

AFFIDAVIT OF FRANCINE DUNCAN

FRANCINE DUNCAN, upon oath duly sworn deposes and says:

1. She was born in the United States and is and always has been an American citizen.

2. She has been continuously employed by Mauna Lani Resort, Inc. since 1980 and has been its Vice President of Corporate Communications since 1987.

3. Mauna Lani Resort, Inc. is a Hawaii corporation with its principal place of business at the Kohala Coast of the Big Island of Hawaii.

4. The entire stock of Mauna Lani Resort, Inc. is owned by the Tokyu Group and Mitsubishi Corporation, both of which are foreign corporations with their principal places of business in Japan.

5. Since the inception of the Mauna Lani Resort PAC in approximately 1984, all campaign contributions of Mauna Lani Resort, Inc. have been made via the PAC.

6. The Mauna Lani Resort PAC made campaign contributions only in state and local elections, and did not participate in any federal campaigns.

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7. Mauna Lani Resort PAC has a separate bank account from Mauna Lani Resort, Inc., but is funded entirely by the Mauna Lani Resort, Inc..

8. Mauna Lani Resort PAC did not solicit or receive contributions from individual donors or foreign nationals.

9. The decisions to make Mauna Lani's campaign contributions identified in the Complaint in this case were made by your affiant without any control or direction from any foreign nationals.

10. As money was needed to make the campaign contributions decided upon by your affiant, money was transferred from Mauna Lani Resort, Inc. to the Mauna Lani Resort PAC's separate bank account.

11. In accordance with normal accounting security procedures, the regular process for all check disbursements by Mauna Lani Resort, Inc. requires your affiant to submit a written request, which is then reviewed by the Corporate Secretary, Chief Accountant, and the Treasurer. Thereafter, the actual checks for both Mauna Lani Resort, Inc., and Mauna Lani Resort PAC are co-signed by the President and Treasurer.

12. With the exception of your affiant and the Chief Accountant, the persons referred to above in the check disbursement process were Japanese citizens working in

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Hawaii on business visas but without permanent resident status.

13. Despite their limited involvement in the procedures for issuing campaign contributions, none of the foreign nationals have at any time influenced, controlled or directed your affiant's decisions to make or not make the campaign contributions in question, including the recipient, amount, or timing of any campaign contributions.

14. None of your affiant's decisions to make or not make the campaign contributions in question were initiated, altered or rejected by any person involved in the check disbursement process, or by any other foreign national officer, director or employee of Mauna Lani Resort, Inc.

15. In making the campaign contributions, your affiant had no intent to violate any federal law and was acting in accordance with the long-standing belief in Hawaii that the Federal Election Law did not apply to state or local campaign contributions.

16. Your affiant has directed the reporting of all campaign contributions by Mauna Lani to the State Campaign Spending Commission as required by Hawaii law.

17. As a result of the public controversy over foreign contributions which first arose in January of this

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year, your affiant has decided that no further campaign contributions will be made by Mauna Lani until the matter is resolved.

Further affiant sayeth naught.

Dated: Kohala, Hawaii, this 15 day of May, 1989.

Francine Duncan
FRANCINE DUNCAN

Subscribed and sworn to before me
this 15th day of May, 1989.

Notary Public
Second Judicial Circuit
State of Hawaii

My commission expires: 10 26 89

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STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

AFFIDAVIT OF JACK GONZALES

JACK GONZALES, being first duly sworn upon oath deposes and says that:

1. He is and has been the Executive Director of the Hawaii State Campaign Spending Commission ("Commission") since 1976;

2. As Executive Director of the Commission, he is responsible for the administration and enforcement of the State Campaign Spending Law, §11-191, et. seq., Hawaii Revised Statutes.

3. The position of the State Campaign Spending Commission has always been that the federal election laws applied only to federal elections, and did not apply to state or local elections.

4. Until January, 1989, your affiant has advised the public in his capacity as the Executive Director of the State Campaign Spending Commission it was the Commission's position that the federal election laws did not apply to state or local elections, and that Hawaii state law did not prohibit contributions by foreign nationals in state or local elections.

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5. Following local news reports in January, 1989 which questioned whether the federal election laws applied in state and local elections, your affiant made an anonymous inquiry to the Federal Election Commission and was told by an unknown staffperson that the Federal Election Law does not apply to state or local elections.

6. Hawaii law does not prohibit foreign contributions in state or local elections.

7. Hawaii law permits corporate contributions in state or local elections.

Further affiant sayeth naught.

Dated: Honolulu, Hawaii, May 23, 1989.

JACK GONZALES

Subscribed and sworn to before
me this 23rd day of May, 1989.

Notary Public
First Judicial Circuit
State of Hawaii

My commission expires: Aug. 2, 1989

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CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813 / TELEPHONE 523-4000

89 MAY 30 AM 9:02

DAVID W. KAHANU
COUNCILMEMBER

May 24, 1989

Mr. Lawrence M. Noble
General Counsel
Federal Elections Commission
999 E Street, N. W.
Washington, D. C. 20463

Dear Mr. Noble:

RE: MUR 2846

Pursuant to a discussion with Ms. Patty Reilly of your office regarding our communication dated May 2, 1989 to you, we provide the following information.

On February 1, 1989, we returned $250 to Royal Hawaiian Country Club, which is a Japanese-owned business, when it became evident that contributions from foreign nationals are not permitted under Federal Campaign Spending Laws. Further, upon receipt of the material transmitted with your April 17 letter, we discovered that American Hawaii Cruises, a company based in San Francisco, is also owned by foreign nationals. Therefore, we will be returning the $250 which we received from them on July 27, 1987.

We are uncertain as to how the nationality of ownership of a company or its principals could be determined other than asking each contributor at the time of contribution. At times the names of the principals may give an indication of nationality, however, it is not always a definite thing, especially in a multi-ethnic culture like Hawaii.

However, we hope this will assure you of our clear intent to abide by the spirit of the Federal Election Campaign Act of 1971.

Sincerely,

DAVID W. KAHANU
Councilman

DWK:TW:dsf

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Friends of
Ann Kobayashi

3667 Waaloa Way · Honolulu, Hawaii 96822 · Telephone: 988-2918

89 MAY 30 PM 1:54

May 24, 1989

Federal Election Commission
Washington, D. C. 20463

RE: MUR 2846
Campaign of Ann Kobayashi

Attention: Patty Reilly

Dear Patty Reilly:

Enclosed is a copy of the letter and check in which I returned the $100.00 contribution made to my campaign by the Royal Hawaiian Country Club, Inc.

Thank you for granting an extension of time to respond to your complaint. It took some time to locate the contribution, as the article in the newspaper had erroneous information.

Very truly yours,

Ann

Ann H. Kobayashi
Senator, 14th District

AHK:ack

Enclosure

89 MAY 30 AM 8:59

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Friends of
Ann Kobayashi
3657 Waaloa Way · Honolulu, Hawaii 96822 · Telephone: 988-2918

May 16, 1989

Royal Hawaiian Country Club Inc.
581 Kamoku Street, Suite 2404
Honolulu, Hawaii 96826

Dear Sirs:

I have been advised by the Federal Elections Commission that contributions by the Royal Hawaiian Country Club, Inc. may be considered a violation of the federal election laws regarding foreign contributions.

I do not agree with the Federal Elections Commission, but rather than challenge their ruling, I have decided that it is easier to return the $100.00 contribution that you so kindly donated to my campaign. Thank you very much.

A check is enclosed.

Very truly yours,

Ann

Ann H. Kobayashi
Senator, 14th District

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FRIENDS OF ANN KOBAYASHI
3657 WAALOA WAY
HONOLULU, HI 96822

414

May 16, 89

Royal Hawaiian Country Club, Inc. 100.00

One Hundred & no/100

CITY BANK
KO OLALU BRANCH

Ann H. Kobayashi

⑈000414⑈ ⑆121301691⑆ 0226294040⑈01

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PAUL, JOHNSON, ALSTON & HUNT

ATTORNEYS AT LAW A LAW CORPORATION

HONOLULU OFFICE
(808) 524-1212
Suite 1300, Pacific Tower
1001 Bishop Street
Post Office Box 4419
Honolulu, Hawaii 96812-4419
Cable: PACIFICLAW
Telex: PACLAW 634377
FAX: (808) 524-4591

MAUI OFFICE
(808) 242-6644
101 H.G.E.A. Building
2145 Kaohu Street
Post Office Box 870
Wailuku, Hawaii 96793-0870
FAX: (808) 244-9775

May 25, 1989

Patty Reilly, Esq.
Staff Attorney
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

Re: MUR-2846, Tetsuo Yasuda and Yasuo Yasuda

Dear Ms. Reilly:

Our law firm in Honolulu, Hawaii was retained on May 23, 1989 to represent Tetsuo and Yasuo Yasuda before the Federal Election Commission. I have requested that Tetsuo and Yasuo Yasuda, who are now in Japan, sign and return to me the statement of designation of counsel, which is necessary before we are allowed to represent them before the Commission. In light of the fact that my office just received information on the case on May 23, 1989, and because Tetsuo and Yasuo Yasuda are currently in Japan, I request a reasonable extension of time to file responses on behalf of the Yasudas.

Please contact me upon your return to the office.

Sincerely yours,

Chad K. Taniguchi

Chad K. Taniguchi

cc: Tetsuo Yasuda
Yasuo Yasuda

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89 MAY 30 AM 10:54

HONOLULU: James T. Paul, David A. Johnson, Paul Alston, William S. Hunt, Corey Y. S. Park, Shelby Anne Floyd, Thomas M. Culbertson, Louise K. Y. Ing, Sheryl L. Nicholson, Chad Taniguchi, Ellen Godbey Carson, Robyn B. Chun, Everett S. Kanashige, Elizabeth Kent, Stuart L. Gasner, Mel Nakamoto
MAUI: Dennis Niles, William M. McKeon

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 7, 1989

Chad K. Taniguchi, Esquire
Paul, Johnson, Alston & Hunt
Suite 1300, Pacific Tower
1001 Bishop Street
Honolulu, Hawaii 96812-4438

Re: Mur 2846
Tetsuo Yasuda
Yasuo Yasuda

Dear Mr. Taniguchi:

The Office of the General Counsel is in receipt of your recent request for an extension of time to respond to the complaint in the above captioned matter. After considering the circumstances as detailed in your request, this Office will grant the requested extension. Accordingly, your response is due no later than June 15, 1989.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

LMNoble (PJR)

Lawrence M. Noble
General Counsel

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RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION
89 JUN -5 PM 12:44

GREEN, NING, LILLY, & JONES

Attorneys at Law, A Law Corporation
707 Richards Street, Suite 708, Honolulu, Hawaii 96813
(808) 538-1100

Howard R. Green
Ke-ching Ning
Michael A. Lilly
Stephen A. Jones

Lynnette T. Oka

MAILING ADDRESS
P. O. Box 3439
Honolulu, Hawaii 96801

TELECOPIER
(808) 523-2415

JUN-6 AM 3:14

June 2, 1989

Mr. George F. Rishel
Acting Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

Attn: Patty Reilley

RE: MUR 2846 Friends of Frank Fasi

Gentlemen:

Your letter of April 17, 1989 has been referred to our firm for response. In looking over the letters you received from Mr. Antony P. Locricchio dated February 2, 1989 and March 29, 1989 which have been provided to me, I have found several references to Friends for Fasi but no direct complaint against the campaign.

The letter suggests that it's author, Mr. Locricchio, intends to file a direct complaint against Friends for Fasi, however, the items referred to me do not include any direct complaint but did include some indirect references.

We appreciate the opportunity you have offered to us to demonstrate in writing that no action should be taken against Friends of Frank Fasi in this matter. However, because we received the complaint only on May 31st, I have not had an opportunity to obtain the factual materials necessary to provide a response at this moment. I have set up meetings for early next week to do this, and we do intend to promptly respond. It is my understanding from attorney Neil F. Hulbert, who was helping Friends for Fasi search for counsel, that you had kindly granted an extension to May 31st. During that time, I was out of the office for over a week and, therefore, it took Mr. Hulbert's office longer to reach me than would normally been the case. Given these circumstances, we request a further extension to

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June 15, 1989 in order to provide a response to your letter of inquiry of April 15, 1989. The matters involved do not appear to be complex, and I am hopeful that we will have all of the facts together in time for a June 15th response but we will give you at least a preliminary response by that time. Only if more time is needed for the gathering of the specific facts will we request it.

As I am sure you are aware, some time before these complaints were filed, the question involved came to the attention of the campaign and it is my understanding that the campaign believes it has reimbursed all sums which might have been wrongfully contributed. Nevertheless, I need to gather the specific facts on this matter so that I can give a full and proper response. I would, therefore, appreciate an extension of time to June 15, 1989.

Sincerely,

Howard R. Green

HOWARD R. GREEN

HRG:rm

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RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION

89 JUN -5 PM 12:53

OFFICE OF THE LIEUTENANT GOVERNOR
STATE CAPITOL
HONOLULU, HAWAII 96813

BENJAMIN J. CAYETANO
LIEUTENANT GOVERNOR

(808) 548-2544

June 2, 1989

Lawrence M. Noble, General Counsel
Federal Election Commission
Washington, D.C. 20463

RE: MUR 2846

Dear Mr. Noble:

In response to your letter of May 3, 1989, please be advised of the following:

1. I have been able to determine that during my 1986 campaign for lieutenant governor, I received $8,000.00 from four persons subsequently determined to be foreign nationals. As listed in my state campaign spending report, their names and addresses are:

Yusaka Nomura, 33 S. King St., #515, Hon., HI 96813
Etyu Nomura, 33 S. King St., #515, Hon., HI 96813
Shushi Nomura, 33 S. King St., #515, Hon., HI 96813
Koji Nomura, 33 S. King St., #515, Hon., HI 96813

These persons are all Japanese nationals who are not alien residents of the United States.

2. Subsequent to learning about the FEC rule prohibiting such contributions, I attempted to locate the donors and was informed by their Honolulu contact that they had returned to Japan. Thereafter, through the Honolulu contact, I got the permission of the donors to contribute the sum of $8,000.00 to charity. This charitable contribution represents the total sum of political contributions given to me by foreign nationals. Enclosed is a copy of my press release and a newspaper article confirming the contributions.

3. I know of no other foreign nationals who contributed to my campaign.

I have taken the position that the FEC rule banning such contributions in state elections is an overbroad extension of the Federal Campaign Spending law. Our State Attorney

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General has issued an opinion which confirms my view. However, as a practical matter I do not believe the issue is significant enough to challenge the FEC rule in court.

All of the contributions I received from foreign nationals were received in good faith. Prior to the issue being raised publicly by Frank F. Fasi, Mayor of the City and County of Honolulu, I was under the impression that the FEC ban on contributions by foreign nationals did not apply to state and county elections and therefore viewed such contributions as legal under state law. I believe this was a widespread belief held by many other Hawaii politicians. There was no intent to violate federal regulations.

I hope this letter serves as a satisfactory answer to your complaint. If you have any questions, do not hesitate to contact me.

Very truly yours,

Benjamin J. Cayetano

Benjamin J. Cayetano
Lieutenant Governor

BJC:jk

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JOHN WAIHEE
GOVERNOR

LIEUTENANT GOVERNOR'S OFFICE

WARREN PRICE, III
ATTORNEY GENERAL

FEB 9 4 07

CORINNE K. A. WATANABE
FIRST DEPUTY ATTORNEY GENERAL

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
STATE CAPITOL
HONOLULU, HAWAII 96813
(808) 548-4740
FAX (808) 523-0014

February 9, 1989

Mr. Jack M. K. Gonzales
Executive Director
Campaign Spending Commission
335 Merchant Street, Room 215
Honolulu, Hawaii 96813

Re: Foreign National Contributions

Dear Mr. Gonzales:

This will acknowledge receipt of your letter of February 2, 1989, and confirm our various conversations about the above matter. As we understand your inquiry, you would like our opinion on the legality of the federal rule which appears to make contributions to local campaigns by "foreign nationals" illegal, and you also want our advice on how to advise the numerous persons who have called your office regarding this issue.

Enclosed you will find a legal memorandum we have prepared which examines the federal statute and rule in question. As you will note, it is our conclusion that the federal rule (11 C.F.R. § 110.4) promulgated by the Federal Election Commission ("FEC") to carry out the federal statute in question (2 U.S.C. § 441e) may be impermissibly overbroad. It is an axiom of law that a rule promulgated by an agency to carry out a law cannot go beyond the scope of the law. In this case, this arguably occurred. However, we must point out that whether this occurred or not is a question of federal law, and this office has no jurisdiction to enforce this law.

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As to the question of how you should advise people who are concerned as to what must be done to determine if they may be in violation of this law as interpreted by the FEC, our advice would be to advise them to contact the FEC directly. It is our understanding that neither the U. S. Attorney in Hawaii nor the Federal Bureau of Investigation ("FBI") plan to take any action should a listed contribution turn out to be impermissible as interpreted by the FEC. Everything will be handled pursuant to FEC rules, which is informal up to a point and discussed in more detail in the attached memo. The U. S. Attorney and the FBI will only look at a contribution from a criminal standpoint if it was unlisted. If it is listed, it is a matter between the FEC and the candidate.

In conclusion, whether the present federal law effectively does or does not ban "foreign" contributions from local campaigns is an issue of law. The issue of whether these types of contributions indeed should be banned from Hawaii campaigns is one of policy. As such, it should be addressed by the state legislature.

We hope the foregoing has answered your question.

Very truly yours,

Warren Price, III
Attorney General

WP:ssm
Enclosure

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JOHN WAIHEE
GOVERNOR

WARREN PRICE, III
ATTORNEY GENERAL

CORINNE K. A. WATANABE
FIRST DEPUTY ATTORNEY GENERAL

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
STATE CAPITOL
HONOLULU, HAWAII 96813
[illegible]
FAX [illegible]

February 8, 1989

MEMORANDUM

TO: Mr. Jack M. K. Gonzales
Executive Director
Campaign Spending Commission

THROUGH: Warren Price, III
Attorney General

FROM: Gary K. H. Kam
Deputy Attorney General

RE: Political Contributions from "Foreign Nationals"

This memorandum provides a brief discussion of the federal election law applicable to the above-referenced matter. The specific topics discussed include the statutory scheme, the Federal Election Commission ("FEC") rules, the relevant legislative history of the law in question and enforcement procedures. We have also noted that, in our view, the validity of the FEC rule governing political contributions by foreign nationals is questionable.

I. THE FEDERAL ELECTION CAMPAIGN ACT OF 1971

The Federal Election Campaign Act of 1971, as amended (2 U.S.C. § 431 et seq.; hereafter "Act"), is an "intricate statutory scheme adopted by Congress to regulate federal election campaigns [which] includes restrictions on political contributions and expenditures that apply broadly to all phases of and all participants in the election process. . . ." Buckley v. Valeo, 424 U.S. 1, 12 (1976). In 1976, the Act was amended by, inter alia, the addition of a provision prohibiting foreign nationals from making political contributions. 2 U.S.C. § 441e provides:

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(a) It shall be unlawful for a foreign national directly or through any other person to make any contribution of money or other thing of value, or to promise expressly or impliedly to make any such contribution, in connection with an election to any political office or in connection with any primary election, convention, or caucus held to select candidates for any political office; or for any person to solicit, accept, or receive any such contribution from a foreign national.

(b) As used in this section, the term "foreign national" means-

(1) a foreign principal, as such term is defined by section 611(b) of Title 22, except that the term "foreign national" shall not include any individual who is a citizen of the United States; or

(2) an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of title 8. (Emphasis added.)

"Foreign principal" is defined in 22 U.S.C. § 611(b), which provides:

The term "foreign principal" includes -

(1) a government of a foreign country and a foreign political party;

(2) a person outside the United States, unless it is established that such person is an individual and a citizen of and domiciled within the United States, or that such person is not an individual and is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States; and

(3) a partnership, association, corporation, organization, or other combination of persons

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organized under the laws of or having its principal place of business in a foreign country.1/

It is clear that the term "foreign national" is not limited to individuals.

II. THE FEDERAL ELECTION COMMISSION

The Federal Election Commission ("FEC") is the federal agency charged with the administration, interpretation and civil enforcement of the Act. FEC v. American International Demographic Services, Inc., 629 F.Supp. 317, 319 (E.D. Va. 1986); see also 2 U.S.C. § 437(c), (d). Pursuant to its rulemaking authority, the FEC has interpreted 2 U.S.C. § 441e to be applicable to state and local elections, as well as federal elections. 11 C.F.R. § 110.4 provides in pertinent part:

> (a)(1) A foreign national shall not directly or through any other person make a contribution, or expressly or impliedly promise to make a contribution, in connection with a convention, caucus, primary, general, special, or runoff election in connection with any local, State or Federal public office.
>
> (2) No person shall solicit, accept, or receive a contribution as set out above from a foreign national.
>
> (3) For purposes of this section, "foreign national" means-

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1/The FEC has concluded that a domestic corporation is not a foreign national for the purposes of § 441e even if it is a wholly-owned subsidiary of a foreign corporation, so long as the parent corporation does not provide funds for the political contribution and the subsidiary is not controlled by the parent with respect to the subsidiary's decision to make a contribution. A.O. 1985-3, Fed. Election Camp. Fin. Guide (CCH) ¶ 5809 (March 4, 1985).

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(i) A foreign principal, as defined in 22 U.S.C. 611(b); or

(ii) An individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined in 8 U.S.C. 1101(a)(20);

(iii) Except that "foreign national" shall not include any individual who is a citizen of the United States.

This interpretation by the FEC is open to question as it apparently goes beyond the express language of § 441e and the overall purpose of the Act to regulate federal elections.

FEC interpretations of the Act are entitled to deference. FEC v. Democratic Senatorial Campaign Committee, 454 U.S. 27, 37 (1981). However, as the federal legislative power resides in the Congress, the Act defines the scope and thus limits the FEC's rulemaking authority. See Chrysler Corp. v. Brown, 441 U.S. 281, 302 (1979). As such, agency rulemaking which exceeds the scope of its statutory authority is invalid.

2 U.S.C. § 441e does not expressly apply to state and local elections. Although the term "political office" is not defined by the Act, the terms "contribution" and "candidate" are so defined. These latter terms are operative only in connection with an election for federal office. 2 U.S.C. § 431(2), (8)(A). No mention of state or local office is made in the aforementioned definitions. As a general rule of statutory construction, when a word is defined by the statute, any other meaning not expressed is excluded. National Wildlife Federation v. Gorsuch, 693 F.2d 156, 172 (D.C. Cir. 1982) (quoting Colautti v. Franklin, 439 U.S. 379, 392 n. 10 (1979). Thus, it could be argued that the definitions of the terms "contribution" and "candidate" preclude the FEC from interpreting § 441e as being applicable to state or local offices.[2/]

[2/] We point out that the Act expressly qualified "political office" to include state and local office in 2 U.S.C. § 431(8)(xi). Thus it can be argued that if § 441e was meant to apply to state and local offices, the Congress would have expressly included state and local offices in § 441e.

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The legislative history of the Act (including its amendments) is not very helpful on the question of the applicability of § 441e to state and local offices. However, the overall purpose of the Act has been expressed by the Congress.

> During the 92d Congress (1971-1972) the Federal Election Campaign Act of 1971 (P.L. 92-225) was enacted to provide sweeping and thorough control over and public disclosure of receipts and expenditures in both Federal primary and general elections. The Federal Election Campaign Act Amendments of 1974, enacted during the 93d Congress (P.L. 93-443), amended the 1971 Act extensively. The resulting law provided for overall limitations on campaign expenditures and political contributions, extensive reporting and recordkeeping requirements for candidates and political committees, and the establishment of a Federal Election Commission with extensive powers to administer and enforce the Act. The law also provided for the public financing of Presidential primary and general elections and conventions.
>
> On January 30, 1976, the Supreme Court of the United States, in Buckley v. Valeo, upheld the contribution limitations, the recordkeeping and disclosure requirements of the Act and provisions for public financing of Presidential elections and conventions. However, the Court held that certain expenditure limitations under the Act were in violation of the First Amendment and that the exercise of administrative and enforcement powers delegated to the Commission was unconstitutional because of the way in which its members were appointed.
>
> Public hearings were held by the Subcommittee on Privileges and Elections, chaired by Senator Clairborne Pell, on February 18,1976. Witnesses appeared to testify and submit written statements on the impact of the Supreme court's decision and on the many bills which had been introduced in response to that decision: S. 2911, Amendment No. 1396 to S. 2911, S. 2912, S. 2918, S. 2953, S. 2980, and S. 2987.

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On February 20, 1976, the Subcommittee on Privileges and Elections referred an original bill to the Committee on Rules and Administration, without recommendation, to be used as a working draft by the Committee in its consideration of legislation. The Subcommittee also unanimously adopted a resolution recommending that the Committee on Rules and administration report legislation to amend the Federal Election Campaign Act of 1971, as amended-

(a) to reconstitute the Federal Election Commission as an independent executive branch agency, having six commissioners to be appointed by the President with the advice and consent of the Senate; and

(b) to make such other changes in the Act as may be necessary and desirable in light of the Supreme Court decision in the case of Buckley v. Valeo.

S. Rep. No. 677, 94th Cong., 2nd Sess. 2 (1976), reprinted in 1976 U.S. Code Cong. & Ad. News 930. Thus, when the Congress was considering the Federal Election Campaign Act Amendments of 1976, which added § 441e to Title 2, there were no indications that the Act or its amendments would apply to elections other than federal elections.

§ 441e, added to Title 2 in the 1976 amendments to the Act, was originally, in substantially similar form, § 613 of Title 18. It appears that the legislative history of the provision, when added to Title 18 by the Foreign Agents Registration Act Amendments of 1966, indicates a broader applicability of the law.

The proposed amendments to the Foreign Agents Registration Act of 1938 are designed to strengthen the basic purposes of the original act.

The act is intended to protect the interests of the United States by requiring complete public disclosure by persons acting for or in the interests of foreign principals where their activities are political in nature or border on the political. Such public disclosures as required by the act will permit the Government and the people of the United States to be informed as to the identities and activities of such persons and so be better able to appraise them and the purposes for which they act.

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H.R. Rep. No. 1470, 89th Cong., 2nd Sess. 1 (1966), reprinted in 1966 U.S. Code Cong. & Ad. News 2398. However, the definitions of "candidate" and "contribution" in chapter 29 of Title 18 also make no reference to state and local offices. See 18 U.S.C. § 591.

We are merely of the opinion that the FEC rule prohibiting foreign nationals from making political contributions in connection with state or local elections is open to question, not that the rule is invalid. As more fully discussed below, jurisdiction to enforce the Act is with the federal government, not our office. Enforcement actions are matters strictly between the federal government and the candidates involved.

III. ENFORCEMENT PROCEDURES

Civil enforcement of the Act may be initiated by the filing of a complaint with the FEC or by the FEC itself. 2 U.S.C. § 437g; 11 C.F.R. §§ 111.3, 111.4. If the FEC determines that there is probable cause to believe that a violation of the Act occurred or is about to occur, the FEC will try to correct the violation by using "informal methods of conference, conciliation, and persuasion, and to enter into a conciliation agreement with any person involved." A conciliation agreement bars further civil action by the FEC. 2 U.S.C. § 437g(a)(4)(A).[3/]

3/ 2 U.S.C. § 437g(a)(4)(A) provides:

(i) Except as provided in clause (ii), if the Commission determines, by an affirmative vote of 4 of its members, that there is probable cause to believe that any person has committed, or is about to commit, a violation of this Act or of chapter 95 or chapter 96 of Title 26, the Commission shall attempt, for a period of at least 30 days, to correct or prevent such violation by informal methods of conference, conciliation, and persuasion, and to enter into a conciliation agreement with any person involved. Such attempt by the Commission to correct or prevent such violation may continue for a period of not more than 90 days. The Commission may not enter into a conciliation agreement under this clause except pursuant to an affirmative vote of 4 of its members. A conciliation agreement, unless violated, is a complete bar to any further action by the Commission, including the bringing of a civil proceeding under paragraph (6)(A).

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If the FEC is unable to correct or prevent violations of the Act, the Commission may institute a civil action for relief, including injunctive relief or civil penalties. 2 U.S.C. § 437g(a)(6)(A). The federal district court may assess a civil penalty in an amount not exceeding $5,000 or the amount of the illegal contribution, whichever is greater. 2 U.S.C. § 437g(a)(6)(B). If the court determines that the violation was willful, the court may assess a penalty not exceeding $10,000 or an amount equal to 200 percent of the illegal contribution. 2 U.S.C. § 437g(a)(6)(C). Furthermore, in any conciliation agreement, the FEC may include a requirement that the individual investigated pay the aforementioned penalties. 2 U.S.C. § 437g(a)(5)(B).

Independent of the conciliation procedure and civil action, the FEC may refer the matter to the Attorney General of the United States for criminal investigation and prosectuion if there is probable cause to believe that a knowing and willful violation of the act has occurred or is about to occur. 2 U.S.C. § 437g(a)(5)(C). Also, the Attorney General need not wait for the FEC to complete its investigation before prosecuting violations of the act. U.S. v. International Union of Operating Engineers, Local 701, 638 F.2d 1161, 1163 (9th Cir. 1979), cert. denied, 444 U.S. 1077 (1980). It appears that violations of 2 U.S.C. § 441e can be the subject of criminal prosecution only if the illegal contributions amount to $2,000 or more during a calendar year. 2 U.S.C. § 437g(d)(1)(A). Criminal penalties include a fine, or imprisonment for up to one year, or both. The fine shall not exceed the greater of $25,000 or 300 percent of the illegal contribution.

2 U.S.C. § 455 provides that prosecutions under the Act must begin within 3 years of the date of the violation.

Ftn. 3 cont'd.

(ii) If any determination of the Commission under clause (i) occurs during the 45-day period immediately preceding any election, then the Commission shall attempt, for a period of at least 15 days, to correct or prevent the violation involved by the methods specified in clause (i).

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IV. CONCLUSION

If the Campaign Spending Commission should receive a complaint regarding a possible violation of the Act, the complainant should be referred to the FEC. The FEC has exclusive jurisdiction over the civil enforcement of the Act. American International Demographic Services, Inc., supra, 629 F.Supp at 319. Furthermore, the office of the Attorney General of the United States has exclusive jurisdiction to prosecute criminal violations of the Act. International Union of Operating Engineers, local 701, supra, 638 F.2d at 1162. Also, as noted above, a criminal investigation and prosecution of violations of the Act are independent from the civil enforcement of the Act.

We understand that neither the U.S. Attorney's Office in Hawaii nor the Federal Bureau of Investigation ("FBI") plan to take any action should a listed contribution turn out to be impermissible as interpreted by the FEC. Such cases will be handled pursuant to FEC procedures, which have been discussed above. The U.S. Attorney's office and the FBI will investigate a contribution from a criminal standpoint only if the contribution was not listed by the candidate. If the contribution was listed by the candidate, then it is a matter between the FEC and the candidate.

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Ben
CAYETANO

FRIENDS OF BEN
1835 Palamoi Street
Pearl City, Hawaii 96782

NEWS RELEASE

For immediate release: May 3, 1989
contact: Randy Obata 623-6288

CAYETANO DONATES TO CIVIC GROUPS

Lt. Governor Ben Cayetano today announced that the $8,000.00 he received in foreign campaign contributions will be donated to charitable and civic groups.

Cayetano said: "I received these donations in good faith. The donors gave them in good faith. Under our state law, these donations are clearly legal. Like our state attorney general and state Campaign Spending Commission executive director, I believe the Federal Election Commission overstepped its authority when it adopted a rule that expanded a federal campaign law, intended by Congress to apply to federal elections, to state and county elections."

"However, the FEC rule is not worth challenging in the courts. Rather than prolong this controversy, I have decided-- and the donors agree-- to donate the $8,000.00 to charitable and civic groups."

Cayetano said the groups are: Na Loio No Na Kanaka (Lawyers for the People), The Justice Ben Menor Scholarship Fund, Institute for Human Services, Aloha United Way, Child & Family Service, American Civil Liberties Union of

(MORE)

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Hawaii Foundation and Japanese-American Citizens League Honolulu Chapter.

"Although there are many worthwhile charities, I selected these groups because of their respected and fine work to help the disadvantaged and needy," Cayetano said. "And, in the case of the ACLU, the Japanese-American Citizens League and Na Loio No Na Kanaka, I selected them because of their dedication to protecting the civil rights of all our citizens, regardless of race, color or creed."

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Star-Bulletin

Cayetano gives charities his foreign contributions

By Richard Borreca
Star-Bulletin

Saying it wasn't worth a lawsuit, Lt. Gov. Ben Cayetano donated $8,000 in foreign contributions to seven local charities although he still questions whether the money must be surrendered.

Ben Cayetano

Cayetano complained in February that federal election laws were unfairly requiring candidates for state and local elections not to accept political donations from foreign contributors.

The controversy started when Mayor Frank Fasi announced that he was returning foreign donations after learning that they might be improper under federal law.

"I believe the Federal Election Commission overstepped its authority when it adopted a rule that expanded a federal campaign law, intended by Congress to apply to federal elections.

"However, the FEC rule is not worth challenging in the courts," Cayetano said.

Instead, Cayetano donated the money to the Na Loio No Na Kanaka (Lawyers for the People), Justice Ben Menor Scholarship Fund, Institute for Human Services, Aloha United Way, Child & Family Service, American Civil Liberties Union of Hawaii and the Japanese-American Citizens League of Honolulu.

Earlier this year, Gov. John Waihee returned $21,100 in foreign contributions. A local community group has filed a complaint against Waihee for accepting the foreign money on which the FEC has yet to rule.

That group, Maunawili Community Association, filed a second complaint yesterday, claiming that Fasi had accepted $70,000 in foreign contributions.

Donna Wong, a spokeswoman for the community association said her group wanted to make sure that the commission would allow politicians to use money given to them from foreign corporations using domestic subsidiaries as a campaign front.

"We want to stop foreign campaign contributions in the United States so that what has happened with political influence buying in Japan will not be able to continue here, Wong said.

A Fasi spokeswoman said the mayor would not comment on the matter until notified by the commission of the complaint.

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Cayetano foreign gifts to be given to charity

HONOLULU (AP) – A number of charitable and civic groups will divide $8,000 in foreign campaign contributions given to Lt. Gov. Ben Cayetano.

Cayetano, the state's chief elections officer, said Wednesday that he still believes the Federal Election Commission is wrong is ruling such contributions illegal.

"I received these donations in good faith," Cayetano said in a prepared news release. "The donors gave them in good faith.

"Under our state law, these donations are clearly legal," Cayetano said. "Like our state attorney general and state Campaign Spending Commission executive director, I believe the Federal Election Commission overstepped its authority when it adopted a rule that expanded a federal campaign law (prohibiting campaign contributions from foreigners), intended by Congress to apply to federal elections, to state and county elections.

"However, the FEC rule is not worth challenging in the courts," Cayetano said. "Rather than prolong this controversy, I have decided – and the donors agree – to donate the $8,000.00 to charitable and civic groups."

Cayetano identified the groups as Na Loio No Na Kanaka (Lawyers for the People), the Justice Ben Menor Scholarship Fund, the Institute for Human Services, Aloha United Way, Child and Family Services, the American Civil Liberties Union of Hawaii Foundation and the Honolulu chapter of the Japanese-American Citizens League.

In Hawaii

The Associated Press

Cayetano donates

HONOLULU — Charitable and civic groups will divide $8,000 in foreign campaign contributions given to Lt. Gov. Ben Cayetano.

Cayetano, the state's chief elections officer, said yesterday he still believes the Federal Election Commission is wrong is ruling such contributions illegal.

"I received these donations in good faith," Cayetano said in a prepared news release. "The donors gave them in good faith."

"However, the FEC rule is not worth challenging in the courts," Cayetano said. "Rather than prolong this controversy, I have decided— and the donors agree — to donate the $8,000 to charitable and civic groups."

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The Honolulu Advertiser
Thursday, May 4, 1989

Group renews attack on foreign political donations

By Jerry Burris
Advertiser Politics Editor

A Windward Oahu group, concerned about the political activities of a Japan-based golf course developer in its neighborhood, has filed a new flurry of federal charges in the ongoing controversy over foreign contributions to local candidates.

Questions have been raised in recent months whether foreign contributions — legal under state law — are illegal under the rules of the Federal Election Commission.

The latest complaint filed by the Maunawili Community Association with the Federal Election Commission essentially adds to previous charges that local candidates accepted campaign contributions from foreign nationals in violation of federal law.

The group is specifically upset by governmental permits approved or pending for Japan-based developer Yasuo Yasuda's proposed golf courses in Maunawili Valley.

The latest complaint alleges that Mayor Frank Fasi received more than 70 contributions from foreign nationals or companies controlled by foreign nationals adding up to a total of some $70,000.

It was Fasi, in fact, who first raised the issue locally when he disclosed that he had returned some $24,000 from Yasuda and others after he discovered their contributions might be impermissible under federal regulations.

Fasi declined to comment further on the latest charges raised by the Maunawili Association. However, Linda Wong, his executive assistant, said the mayor would abide by whatever the Federal Election Commission eventually rules.

"We want to stop foreign campaign contributions in the United States so that what has happened with political influence buying in Japan will not be able to continue here," association spokeswoman Donna Wong said in a statement. In its formal complaint, the Maunawili group said it was "their opinion" that the contributions were made for purposes of winning government approvals for the golf course project.

Cayetano

Fasi

No specifics were cited.

Earlier the group had filed similar charges against Gov. John Waihee after the governor publicly disclosed he had returned some $21,000 in contributions linked to foreign nationals. Waihee returned the money in February and the complaint was filed in March.

Many local officials, including Lt. Gov. Ben Cayetano, contend that foreign contributions are legal under state law and that the federal rule banning foreign contributions to state and local races has no clear foundation in actual federal law.

Cayetano yesterday announced that — with the permission of the donors themselves — he has turned some $8,000 in foreign campaign contributions over to local charity and civic groups.

The lieutenant governor said he continues to believe it was legal to accept the contributions, but the Federal Election Commission ruling "is not worth challenging in the courts. Rather than prolong this controversy, I have decided — and the donors agree — to donate the $8,000 to charitable and civic groups."

The Maunawili group has not named Cayetano in its complaints to the Washington, D.C., based commission.

Cayetano said he deliberately chose civil rights-based groups such as the ACLU, Lawyers for the People and the Japanese American Citizens' League to receive part of the $8,000 to "make a statement." In the past he has complained that much of the controversy over foreign contributions — primarily from the Japanese — amounts to a subtle form of racism.

The FEC has written local officials notifying them that it is investigating the complaints launched by the Maunawili Association.

The commission has made it clear in testimony before Congress and elsewhere that it clearly intends the ban on foreign contributions to apply to all local and state races, as well as federal contests.

However, it has rarely become involved in sorting out controversies at the state or local level. One of the few factual investigations, in fact, involved allegations that former Philippines President Ferdinand Marcos had contributed to local races.

The commission could find no evidence to substantiate that claim.

Generally speaking, the commission concludes [illegible] violation of its rules has occurred, the sanctions amount only to public disclosure of that fact. Generally, the commission tries to resolve violations through conciliation or voluntary repayment of illegal contributions.

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Herbert H. Tanigawa
Michael K. Tanigawa

Telephone
(808) 521-8354
Fax
(808) 531-8263

RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION
89 JUN -8 AM 9:49

June 1, 1989

Patty Reilly, Esq.
General Counsel's Office
Federal Elections Commission
999 E. Street, NW
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 JUN -8 PM 12:56

Re: MUR 2846
Masao Hayashi

Dear Ms. Reilly:

I am the attorney representing Mr. Masao Hayashi with regard to MUR 2846 and in that capacity and on behalf of Mr. Hayashi, hereby respond to the Federal Election Commission's notice of complaint alleging a violation of the Federal Election Campaign Act of 1971 dated April 17, 1989. This response is made pursuant to 11 C.F.R. Part 111 and the letter of Lawrence M. Noble, General Counsel, dated May 18, 1989 granting the request for an extension of time in which to respond to the notice of complaint.

While Mr. Hayashi does not deny the allegations contained in the complaint regarding a contribution to Citizens for Waihee, any donation that was made was simply the result of Mr. Hayashi not realizing that the contribution might be illegal. Now that Mr. Hayashi is aware of the law as a result of the notice of complaint and will comply with the law, no further action in this matter is necessary to achieve the purpose of the Commission.

Mr. Hayashi's misconception of the law was certainly understandable in light of the confusion manifested even by those with supposedly an expertise in this area. In Exhibit 2 of the Complaint, the Attorney General of the State of Hawaii is quoted as saying "there is some dispute as to exactly what this law says...." In Exhibit 3 of the Complaint, a newspaper article reported that "Local politicians...are mystified as to how Congress can control a state or county election." In Exhibit 4 of the Complaint, a newspaper editorial described the discovery that campaign contributions by foreign nationals is prohibited by Federal law as a "bolt out of the blue" and a "new revelation."

2404357042 1

That same editorial recognized that the problem was simply a lack of awareness of the existence of the law and suggested that "what's most needed now from both federal and state officials is an educational campaign for politicians, potential donors, and the public."

State law regarding campaign contributions in State elections does not prohibit contributions by foreign nationals. The restrictions of 2 U.S.C. 441(e) are limited to contributions to campaigns for federal office. There is no indication in that statute or in related statutes contained in the Code that restrictions on contributions by foreign nationals would be extended to campaigns for State office. It is only in 11 C.F.R. 110.4 that any evidence of Congressional intent for federal law to restrict contributions by foreign nationals in State campaigns appears. The existence of this regulation surprised the Attorney General, seasoned politicians, and the media of this State. Mr. Hayashi, a lay person from a foreign country, should not be held to a higher standard of awareness regarding the laws of this country than those that presumably make and work with those very laws on a daily basis. At the very least, his lack of knowledge of the existence of such a prohibition is understandable and excusable under these circumstances.

Since the purpose of this proceeding is to "correct or prevent violations" of the Federal Election Campaign Act (2 U.S.C. 437g[4][A][i]) no further action should be taken with respect to Mr. Hayashi since the purpose of this proceeding in that regard has already been achieved. The only fault of Mr. Hayashi was his unawareness of the law. His lack of knowledge having been corrected, any possiblity of a future violation by Mr. Hayashi has been prevented.

2404357042 2

The present state of affairs satisfies the mandate of the Commission and therefore no further action in this matter is either necessary or warranted.

Sincerely,

Michael K. Tanigawa

MICHAEL K. TANIGAWA

MKT:ctk

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06C 3023

MATSUBARA, LEE & KOTAKE
ATTORNEYS AT LAW
A LAW CORPORATION

BENJAMIN M. MATSUBARA
GARY S. K. T. LEE
MERVYN M. KOTAKE
STEPHANIE A. REZENTS

DEXTER T. HIGA
EDSEL M. YAMADA

CHARLES R. KENDALL BUILDING
888 MILILANI STREET, EIGHTH FLOOR
HONOLULU, HAWAII 96813-2918
TELEPHONE (808) 526-9566
FACSIMILE (808) 536-3840

June 9, 1989

89 JUN 13 AM 9:20
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

Federal Election Commission
Office of General Counsel
999 E Street, N.W.
Washington, D.C. 20463

Attn: Ms. Patty Reilly

RE: MUR 2846 - Hiroshi Kobayashi

Dear Ms. Reilly:

Please be advised that this law firm has been retained by Mr. Hiroshi Kobayashi to represent him regarding the above referenced matter.

This letter is written in response to Mr. Lawrence M. Noble's letter of April 17, 1989 to Mr. Kobayashi notifying him that a complaint has been filed with the Federal Election Commission ("Commission") which alleges that Mr. Kobayashi and others may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). The complaint alleges that Mr. Kobayashi made a $2000.00 contribution to Governor John Waihee's state gubernatorial campaign in violation of the Act. We have reviewed the complaint and the applicable statutory provisions and it is our considered opinion that the Act does not apply to state or local elections, only to federal elections, and, therefore, the complaint should be dismissed.

1. Federal Election Campaign Act

A review of the applicable provisions of the Act clearly indicates that it was intended to prohibit contributions by foreign nationals to candidates for federal elections and not state or local elections. Section 319 of the Act makes it "unlawful for a foreign national . . . to make any contribution . . . to select candidates for any political office." Under the Act, the definition of contribution is "any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office." Sec. 301(8)(A). Likewise, the Act defines candidate as "an individual who seeks nomination for election, or election, to Federal office." Sec. 301(2) and Sec. 319.

>40435704024

The regulations promulgated by the Commission appears to conflict with and confer authority beyond what is authorized by the Act. 11 CFR section 110.4(a)(1) provides that foreign nationals are prohibited from making contributions "in connection with any local, state or Federal public office." In light of the clear and unambiguous language of the Act, the regulation goes beyond its statutory authority.

Accordingly, the Act, on its face, does not cover foreign contributions made in state and local elections, and any attempt to broaden the statutory authority granted by the Act by regulation is impermissible legislation by the administrative agency.

2. Tenth Amendment, U.S. Constitution

The Tenth Amendment of the U.S. Constitution reserves to the States "powers not delegated to the United States by the Constitution, nor prohibited by it to the States." The Tenth Amendment has been interpreted by the U.S. Supreme Court as reserving to the states the power to regulate state and local elections. see, Oregon v. Mitchell, 400 U.S. 112, 91 S. Ct. 260, 27 L.Ed. 2d 272 (1970). The issue in the Oregon case was the State's right to set voter qualifications (age requirement) in state and local election. In that case the Supreme Court specifically recognized the State's right under the Tenth Amendment to "establish and maintain their own separate and independent governments," including the right to govern their own state and local elective process, unless specifically limited by other provisions of the Constitution. We submit that the right to control the state and local elective process with respect to foreign national contributions is a right which has been reserved to the state, and any interpretation of the FEC rules to expand federal jurisdiction into that area would not only be beyond the authority conferred by statute, but would also be an infringement of the Tenth Amendment.

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3. Local Practice

It has long been the belief here in Hawaii that the Act did not apply to state and local elections. This was the understanding of the Lieutenant Governor of the State, the State's highest elections officer. As the complainant himself stated in his letter to the Commission of March 29, 1989:

> "The State of Hawaii official in charge of elections, the Lieutenant Governor has stated that the above law does not apply to State officials campaigns for elections."

Conclusion

The contribution in question was made in a State gubernatorial election. The Act does not confer jurisdiction to the Commission to regulate State and local elections and any attempt to do so would be beyond its statutory authority and would constitute an infringement of the Tenth Amendment. Accordingly, we respectfully submit that the complaint should be dismissed for lack of jurisdiction.

If you have further questions, kindly contact the undersigned.

Very truly yours,

MATSUBARA, LEE & KOTAKE

Melvyn M. Kotake

MMK/syh
cc: Mr. Hiroshi Kobayashi

24043570426

MUR 3039
RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION
89 JUN 13 AM 9:49

KEMPER & WATTS
ATTORNEYS AT LAW, A LAW CORPORATION

EDWARD C. KEMPER
THOMAS T. WATTS

900 FORT STREET MALL
HONOLULU, HAWAII 96813-3771
TELEPHONE: (808) 524-0330

June 7, 1989

Federal Election Commission
999 "E" Street, N.W.
Washington, D.C. 20563

Attention: Ms. Patty Reilly

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 JUN 13 AM 9:49

Re: MUR 2846
Masanori Kobayashi

Dear Ms. Reilly:

I will be representing Mr. Masanori Kobayashi in connection with the matter which you have assigned MUR 2846. Enclosed you will find a signed original copy of the Statement of Designation of Counsel form. I have prepared a response to the Complaint and will be filing that response with you as soon as it has been approved by Mr. Kobayashi.

Yours truly,

KEMPER & WATTS

Thomas T. Watts

THOMAS T. WATTS

TTW:de

Enclosure

cc: Mr. Masanori Kobayashi

2404357042 7

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2846

NAME OF COUNSEL: THOMAS T. WATTS, ESQ.

ADDRESS: Kemper & Watts
900 Fort Street Mall, #1200
Honolulu, HI 96813

TELEPHONE: (808) 524-0330

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

May 3, 1989
Date

Signature

RESPONDENT'S NAME: MASANORI KOBAYASHI

ADDRESS: 1525 WILDER AVENUE #703
HONOLULU, HAWAII 96822

HOME PHONE: 946-6020

BUSINESS PHONE: 847-3981

2404357042 8

OGC 3028

GREEN, NING, LILLY, & JONES

Attorneys at Law, A Law Corporation
707 Richards Street, Suite 700, Honolulu, Hawaii 96813
(808) 528-1100

Howard R. Green
Ke-ching Ning
Michael A. Lilly
Stephen A. Jones

Lynnette T. Oka

MAILING ADDRESS
P. O. Box 3439
Honolulu, Hawaii 96801

TELECOPIER
(808) 531-2413

June 8, 1989

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 JUN 13 AM 9 14

Mr. George F. Rishel
Acting Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

Attn: Patty Reilley

Re: MUR 2846
Friends of Frank Fasi

Dear Ms. Reilley:

I am now in a position to provide what I believe is a proper response to the Federal Election Commission's inquiry concerning Friends of Frank Fasi dated April 17, 1989. Since the state of the present record is a little unclear, let me explain to you precisely what I am responding to.

We received the letter dated February 2, 1989 addressed to the Chairman and General Counsel of your Commission. With it were exhibits including Exhibits D-1 through D-4 which related to Friends of Frank Fasi. We also received a letter dated March 29, 1989 addressed to the same individuals and a separate set of exhibits which probably were enclosed with that letter, including among them an exhibit denoted "Exhibit 1" which related to the Friends of Frank Fasi Campaign.

The February 2, 1989 letter makes reference on pages 4 and 5 to a separate complaint made against Frank Fasi, the Mayor of Honolulu. We have not received that document and if there is such a document, we would appreciate your providing us with a copy so that we could be responsive to it.

The two letters above to which I referred seemed to be complaints related to the Waihee campaign and certain individuals whom the complaints identify as foreign nationals.

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Since these documents only indirectly relate to the Fasi campaign and since no specific allegations are made, we have referred to the underlined questionable items on the exhibits to these two letters which were forwarded to us. Those items included seven contributions which are apparently questioned with respect to the Fasi campaign. They are as follows:

1. Contribution of Yasuo Yasuda in the amount of $2,000 on August 31, 1987,

2. Contribution of Tetsuo Yasuda in the amount of $2,000 made on August 31, 1987,

3. Contribution of Eiman Yamamoto in the amount of $2,000 made on August 31, 1987,

4. Contribution of Itsuo Koshiba in the amount of $2,000 made on October 4, 1987 (the date of this contribution is not clear on the xerox copy of page 63 which I have, Exhibit D-2(A)),

5. Contribution of Hiroshi Kobayashi in the amount of $2,000 made on September 4, 1987,

6. Contribution of Masanori Kobayashi in the amount of $2,000 made on September 4, 1987,

7. Contribution of Yoshinori Hayashida in the amount of $2,000 made on September 4, 1987.

As you may know, it came to Mayor Fasi's attention in October 1988, through a newspaper article, that contributions from foreign nationals could be considered illegal, even with respect to local elections.

As a result, Mayor Fasi asked that a review of the campaign contributions to his campaign be made to determine whether any contributions had been received which could arguably be considered contributions from foreign nationals and he ordered that such contributions be returned. In fact, all of the above referenced contributions were discovered and returned at that time in October 1988.

Attached to this letter are copies of checks with circled numbers 1 through 7 on the face of them. These checks are all dated October 17, 1988--a time prior to last year's election.

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I have examined the backs of these checks and determined that they all were in fact negotiated before the end of October 1988. However, the stamps are light and do not reproduce by xerox and therefore I request that you accept my representation as counsel to the truth of the statement relating to the backs of the checks.

The Fasi campaign never made an actual determination as to whether any of these contributions actually were made by or on behalf of illegal contributors. Instead, the campaign, following the Mayor's instructions, returned the funds because the Mayor simply did not want to be involved further in any potential controversy or argument regarding these issues.

We understand that some of these parties and other candidates may be contesting the question of the validity of contributions by some or all of these individuals. We hope you understand that we have reached no conclusion on that issue and our return of the funds is evidence of nothing but the Mayor's desire to be completely clear of any question regarding these matters.

Given these circumstances, we ask that the Commission take no further action with regards to the matters raised.

If there are other items or if a complaint has in fact been filed and other matters have been raised, we would be more than happy to also respond with respect to those items; but as I have attempted to explain above, we feel we have fully responded with respect to everything provided to us to date.

Thank you for your kind consideration.

Respectfully submitted,

Howard R. Green

HOWARD R. GREEN
Attorney for Friends of Fasi

HRG:rm

Enclosures

cc: Friends of Frank Fasi

2404357043 1

(3)

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 203
HONOLULU, HI 96817

p 133 Ex D-2
Feb 2, 1989 Ltr

No. 339

Oct. 17, 1988

PAY TO THE ORDER OF Rimpa Yamamoto $ 2,000.00

*****Two Thousand and no/100***** DOLLARS

[redacted]

FOR Return Contribution

Gina M. Fasi

⑆121301057⑆ 13=003505⑈ ⑈0000200000⑈

(2)

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 203
HONOLULU, HI 96817

No. 340

Oct. 17, 1988

PAY TO THE ORDER OF Tatsuo Yasuda $ 2,000.00

*****Two Thousand and no/100***** DOLLARS

[redacted]

FOR Return Contribution

Gina M. Fasi

⑆121301057⑆ 13=003505⑈ ⑈0000200000⑈

(1)

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 203
HONOLULU, HI 96817

17 Entry Ex D-1, p 134
Feb. 2 Ltr

No. 341

Oct. 17, 1988

PAY TO THE ORDER OF Yasuo Yasuda $ 2,000.00

*****Two Thousand and no/100***** DOLLARS

[redacted]

FOR Return Contribution

Gina M. Fasi

⑆121301057⑆ 13=003505⑈ ⑈0000200000⑈

Eimor Yamauto

CENTRAL PACIFIC BANK

Y Y Valley Corporation

300035890423 6

02700

Tetsuo Yamada

CENTRAL PACIFIC BANK

Y Y Valley Corporation

300035890423 7

02700

CENTRAL PACIFIC BANK

Y Y Valley Corporation

300035890423 5

02700

9 4 0 4 3 5 7 0 4 3 3

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 205
HONOLULU, HI 96817

(4) Exhibit D-2(A) Feb. 2, 1989 Ltr.

No. 338

88-105/1213

Oct. 17, 1988

PAY TO THE ORDER OF Itsuo Koshiba $ 2,000.00

*****Two Thousand and no/100***** DOLLARS

[redacted]

FOR Return Contribution

Gina M. Fasi

⑆121301057⑆ 13-003505 /0000200000/

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 205
HONOLULU, HI 96817

(5) Exhibit D-3 P 62 Feb. 2, 1989 Ltr. Exhibit 1, agenda packet Aug 29, 1989 Ltr

No. 345

88-105/1213

Oct. 17, 1988

PAY TO THE ORDER OF Hiroshi Kobayashi $ 2,000.00

*****Two Thousand and no/100***** DOLLARS

[redacted]

FOR Return Contribution

Gina M. Fasi

⑆121301057⑆ 13-003505 /0000200000/

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 205
HONOLULU, HI 96817

(6) Ex 5

No. 346

88-105/1213

Oct. 17, 1988

PAY TO THE ORDER OF Masanori Kobayashi $ 2,000.00

*****Two Thousand and no/100***** DOLLARS

[redacted]

FOR Return Contribution

Gina M. Fasi

⑆121301057⑆ 13-003505 /0000200000/

CENTRAL PACIFIC BANK

3000[illegible]4233

3010[illegible]4096

9404357043 5

3010[illegible]4097

CENTRAL PACIFIC BANK

3010[illegible]4096

FRIENDS FOR FAS[illegible]
100 N. BERETANIA ST., NO. 259
HONOLULU, HI 96817

(7) Exhibit D-[illegible]/2
Ft. 2, 1989 Litho

No. 347

Oct. 17, 1988

PAY TO THE ORDER OF Yoshinori Hayashida $ 2,000.00

*****Two Thousand and no/100***** DOLLARS

[redacted]

FOR Return Contribution

⑆121301057⑆ 13-003505 ⑈0000200000⑈

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CENTRAL PACIFIC BANK

3000388804234

9404357043 7

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY

Page 134 of

DATE RECEIVED 1987	NAME AND ADDRESS OF DONOR	DESCRIPTION OF NON-MONETARY CONTRIBUTION	AMOUNT OF MONETARY CONTRIBUTION	AMOUNT OF NON-MONETARY CONTRIBUTION	CUMULATIVE TOTAL
8/4	YAMAMOTO, Rodney 2241 Aha Nia Place Honolulu, Hawaii 96821		1000.00		1000.00
8/20	YAMASAKI, Hazel 511 Kekaulua Street Honolulu, Hawaii 96825		500.00		500.00
8/26	YAMASAKI, Thomas c/o Hawaiian Mission Int'l 55-030 Waihona Street Kahuku, Hawaii 96731		250.00		250.00
9/28	YAP, Carol 1150 Davenport Street Honolulu, Hawaii 96822		250.00		250.00
8/25	YAP, Gim Sun 1088 Bishop Street, Suite 1123 Honolulu, Hawaii 96813		2000.00		2000.00
9/28	YAP Raymond C., Dr. 1150 Davenport Street Honolulu, Hawaii 96822		250.00		250.00
8/27	YASUDA, George 47-246-B Hui Iwa Street Kaneohe, Hawaii 96744		500.00		500.00
(2) ✓ 8/31	YASUDA, Tetsuo c/o Central Pacific Bank		2000.00		2000.00 ✓
(1) ✓ 8/31	YASUDA, Tetsuo c/o Central Pacific Bank		2000.00		2000.00 ✓
9/4	YASUE, Allen T. 2500 Pacific Tower, Bishop Square Honolulu, Hawaii 96813		200.00		200.00
8/11	YASUHARA, Stanley T. 5302 Hale Place Honolulu, Hawaii 96816		2000.00		2000.00
			SUBTOTAL COLUMN 1:	TOTAL COLUMN 2:	

SUBTOTAL of Contributions Over $100 This Page .....

TOTAL This Period (last page this line only) .....

EXHIBIT D-1

9404357.0438

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY: [illegible]

Page 133 of ____

DATE (Last Name)	NAME AND ADDRESS OF DONOR	EMPLOYER AND OCCUPATION OF DONOR	COLUMN 1 AMOUNT OF THIS CONTRIBUTION	COLUMN 2 AMOUNT OF THIS CONTRIBUTION IF PRIMARY CONTRIBUTION	TOTAL AMOUNT OF DONOR'S CONTRIBUTIONS TO DATE
8/20	TANA, Ray T. 3483 Ala Ilima Street Honolulu, Hawaii 96818		1000.00		1000.00
8/20	TANA, Sally T. 3483 Ala Ilima Street Honolulu, Hawaii 96818		1000.00		1000.00
9/30	TANAKUCHI, Isamu ECC Foreign Language Institute		2000.00		2000.00
9/30	TANAKUCHI, Katsumi ECC Nagoya Foreign Language Institute		2000.00		2000.00
8/25	TANAKUCHI, Michael S. 47-441 Alalii Place Kaneohe, Hawaii 96744		1500.00		1500.00
8/27	TANAKI, Evelyn F. 1755 Koolauloa Place Pearl City, Hawaii 96782		250.00		250.00
10/19	TANAMACHI, Bert A. 1687 Prospect Street, No. 802 Honolulu, Hawaii 96822		750.00		750.00
8/12	TANAMORI, David M. 98-1698 Kaonohi Street Aiea, Hawaii 96701		250.00		250.00
8/21	TANAMORI, Fiona c/o Central Pacific Bank		2000.00		2000.00
8/27	TANAMORI, Brian 98-1698 Kaonohi Street Aiea, Hawaii 96701		250.00		250.00
9/4	TANAMURA, John E. 3240 Ala Lowinai Street Honolulu, Hawaii 96818		940.00		940.00
			TOTAL COLUMN 1:	TOTAL COLUMN 2:	

SUBTOTAL of Contributions Over $100 This Page .....

TOTAL This Period (last page this line only) .....

(3)

EXHIBIT D-2

9404357043 9

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY: CITIZENS FOR FYKE

Page 63 of ____

DATE 1987	NAME AND ADDRESS OF DONOR	OCCUPATION OF DONOR, IF A NATURAL PERSON, AND PRINCIPAL BUSINESS OF EMPLOYER	AMOUNT OF THIS CONTRIBUTION	AMOUNT OF THIS AND OTHER CONTRIBUTIONS RECEIVED LAST	CUMULATIVE TOTAL TO DATE
8/17	KOELSCH, Frederick H. 1645 Ala Wai Blvd Rm-1 Honolulu 96815		250		250
9/11	[illegible], Richard 95-186 Waiwahu Place Mililani 96789		1,500		1,500
8/17	[illegible], Marilyn 2305 Kam Hwy Honolulu 96819		250		250
9/14	Fowlkes And Associates 2104 Kam Hwy St Honolulu 96826		250		250
8/14	[illegible], Douglas K. 1154 Fort St Mall #315 Honolulu 96813		250		250
1/14	[illegible], Joann S. 1154 Fort St Mall #315 Honolulu 96813		1,000		1,000
8/17	Brian, Maurice I. 60 N. Dretania St #102 Honolulu 96817		750		750
10/5	Biel, Stanley T. 2646 Kuka Ave Honolulu 96817		2,000		2,000
8/13	Kamaa Pukkint the Man Su Temple of Hawaii 2559 Waiomao Road Honolulu 96816		2,000		2,000
1/14	[illegible], Minnie 820 Duke St Honolulu 96816		500		500
1/4	[illegible], (Lou) c/o Concert Pacific Inc		2,000		2,000
			TOTAL COLUMN 1:	TOTAL COLUMN 2:	

SUBTOTAL of Contributions Over $100 This Page .....

TOTAL This Period (last page this line only) .....

EXHIBIT D-2(1)

(4)

2404357040

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
FASANO FOR HMI

Date received 1987	Name and address of donor	Occupation, if natural person; principal place of business, if not	Column A	Column B	Column C
8/24	KIKUCHI, Walter S. 333 Queen St Suite 900 Honolulu 96813		500		500
9/4	KITAGAWA, Shuichi c/o Sadamichi Mission Int'l 95-030 Waihawa St Mililani 96786		250		250
8/24	KITAMURA, Henry H. 333 Queen St 9th Floor Honolulu 96813		500		500
9/14	Kiyo's Transmission Service 878 Queen St Honolulu 96813		500		500
9/4	KNUDSEN, M. F. 381 Puiwa Road Honolulu 96817		250		250
8/24	KO, Jane Y. 810-6 Kaalon St Honolulu 96826		250		250
8/24	KO, Robert Y. H. 810-6 Kaalon St Honolulu 96826		250		250
8/24	KOMENAKI, Franklyn M. Aloa Bowling Center Inc Aloa Shopping Center Aloa 96701		500		500
✓9/4 (5)	KOMENAKI, Miyuki c/o Central Pacific Bank		2,000		2,000
✓9/4 (6)	KOMENAKI, Rowena L c/o Central Pacific Bank		2,000		2,000
10/5	Kuga Engineering & Construction Inc 946 So. Beretania St Honolulu 96814		2,000		2,000
			TOTAL COLUMN A	TOTAL COLUMN B	NOTE: IN KIND CONTRIBUTIONS ARE ALSO REPORTED WHERE USED

1. SUBTOTAL of Contributions Over $100 This Page ____
2. TOTAL This Period (last page this line only) ____

EXHIBIT D-3

9404357.0441

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
FRIENDS FOR EVES

(7)

DATE 1982	NAME AND ADDRESS OF DONOR	OCCUPATION OF PERSON OR PRINCIPAL BUSINESS OF FIRM	COLUMN 1 THIS PERIOD CONTRIBUTION	COLUMN 2 AGGREGATE TO DATE CONTRIBUTION	COLUMN 3 TOTAL TO DATE CONTRIBUTION
9/4	BRUNNER, Tunkinori c/o Colonel Pacific Bank		2,000		2,000
9/4	HER, Charlotte 47-120 Wailuaa Road Kaneohe 96744		250		250
9/4	HER, David 47-120 Wailuaa Road Kaneohe 96744		250		250
9/4	HEF, Dennis 1724 Bertram St Honolulu 96816		2,000		2,000
9/4	HEF, Eric 3419 Diamond Head #1703 Honolulu 96826		2,000		2,000
9/4	Hee Bing Corporation 449 Kapiolani Ave Honolulu 96815		500		500
9/4	HEE, Randall 1724 Bertram St Honolulu 96816		1,000		1,000
8/17	Heller, Ehrlich, Van Hoen & Kimura 733 Bishop St Suite 2550 Honolulu 96813		2,000		2,000
9/14	HELLWIG, Philip Dr 60 Aulike St Suite 311 Kailua 96734		250		250
8/17	HENRI, Isaac 35 Woodcrest Court Hillsborough, CA 94010		500		500
8/17	HEWITT, Jane P. 1465 Kalanikai Place Honolulu 96821		500		500
			TOTAL COLUMN 1	TOTAL COLUMN 2	

1. SUBTOTAL of Contributions Over $100 This Page .....
2. TOTAL This Period (last page this line only) .....

EXHIBIT D-4

9404357042

RECEIVED
FEDERAL ELECTION COMMISSION
89 JUN -8 PM 3:09

FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

SENSITIVE

FIRST GENERAL COUNSEL'S REPORT

MUR: 2846
DATE COMPLAINT RECEIVED BY OGC: April 11, 1989
DATE OF NOTIFICATION TO RESPONDENTS: April 17, 1989
STAFF MEMBER: Reilly

COMPLAINANTS: Anthony P. Locricchio
Victoria S. Creed
Karen L. Kosoc
Donna Wong

RESPONDENTS: Citizens for Waihee
Han Kuk Chun (a.k.a. Yasuo Yasuda)
Masanori Kobayashi
Yoshinori "Ken" Hayashida
Hiroshi Kobayashi
Mitsunori [Masanori] Inoue
Campaign of Frank Fasi
Masao Hayashi
Japan Travel Bureau International, Inc.
Roy Hiroshige
Obbayashi-Hawaii Corporation
Japan Airlines
Gem of Hawaii PAC
Nauna Lani Resorts PAC
Central Pacific Bank PAC
Misutani Takayuki
Daiei Hawaii Investment, Inc.
Nitto Hawaii Co., LTD
American Hawaii Cruises
Pan-Pacific Construction, Inc.
Pan-Pacific Development Co., Inc.
Hawaii Omori Corporation
Azabu U.S.A., Inc.
Kumugai Properties
Tetsuo Yasuda
Campaign of Leigh-Wai Doo
Campaign of Ann Kobayashi
Campaign of David Kahann
Campaign of Ben Cayetano
Campaign of James Aki

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RELEVANT STATUTES: 2 U.S.C. § 441e
11 C.F.R. § 110.4(a)
22 U.S.C. § 611

INTERNAL REPORTS CHECKED: None

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Office of the General Counsel received a complaint on April 11, 1989, alleging the above-noted persons, as foreign nationals, impermissibly contributed to state elections in violation of 2 U.S.C. § 441e.[1/] Respondents were duly notified of the complaint.

To date, this Office has received substantive responses from twelve respondents.[2/] Additionally, eight respondents have requested and received extensions of time to respond to the complaint. The last of these responses are due on June 15, 1989.

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1/ The individuals are alleged to be without green cards, and thus are not resident aliens. The corporations are alleged to be either wholly owned by foreign nationals or "substantially" owned by foreign nationals. The candidate committees are alleged to have accepted these purported illegal contributions.

2/ One respondent, Masao Hayashi, simply requested pre-probable cause conciliation without addressing the merits of the allegations in the complaint. This Office informed him that such a request was premature because the Commission had not made any reason to believe determination regarding him and would have difficulty doing so absent a substantive response. It was agreed that a substantive response would be submitted.

Following the receipt of all responses, this Office will report to the Commission with appropriate recommendations.

6/8/88
Date

L M Noble (JKZ)
Lawrence M. Noble
General Counsel

Staff Member: Patty Reilly

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/JOSHUA MCFADDEN

DATE: JUNE 16, 1989

SUBJECT: MUR 2846
FIRST GENERAL COUNSEL'S REPORT
SIGNED JUNE 8, 1989

The above-captioned report was received in the Secretariat at 3:09 p.m. on Thursday, June 8, 1989 and circulated to the Commission on a 24-hour no-objection basis at 12:00 p.m. on Friday, June 9, 1989.

There were no objections to the report.

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ATTORNEYS AT LAW, A LAW CORPORATION

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FAX: (808) 244-8775

FEDERAL ELECTION COMMISSION
89 JUN 19 AM 10:33

June 15, 1989

Lawrence M. Noble, Esq.
General Counsel
George F. Rishel, Esq.
Acting Associate General Counsel
Patty Reilly, Esq.
Staff Attorney
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

Re: MUR-2846, Yasuo Yasuda, aka Han Kuk Chun

Dear Counsel:

Thank you for responding to my letter of May 25, 1989, by extending the deadline for Yasuo Yasuda's response in this matter until June 15, 1989. Enclosed please find the Statement of Designation of Counsel signed by Yasuo Yasuda (aka Han Kuk Chun) authorizing our law firm to receive information and act on his behalf before the Federal Election Commission (FEC). This letter responds to Mr. Rishel's letter of April 17, 1989 regarding the complaints by Anthony P. Locricchio and others ("Complainants") dated February 2, 1989 and March 29, 1989.

First, for your information, and to be sure that we are responding to the appropriate documents submitted by Complainants, we are in possession of the following:

a. Letter to Tetsuo Yasuda from Lawrence M. Noble by George F. Rishel, dated April 17, 1989;

b. Description of Preliminary Procedures for Processing Complaints Filed with the Federal Election Commission;

c. Letter to D.L. McDonald and Lawrence Noble from Complainants, dated February 2, 1989 ("2/2/89 Letter"), with Exhibits A, B-1, B-2, C-1, C-2, D-1, D-2, D-2(A), D-3, D-4, E, F1-A, and F1-B;

2 4 0 4 3 5 7 0 4 4 7

HONOLULU James T. Paul, David A. Johnson, Paul Alston, William S. Hunt, Corey Y. S. Park, Shelby Anne Floyd, Louise K. Y. Ing, Sheryl L. Nicholson, Chad Taniguchi, Ellen Godbey Carson, Robyn B. Chun, Everett S. Kaneshige, Elizabeth Kent, Stuart L. Gasner, Mei Nakamoto
MAUI Dennis Niles, William M. McKeon

d. Letter to D.L. McDonald and Lawrence Noble from Complainants, dated March 29, 1989 ("3/29/89 Letter"), with Exhibits A, B, C, D, E, F, G, H, I, J, K, K-1, L, M, N, O, P, P-1, P-2, Q, R, S, T, U, V, W, X, Y, Z, 1, 2, 3, 3, 4, 4, and various news articles.

Please inform us if we are missing any documents which are a part of the record.

Based on the documents described above, it appears the Complainants are claiming that Yasuo Yasuda, a Korean citizen and resident of Japan, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act") because, among other allegations, he is listed as having made a contribution to the John Waihee gubernatorial campaign on April 3, 1987 in the amount of $1,000.

Yasuo Yasuda requests that the complaint be dismissed and no action be taken against him in this matter for the following reasons:

1. The Act and the regulations cannot be applied to State and local elections.

a. The Act on its face regulates only Federal elections. The Act is entitled the Federal Election Campaign Act. "Candidate" is defined in the Act as an individual seeking "Federal office." 2 U.S.C. § 431(2). Similarly, "contribution" is defined as "any gift . . . for the purpose of influencing any election for Federal office." 2 U.S.C.§ 431(8)(A)(i). These definitions apply to all sections of the Act. When these definitions are applied to 2 U.S.C.§ 441e, the section prohibiting "contributions" by foreign nationals, it is clear that in contrast to certain limitations on "contributions" by American citizens, residents, or corporations, any "contributions" to candidates for Federal office by foreign nationals are prohibited. Nowhere in the Act, however, are contributions to candidates for State and local office mentioned as being regulated by the Act. It is an accepted rule of statutory construction that the plain language of a statute governs where there is no ambiguity in the statute. Furthermore, courts strive to interpret language in one section of a statute consistent with the language of other sections and with the statute as a whole. Yamaguchi v. State Farm Mutual Auto Ins. Co., 706 F.2d 940, 947 (9th Cir. 1983).

b. The structure of the Act covers only Federal elections. The Act only supersedes and preempts

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provisions of State law with respect to election to Federal office. 2 U.S.C.§ 453. If the Act was intended to apply to State and local elections, it would have superseded and preempted provisions of State law with respect to election to State and local office as well. There is no preemption of State law with respect to candidates for State and local office because such regulation was not intended. See Pollard v. Board of Police Commissioners, 665 S.W.2d 333, 336, 338 (Mo. 1984) (purpose of the Act is to promote fair practices in the conduct of election campaigns for Federal political offices; Congress did not intend to preempt a broad field of State law); Washington Education Association v. Smith, 638 P.2d 77, 82 (Wash. 1981) (Act affects Federal elections only; State law governs State elections).

The Hawaii State Campaign Spending Commission provides a compilation of applicable campaign rules and regulations for interested parties. Nothing in these rules, or in Hawaii State law, precludes a foreign national from making contributions to candidates for State or local office. The Act should not be stretched to preclude donations in State elections where donors are put on notice by State law that such donations are valid. Cf. Cort v. Ash, 422 U.S. 66, 84 - 85 (1975) (if State law permits corporate contributions in State elections, court is necessarily reluctant to imply Federal violation if corporate contributions made in Federal election.)

Another section of the Act, concerned with statements and reports to State officers required to be filed, only refers to statements and reports in connection with candidates for Federal office, not State or local offices. 2 U.S.C.§ 439(2)(A)(B). If the Act was intended to apply to State and local offices, statements and reports would necessarily be required for those offices. The fact they are not required indicates that contributions to candidates for State and local offices were not intended to be covered by the Act.

c. The Act's legislative history only refers to Federal elections. The Act was enacted in 1971. It was amended in 1976 to include 2 U.S.C.§ 441e regarding contributions by foreign nationals. The 1976 amendments were instituted to cure problems raised in Buckley v. Valeo, 424 U.S. 1 (1976), related to the method of appointing the Commission. S. Rep. No. 677, 94th Cong., 2nd Sess. 2 (1976). Nowhere in the legislative history is regulation of State and local elections discussed.

Section 441e was transferred to Title 2 in 1976 from

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18 U.S.C. § 613. When Section 441e was transferred in 1976, however, Title 18 also concerned only regulation of elections for Federal office. "Candidate" was defined as one seeking "Federal office," 18 U.S.C.§ 591(b), and "contribution" likewise was defined as "a gift . . . for the purpose of influencing . . . election to Federal office . . ." 18 U.S.C.§ 591(e)(1) (repealed in 1980). Therefore, when Section 441e was transferred from Title 18, it came from a statutory scheme that regulated only Federal elections. Authority over contributions made to State and local candidates cannot be added to that section or to the Act without further statutory authorization.

d. The Act has been interpreted by caselaw to govern Federal elections. As stated in Orloski v. Federal Election Commission, 795 F.2d 156, 163 (D.C. Cir. 1986), the purpose of the Act is "to limit spending in Federal election campaigns."

e. If the Act only governs Federal elections, the Commission's rules cannot exceed the scope of the Act and extend coverage to State and local elections. As discussed above, the Act itself is by its plain language, structure, legislative history, and by caselaw interpretation, applicable only to Federal elections. The Commission's rules purport, however, to make the Act applicable to State and local elections also. As 11 C.F.R.§ 110.4(a)(1) states:

> A foreign national shall not directly or through any other person make a contribution, or expressly or impliedly promise to make a contribution, in connection with a convention, caucus, primary, general, special, or runoff election in connection with any local, State or Federal public office.

Although the authority for this rule is supposed to be 2 U.S.C.§ 441e, that section does not refer to State or local elections. Because the Act defines the scope of the FEC's rulemaking authority, any rule which exceeds the scope of its statutory authority is invalid. Chrysler Corporation v. Brown, 441 U.S. 281, 295 - 309 (1979); State of California v. Block, 663 F.2d 855, 860 (9th Cir. 1981). Based on the plain language, structure, and legislative history of the Act, the rule is an impermissible interpretation of the Act. Orloski v. Federal Election Commission, 795 F.2d 156, 161 - 64 (D.C. Cir. 1986).

3. Contributions have been returned by the candidates. As is evident from the exhibits submitted by the

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Complainants, those involved in State and local campaigns in Hawaii, including candidates, donors, and the State Campaign Spending Commission, were not aware that contributions by foreign nationals could be considered prohibited for State and local campaigns. In response to issues raised by the Complainants, however, the contributions have been returned by the candidates.

Based on the foregoing reasons, Yasuo Yasuda requests that the Commission (a) take no action against him because the Act does not apply to local elections, (b) find no reason to believe that the complaint sets forth a possible violation of the Act and, accordingly, that the Commission close the file in the matter. Alternatively, should the Commission find reason to investigate this matter further, Yasuo Yasuda requests conciliation with the Commission. Yasuo Yasuda requests that this matter remain confidential in accordance with the Act.

Sincerely yours,

Chad K. Taniguchi

Chad K. Taniguchi

Enclosure.

cc: Yasuo Yasuda

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STATEMENT OF DESIGNATION OF COUNSEL

NUR 2846

NAME OF COUNSEL: Paul, Johnston, Alston & Hunt
Paul Alston, Chad K. Taniguchi

ADDRESS: Suite 1300 Pacific Tower
1001 Bishop Street
Honolulu, HI 96812-4438

TELEPHONE: (808) 524-1212

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

June 6, 1989
Date

Yasuo Yasuda
Signature

RESPONDENT'S NAME: Yasuo Yasuda

ADDRESS: aka Han Kuk Chun
581 Kamoku Street, #2404
Honolulu, Hawaii 96826

HOME PHONE:

BUSINESS PHONE:

9404357045 2

06C 3113

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FAX: (808) 526-1654

MAUI OFFICE
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101 H.G.E.A.
2145 Ka
Post Office
Wailuku, Hawaii
FAX. (808)

PAUL, JOHNSON, ALSTON & HUNT

ATTORNEYS AT LAW A LAW CORPORATION

June 15, 1989

Lawrence M. Noble, Esq.
General Counsel
George F. Rishel, Esq.
Acting Associate General Counsel
Patty Reilly, Esq.
Staff Attorney
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

Re: MUR-2846, Tetsuo Yasuda, aka Han Soo Chun

Dear Counsel:

Thank you for responding to my letter of May 25, 1989, by extending the deadline for Tetsuo Yasuda's response in this matter until June 15, 1989. Enclosed please find the Statement of Designation of Counsel signed by Tetsuo Yasuda (aka Han Soo Chun) authorizing our law firm to receive information and act on his behalf before the Federal Election Commission (FEC). This letter responds to Mr. Rishel's letter of April 17, 1989 regarding the complaints by Anthony P. Locricchio and others ("Complainants") dated February 2, 1989 and March 29, 1989.

First, for your information, and to be sure that we are responding to the appropriate documents submitted by Complainants, we are in possession of the following:

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89 JUN 19 PM 12:33

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Please inform us if we are missing any documents which are a part of the record.

Based on the documents described above, it appears the Complainants are claiming that Tetsuo Yasuda, a Korean citizen and resident of Japan, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act") because, among other allegations, he is listed as having made a contribution to the Frank Fasi mayoral campaign on August 31, 1987 in the amount of $2,000.

Tetsuo Yasuda requests that the complaint be dismissed and no action be taken against him in this matter for the following reasons:

1. The Act and the regulations cannot be applied to State and local elections.

a. The Act on its face regulates only Federal elections. The Act is entitled the Federal Election Campaign Act. "Candidate" is defined in the Act as an individual seeking "Federal office." 2 U.S.C. § 431(2). Similarly, "contribution" is defined as "any gift . . . for the purpose of influencing any election for Federal office." 2 U.S.C.§ 431(8)(A)(i). These definitions apply to all sections of the Act. When these definitions are applied to 2 U.S.C.§ 441e, the section prohibiting "contributions" by foreign nationals, it is clear that in contrast to certain limitations on "contributions" by American citizens, residents, or corporations, any "contributions" to candidates for Federal office by foreign nationals are prohibited. Nowhere in the Act, however, are contributions to candidates for State and local office mentioned as being regulated by the Act. It is an accepted rule of statutory construction that the plain language of a statute governs where there is no ambiguity in the statute. Furthermore, courts strive to interpret language in one section of a statute consistent with the language of other sections and with the statute as a whole. Yamaguchi v. State Farm Mutual Auto Ins. Co., 706 F.2d 940, 947 (9th Cir. 1983).

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> A foreign national shall not directly or through any other person make a contribution, or expressly or impliedly promise to make a contribution, in connection with a convention, caucus, primary, general, special, or runoff election in connection with any local, State or Federal public office.

Although the authority for this rule is supposed to be 2 U.S.C.§ 441e, that section does not refer to State or local elections. Because the Act defines the scope of the FEC's rulemaking authority, any rule which exceeds the scope of its statutory authority is invalid. Chrysler Corporation v. Brown, 441 U.S. 281, 295 - 309 (1979); State of California v. Block, 663 F.2d 855, 860 (9th Cir. 1981). Based on the plain language, structure, and legislative history of the Act, the rule is an impermissible interpretation of the Act. Orloski v. Federal Election Commission, 795 F.2d 156, 161 - 64 (D.C. Cir. 1986).

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3. Contributions have been returned by the candidates. As is evident from the exhibits submitted by the Complainants, those involved in State and local campaigns in Hawaii, including candidates, donors, and the State Campaign Spending Commission, were not aware that contributions by foreign nationals could be considered prohibited for State and local campaigns. In response to issues raised by the Complainants, however, the contributions have been returned by the candidates.

Based on the foregoing reasons, Tetsuo Yasuda requests that the Commission (a) take no action against him because the Act does not apply to local elections, (b) find no reason to believe that the complaint sets forth a possible violation of the Act and, accordingly, that the Commission close the file in the matter. Alternatively, should the Commission find reason to investigate this matter further, Tetsuo Yasuda requests conciliation with the Commission. Tetsuo Yasuda requests that this matter remain confidential in accordance with the Act.

Sincerely yours,

Chad K. Taniguchi

Enclosure.

cc: Tetsuo Yasuda

27351

24043570457

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2846

NAME OF COUNSEL: Paul, Johnston, Alston & Hunt
Paul Alston, Chad K. Taniguchi

ADDRESS: Suite 1300 Pacific Tower
1001 Bishop Street
Honolulu, HI 96812-4438

TELEPHONE: (808) 524-1212

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

June 6, 1989
Date

HAN SOO CHUN (Tetsuo Yasuda)
Signature

RESPONDENT'S NAME: Tetsuo Yasuda

ADDRESS: aka Han Soo Chun
581 Kamoku Street, #2404
Honolulu, Hawaii 96826

HOME PHONE:

BUSINESS PHONE:

2404357045 8

OGC 3191

GREEN, NING, LILLY, & JONES

Attorneys at Law, A Law Corporation
707 Richards Street, Suite 700, Honolulu, Hawaii 96813
(808) 528-1100

Howard R. Green
Ke-ching Ning
Michael A. Lilly
Stephen A. Jones

Lynnette T. Oka

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Honolulu, Hawaii 96801

TELECOPIER
(808) 531-2415

June 21, 1989

Mr. George F. Rishel
Acting Associate General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Attention: Patty Reilly

Re: MUR 2846
Friends of Frank Fasi

Dear Mr. Rishel:

We received the material on Monday, June 19, 1989. There are many contributions where we do not know the identities of the contributors and it will take some time to get the information. We request an extension to July 15, 1989 in order to get information to provide a clear and accurate response.

Very truly yours,

for Howard R. Green
Howard R. Green

HRG:LTO:dg

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RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 JUN 26 AM 9:28

RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION

Mr. Jonke

OGC #4444

Mr. Greg. F. Nichols
Acting Asst. General Counsel
Federal Election Comm.
Washington, D.C. 20463

RE: MUR 2846 Ray Hirschbach

Dear Sir:

I wish to dispel any doubt as to my citizenship and residency. My present permanent address is 2547 Oxford Road, Honolulu 96813; and I voted in Honolulu during the 1986 election. I was born in Papaikou, Hi. Jul 25 '14.

I think my participation to Matthew's campaign is unfairly and unjustly complicated just because of my foreign sounding.

Ray Hirschbach

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DEC 27R

RECEIVED
FEDERAL ELECTION COMMISSION

89 MAY -9 PM 2:38

ANTHONY P. LOCRICCHIO
ATTORNEY AT LAW
803 MAKANAWILI CIRCLE
KAILUA, HAWAII 96734
(808) 261-6372 / 261-7793

89 MAY -9 PM 3:42

May 3, 1989

Mr. D. L. McDonald
Chairman Federal Election Commission
999 E St. N. W.
Washington, D. C., 20463

Lawrence Noble
General Counsel
Federal Elections Commission
999 E St N. W.
Washington, D. C., 20463

In Re: Campaign Contributions from foreign nationals to Frank Fasi Mayor of Honolulu

Dear Sirs:

I represent the undersigned individuals and organization who are herein filing their complaint with the Federal Election Commission with regard to the admitted acceptance and retention for 13 months of a series of campaign contributions totaling $24,000.00 (twenty-four thousand dollars) in campaign contribution from foreign nationals.

In addition the complainants herein raise additional complaints against campaign contributions from foreign nationals and corporations either foreign in origin or United States formed subsidiary corporations controlled in whole or in substantive part by foreign nationals. These campaign contributions to the Friends of Fasi (Mayor Frank Fasi) total approximately $70,000.00 (Seventy thousand dollars and were made within the periods covered by the statute of linitations set at the time the contributions were first publicly reported.

This first portion of the complaint will focus on the already admitted acceptance of the $24,000.00 in campaign contributions to the Frank Fasi Mayoral Campaign from a series of foreign nationals.

[Attempts were made by the complainants to obtain a list of those foreign nationals that the Fasi campaign admitted accepting contributions from, but the Mayor has advised us,

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through his assistant Linda Wong, that the Mayor's personal attorney had advised him not to reveal that information to us. Therefore we may have named some foreign nationals who contributed to the Fasi campaign in our first section who belong in the second section of the complaint. In that the violation complained of is the same, any problem created by the mayor's lack of cooperation will not affect the complaint as no duplication of names will occur in the complaint. It should be noted that the Mayors personal attorney is also the attorney for many of the foreign nationals from whom the campaign funds were accepted. Those foreign nationals may not wish to have the federal immigration and naturalization service be made aware of the possible violation by them of United States laws.]

We have been told that the mayor did, after some thirteen months of using the funds return some $24,000.00 of them to certain foreign nationals. We were unable to verify the return of funds and feel that the commission with it's discovery powers will be able to obtain better cooperation from the mayor's office than we have received.

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COMPLAINT SUMMARY

A. Mayor Frank Fasi accepted campaign contributions from foreign nationals in excess of $24,000 at a time the Mayors appointees (his son-in-law) was reviewing the request of the foreign nationals for a permit to build a golf course and auxiliary country club facilities and refusing to enforce conditions required under a conditional use permit.

Summary Section One

The following foreign nationals names were listed in attached exhibits as having made contributions to the campaign of Mayor Frank Fasi through his campaign organization Friends of Fasi. It is complainants belief that all of the contributions may violate the federal prohibition against foreign nationals contributing to election campaigns in the United States.

1) Han Kuk Chun (alias Yasuo Yasuda);
2) Tetsuo Yasuda (likely also an alias)
3) Masanori Kobayashi,
4) Hiroshi Kobayashi
5) Itsuo Koshiba
6) Yoshinori "Ken" Hayashida
7) Eiman Yamamoto
8) Seinosuke Yoshida
9) Han Kuk Chun through Royal Hawaiian Country Club
10) Shoichi Kaneda,
11) Hiroaki Fushimi,
12) Han Kuk Chun through Y.Y. Valley Corporation,

Available Addresses will be provided in the body of the complaint.

B. Other campaign contributions were accepted by the Mayor's campaign from foreign nationals (for example Seinosuke Yoshida) who is a foreign national apparently without green card status. He is the owner of the majority of stock in a Hawaii department store operation known as Gem Department Stores and has apparently also made donations in the name of that department store (see C. below under Seiyu).

C. Corporate political contributions from Hawaii corporations owned in full or in substantial part by foreign nationals appear to violate the act (for example see contributions from Royal Hawaiian Country Club Inc., Japan Travel Bureau International Inc., Grosvenor International Hawaii Ltd., [a United Kingdom- Canadian entity] Hawaii Seiyu, Ltd. [parent company- The Seiyu, Ltd.];) *

D. A contribution from an agency of a foreign government is also included. The country of Nationalist China (Taiwan) has a delegation funded by the Taiwanese government located in Hawaii under the name of the Coordinating Counsel for North American Affairs. This entity made a contribution directly to the Fasi campaign (see below) which appears to be in direct and clear violation of both the Act and federal prohibitions against involvement of foreign governments in United States political campaigns.

2 4 0 4 3 5 7 0 4 6 3

<u>Factual Violation of Act</u>
<u>Probable intent evidence</u>

1. On September 4, 1987 the <u>several foreign nationals</u> directly associated with a proposed golf course project located in Maunawili Valley, located on the island of Oahu in the State of Hawaii, made contributions of $2000.00 dollars each plus another $2000.00 dollars in the name of the country club Royal Hawaiian Country Club Inc. and the land holding entity Y. Y. Valley Inc. to the mayoral campaign of Frank Fasi.

2. In addition other campaign contributions from foreign nationals were made to the Fasi campaign some of which used the same vehicle for making the contribution by listing their residential address as c/o Central Pacific Bank. That series of campaign contributions was accepted by the Fasi campaign known as FRIENDS FOR FASI. [See Exhibits X, DD, GG, KK, LL, A-5, A-6, A-7.]

3. Mayor Fasi has stated in a interview related to these contributions that he returned the funds after reading in the Wall Street Journal that such contributions violated

Federal Law. The complainants have contacted the Wall Street Journal to determine the last date such a story would have been printed in the Journal. The information we received indicates that if the Mayor did review the Journal article then he was aware that the contributions were in violation of federal law when he accepted them. The last Journal Article on this topic was several months before the Section one contributions were made.

SPECIFIC COUNTS AS TO POSSIBLE VIOLATION OF FEDERAL ELECTION ACT 1987-1988 CAMPAIGN CONTRIBUTIONS TO FRIENDS OF FASI-

We incorporate by reference the contributions received by Mayor Fasi, previously sent to you, in MUR 2846 with regard to casfdmpaign contributions made by Han Kuk Chun and his associates, specific details of which are supplied below. We have included a copy of the Commission's letter to us, in which Frneids of Fasi Campaign is made reference to under MUR 2846 and is attached as Exhibit A.

The second count is Halekulani Corporation, 700 Bishop Street, Honolulu Hawaii 96813, which is a foreign owned and/or controlled corporation. The contribution was for $2,000.00 on 12/20/88 for an aggregate total of $4,000.00, see Exhibit (B).

Third count is S.I.U. of N.A. which is believed to be a foreign owned and/or controlled corporation who list their address as 5201 Auth Way Camp Springs, MD 20746. Whose contribution was for $500.00 made on 12/30/88, see Exhibit (C).

Fourth count is a contribution from a banking institution, CPB PAC-State (Central Pacific Bank) 220 South King Street, Honolulu, Hawaii 96813, where a significant portion of stock (while clearly not the majority) is apparently owned by foreign nationals, and whose C/O address is used by many campaign contributors. CPB PAC-State made a contribution of $500.00 on 10/17/88, see Exhibit (D).

The fifth count is Ohbayashi Hawaii Corporation whose parent corporation is located in Japan, they are listed in the State of Hawaii register as a foreign owned corporation doing business in Hawaii. They list their address as 1001 Bishop Street, #2680 Honolulu, Hawaii 96813. Their contribution of $1,000.00 was made on 9/12/88, see Exhibit (E).

Sixth count is Azuba Realty, Inc. which is owned by a Japanese national company and whose local address is 410 Atkinson Drive Honolulu, Hawaii 96814. Their contribution of $2,000.00 was made on 8/2/88, see Exhibit (F).

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The seventh count is Coordination Council for North American Affairs 2746 Pali Highway, Honolulu, Hawaii 96817, a contribution of $250.00. This contribution is in direction violation of Campaign Contributions prohibitions , this money is from a division or agency of the Taiwanese government, see Exhibit (G).

Eighth count, Daiei Hawaii Investments, Inc., 801 Kaheka Street Honolulu, Hawaii, whose parent company is located in Japan contributed $100.00 on 3/16/88 for an aggregate total of $350.00, see Exhibit (H).

The ninth count is a campaign contribution from Gem Political Action Committee, 1199 Dillingham Blvd. Honolulu, Hawaii 96817 in the amount of $1,000.00 on 8/2/88 for an aggregate total of $2,000.00. Gem Department Stores is a Hawaii Corporation owned by Seyu INC-Hawaii fully which is owned and controlled by foreign nationals. It's principal stockholder Seinosuke Yoshida (see above) who according to his office here in Hawaii does not have a green card has made separate contributions to the Fasi Campaign. See Exhibit (I).

Tenth count is Hachidai USA, Inc. dba Coconut Island Properties, 2408 Waiomao Road Honolulu, Hawaii 96816 whose contribution was for $2,000.00 on 3/16/88, see Exhibit (J). Mr. Kawaguchi the owner of the corporation a foreign national was forced to leave the USA because of apparent Visa fraud.

Eleventh count is a campaign contribution from Michisaburo Hayashi, who appears to be a Japanese national with no green card status, listing his address as C/O Daiichi Real Estate Co., Ltd. 2270 Kalakaua Ave #1405 Honolulu, Hawaii 96815. The office there now listed as First Development confirmed they have an address in Japan for Hayashi. There address is First Development 1501 745 Fort St., Honolulu Hawaii 96813. This contribution is for $250.00 made on 3/16/88, see Exhibit (K).

Count twelve is Jet Hawaii, Inc. 2255 Kuhio Avenue #1601 Honolulu, Hawaii 96815, who made a campaign contribution of $250.00 on 6/13/88 for an aggregate total of $500.00, see Exhibit (L). Jet Hawaii, Inc's parent corporation is headquartered in Tokyo, Japan and is fully owned and controlled by that company.

Thirteenth count is a campaign contribution made by Kauai Island Tours, Inc. 22 Kalakaua Ave #609 Honolulu, Hawaii 96815 who is owned by Toyo Real Estate Company, which is a Japanese based company. The contribution was in the amount of $250.00 on 6/13/88 for an aggregate total of $750.00. See Exhibit (M).

Fourteenth count is Minami Group (USA), Inc. who made a campaign contribution in the amount of $1,000.00, see Exhibit

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(N). Minami Group (USA), Inc. list their address care of Fujiyama, Duffy & Fujiyama 1001 Bishop Street, Honolulu, Hawaii 96813, this address is the address of the corporation's lawyers and the corporation's telephone number is an unlisted number.

Fifteenth count, Sony Hawaii Company, 960 Mapunapuna Street, Honolulu, Hawaii 96819, is a Japanese owned and controlled parent based company who contributed $300.00 on 7/6/88. See Exhibit (O).

The sixteenth count is Y. Y. Valley Corporation whose address is P.O. Box 1221 Honolulu, Hawaii 96807. Y.Y, Valley Corporation is owned by Han Kuk Chun a Korean national who also uses the alias Yasuo Yasuda. This corporation may not be a valid Hawaii corporation see section 1. A campaign contribution in the amount of $2,000.00 was made on 6/27/88, see Exhibit (P).

Seventeenth count is Yokahama Okadaya (Hawaii) Corp. whose address is P.O. Box 88124. a contribution in the amount of $100.00 was made on 7/6/88 for an aggregate total of $600.00 see Exhibit (Q). This corporation's parent company is located in Japan. The corporation is owned and or controlled by foreign nationals.

The eighteenth count is a contribution from Pan-Pacific Construction, Inc., 1001 Bishop Street #2350 Honolulu, Hawaii 96813, in the amount of $1,500.00 on 3/16/88. Pan-Pacific Construction is apparently owned in whole or significantly by foreign nationals. See Exhibit (R).

Nineteenth count is Pan-Pacific Development, Inc., listing the same address as the eighteenth count, in the amount $500.00 on 8/2/88. Pan Pacific appears to be a corporation owned and controlled by foreign nationals in whole or a significant percentage thereof. See Exhibit (R).

Twentieth and twenty-first count is Otaka, Inc. 2571 Lemon Road Honolulu, Hawaii 96815, made a contribution on 12/30/88 in the amount of $750.00 for an aggregate total of $2,750.00 and a contribution of $1,250.00 on 8/2/88 for an aggregate total of $2,000.00. Otaka, Inc. appears to be a foreign owned corporation in whole or a significant percentage thereof. See Exhibit (S).

Twenty-second count is ANA Hallo Tours (USA) Inc, 2255 Kuhio Avenue Suite 1025, Honolulu, Hawaii 96815, which appears to be a foreign owned and/or controlled corporation. A contribution was made by ANA Hallo Tours on 7/27/87 in the amount of $250.00. See Exhibit (T).

The twenty-third count is ANA Hotels Hawaii Inc., P.O. Box 896 Waianae, Hawaii 96792, which made a campaign contribution

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on 7/27/87 in the amount of $500.00. ANA Hotels Hawaii, Inc., appears to be a foreign owned and/or controlled corporation, possibly the same owners as count twenty-two. See Exhibit (T). [ANA is All Nippon Airways]

The twenty-fourth count is All Nippon Airways Co Ltd., 2255 Kuhio Ave, Suite 1005, Waikiki Trade Center, Honolulu, Hawaii 96815, made a campaign contribution on 7/27/87 in the amount of $500.00. All Nippon Airways appears to be a foreign owned and/or controlled corporation. See Exhibit (U).

Twenty-fifth count is Daiei Hawaii Investments Inc, 801 Kaheka Street, Honolulu, Hawaii 96814, whose campaign contribution of $250.00 was made on 9/11/87. Daiei Hawaii is a foreign owned and/or controlled corporation. See Exhibit (W).

Twenty-sixth count is a contribution in the amount of $2,000.00 made by Hiroaki Fushimi who appears to be a foreign national, possibly here without a green card, who lists his address as C/O Central Pacific Bank, a banking institute with a significant portion of being owned by foreign nationals. The date of the contribution, 9/4/87. The amount and the date show possible ties with Han Kuk Chun, see section 1. See Exhibit (X).

Twenty-seventh count is Gem Political Action Committee, 1199 Dillingham Blvd, Honolulu, Hawaii 96817 in the amount of $1,000.00 made on 8/4/87, see Exhibit (X). Gem Department Stores is fully owned and controlled by foreign nationals, the parent corporation is Seyu Inc-Hawaii.

The twenty-eighth count is Grosvenor Int'l (Hawaii) Ltd, whose parent corporation is in Canada, also with possible British ties. The amount of the contribution was $500.00 made on 9/4/87 see Exhibit (Z).

Count twenty-ninth is Halekulani Corporation, 700 Bishop Street, Suite 1115, Honolulu, Hawaii 96813, a foreign owned and/or controlled corporation with a Japanese parent corporation. The amount of the contribution was $2,000.00 made on 9/4/87, see Exhibit (AA).

Thirtieth count is Hasegawa Komuten (Hawaii) Inc. 820 Mililani Street Suite 820, Honolulu, Hawaii 96813, which appears to be a foreign owned and/or controlled corporation who contributed $250.00 on 8/4/87, see Exhibit (BB).

Thirty-first count is Hawaii Sekitei Corp. 2470 Kalakaua Ave No 3802, Honolulu, Hawaii 96815, whose parent company is Shigan Kanko, who list a Tokyo address, this foreign owned corporation contributed $1,000.00 on 8/24/87. See Exhibit (CC).

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The thirty-second count is Yoshinori Hayashida, who lists his address as C/O Central Pacific Bank, who made a contribution of $2,000.00 on 9/4/87. See Exhibit (DD). Yoshinori Hayashida is also known as Ken Hayashida, see section 1.

Count thirty-three is International Commercial Bank of China, which appears to be a foreign based bank who lists its address as 40 Wall Street, New York, New York 10005, made a campaign contribution of $500.00 on 9/4/87. See Exhibit (EE).

Count thirty-four is Japan Travel Bureau International Inc. (JTB) 2270 Kalakaua Ave, Honolulu, Hawaii appears to be a corporation owned in its entirely by foreign nationals, made a contribution of $2,000.00 on 9/4/87, see Exhibit (FF).

Thirty-fifth count is Jet Hawaii Inc, 2255 Kuhio Ave, Suite 1601, Honolulu, Hawaii 96815, appears to be a foreign owned and/or controlled corporation who contributed $250.00 on 9/14/87. See Exhibit (FF).

Thirty-sixth count is from Shoichi Kaneda, C/O Central Pacific Bank, in the amount of $2,000.00 on 9/4/87, see Exhibit (GG). Shoichi Kaneda appears to be a foreign national possibly without a green card who uses Central Pacific Band as his address, see section 1, maybe related.

The thirty-seventh count is Kauai Island Tours Inc. 2222 Kalakaua Ave, Suite 609 Honolulu, Hawaii 96815, appears to be a foreign owned and/or controlled corporation (see count thirteen) who made a contribution on 9/14/87 in the amount of $500.00, see Exhibit (HH).

Count thirty-eight is Kintetsu International Express, which appears to be a foreign owned and/or controlled corporation who lists their address as 2270 Kalakaua Ave Suite 1402, Honolulu, Hawaii 96815, whose contribution was in the amount of $250.00 on 9/14/87, see Exhibit (JJ).

Counts thirty-nine and forty are contributions made by two alien residents with ties to Han Kuk Chun (see section 1) Hiroshi Kobayashi and Masanori Kobayashi who each contributed $2,000.00 on 9/4/87 and list their address as C/O Central Pacific Bank, see Exhibit (KK).

Count forty-one is also possibly tied to Han Kuk Chun (see section 1) a contribution in the amount of $2,000.00 was made by Itsuo Koshiba a foreign national, on 9/4/87, whose address is also C/O Central Pacific Bank, see Exhibit (LL).

Forty-two is Leyton House (Hawaii) Inc, a corporation with a Japanese parent company who lists their local address as

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2255 Kuhio Ave suite 1002, Honolulu, Hawaii 96815, whose contribution was in the amount of $500.00 on 9/4/87, see Exhibit (MM).

The forty-third count is Love's Bakery, P.O. Box 294 Honolulu, Hawaii 96809, a foreign owned and/or controlled business, who contributed $250.00 on 10/5/87. See Exhibit (NN).

The forty-fourth count is Mokuleia Land Co, 68-540 Farrington Hwy, Waialua Hawaii 96791 whose parent company is based in Tokyo, Japan, made a contribution of $2,000.00 on 9/14/87, see Exhibit (OO).

Forty-fifth count is New Tokyo-Hawaii Restaurant Co Ltd, who has a Japanese parent company and list their local address as 286 Beach Walk, Honolulu, Hawaii 96815, who contributed $500.00 on 9/4/87, see Exhibit (PP).

Forty-sixth count is a campaign contribution from Ohbayashi Hawaii Corporation 1001 Bishop Street, Honolulu Hawaii 96813 in the amount of $1,000.00 on 8/24/87. Ohbayashi Hawaii Corporation is listed in the State of Hawaii register as a foreign owned corporation doing business in Hawaii, see Exhibit (QQ).

Count forty-seven is Hirofumi Ohnishi, whose address is listed as ECC Namba Foreign Language Institute, yet the Language Institute has no record of Hirofumi Ohnishi, who appears to be a foreign national without a green card, who contributed $2,000.00 on 10/5/87, see Exhibit (QQ).

The forty-eighth count is Pacifico Creative Service 2270 Kalakaua Ave Suite 1610, Honolulu, Hawaii 96815, appears to be a foreign based corporation who contributed $500.00 on 9/4/87, see Exhibit (RR).

The forty-ninth count is Pearl Country Club of Hawaii 98-535 Kaonohi Street, Aiea, Hawaii 96701, who contributed $250.00, on 8/24/87, see Exhibit (SS). Pearl Country Club appears to be foreign owned and/or controlled.

Count fifty is Plaza Hotel, P.O. Box 618-B Honolulu, Hawaii 96818, who appears to be a foreign owned and/or controlled corporation who contributed $2,000.00 on 9/14/87, see Exhibit (TT).

Count fifty-one is Queen Kapiolani Hotel, 150 Kapahulu Ave, Honolulu, Hawaii 96815, an apparently foreign owned and/or controlled hotel, who contributed $250.00 on 10/5/87, see Exhibit (VV).

Count fifty-two is Royal Hawaiian Country Club, 581

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Kamoku Street, Suite 2404, Honolulu, Hawaii 96826, which is owned by Han Kuk Chun a foreign national (see section 1), who made a contribution in the amount of $2,000.00 on 9/4/87, see Exhibit (WW).

Count fifty-three is Saab-Scania of America, Inc., Saab Drive, Orange, CT 06477 appears to be a foreign based corporation which contributed $2,000.00 on 9/8/87, see Exhibit (XX).

Count fifty-four is Eiji Sakemoto, who listed the address of ECC Junior Foreign Language Institute, contributed $2,000.00 on 9/30/87, see Exhibit (YY). The Language Institute has no record of Eiji Sakemoto, who appears to be a foreign national without green card status.

Count fifty-five is Kenji Sakemoto, who listed The Ecc Kansai Foreign Language Institute as his address, contributed $2,000.00 on 9/30/87, see Exhibit (YY). The Language Institute has no record of Kenji Sakemoto, who appears to be a foreign national without green card status.

Count fifty-six is Servco Pacific, Inc, 1610 Hart Street, Honolulu, Hawaii 96817, appears to be a foreign owned corporation who contributed $250.00 on 8/20/87. See Exhibit (ZZ).

The fifty-seventh count is Sony Hawaii Co. 960 Mapunapuna Street Honolulu, Hawaii 96819, which appears to be a foreign owned and/or controlled corporation who contributed $500.00 on 9/8/87, see Exhibit (A-1).

The fifty-eighth count is Taiyo Hawaii Co., Ltd. 1001 Bishop Street, Suite 1140, Honolulu, Hawaii 96813, appears to be a foreign owned and/or controlled corporation which contributed $250.00 on 9/4/87. See Exhibit (A-2).

Count fifty-ninth is Tobishima Pacific, Inc. 1001 Bishop Street Suite 1140, Honolulu, Hawaii 96813, appears to be foreign owned and/or controlled, contributed $250.00 on 9/4/87, see Exhibit (A-3).

Count sixty is Universal Express Co. (Hawaii) Ltd., 2586 Kalakaua Ave, Honolulu, Hawaii 96815, appears to be a foreign owned and/or controlled corporation who contributed $500.00 on 7/28/87. See Exhibit (A-4).

Count sixty-one and sixty-two appear to be contributions from two foreign nationals who list Foreign Language Institutes as their address. Isamu Yamaguchi, ECC Foreign Language Institute and Katsumi Yamaguchi, ECC Nogoya Foreign Language Institute each of these individuals contributed $2,000.00 on 9/30/87 see Exhibit (A-5). These individuals

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appear to be foreign nationals with no green card status.

Sixty-third count is another individual who uses C/O Central Pacific Bank as its address. Eiman Yamamoto who contributed $2,000.00 on 8/31/87 appears to be a foreign national with no green card status. See Exhibit (A-5)

Counts sixty-fourth and sixty-fifth are contributions from Tetsuo Yasuda and Yasuo Yasuda aka Han Kuk Chun (see section 1), each of these individuals contributed $2,000.00 on 8/31/87 and list C/O Central Pacific Bank as their address, see Exhibit (A-6). They are the principal stockholders of Y.Y. Valley and Royal Hawaiian Country Club (see section 1).

Count sixty-sixth is Yokohama Okadaya (Hawaii) Corp., P.O. Box 88124, Honolulu, Hawaii 96815 who contributed $500.00 on 8/31/87, see Exhibit (A-7). This corporation appears to be a foreign owned and/or controlled corporation.

Count sixty-seventh is another $2,000.00 contribution made by Seinosuke Yoshida on 8/31/87 who list C/O Central Pacific Bank as his address. See Exhibit (A-7). Seinosuke Yoshida appears to be a foreign national with no green card status. See also contributions from Gem Political Action above.

Count sixty-eighth is a contribution from Longevity International Enterprises Corp, 100 No. Beretania St Suite 304, Honolulu, Hawaii 96817, who appears to be a foreign owned and/or controlled corporation who contributed $250.00 on 9/4/87, see Exhibit (A-8).

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STANDING: The Act allows any United States Citizen or organization of citizens to file a complaint under this Act. The complaining parties are citizens of the United States and residents of the State of Hawaii and/or an association of citizens and have affixed their notarized signatures hereto.

JURISDICTION: The undersigned believe that the Federal Election Commission has sole Jurisdiction to Investigate the subject matter of this complaint except as otherwise specifically stated herein and in those matters concurrent jurisdiction.

Jurisdiction to Investigate Complaint

Because of these circumstances the undersigned would request these rulings from the Federal Election Commission instead of having the matter referred back to the State of Hawaii for resolution. Clearly jurisdiction is with the Federal Election Commission under the Act. All matters addressed herein but for the state question raised as to exceeding of campaign

limits are specifically addressed to the Federal Election Commission.

As to those areas that are factually interlocking with regard to concurrent Federal-State Jurisdiction (which would be the questions raised as to the contributions made in the name of the resident aliens which may be deemed to violate state statute or federal statute depending on whether they originated outside the United States and therefore exceed the state spending limits) we have referred that limited matter to the State of Hawaii and because of the possible federal question to the Commission.

I would request that this matter be investigated fully. Further complaints will be directed to your attention as the data is finalized.

ANTHONY P. LOCRICCHIO
Personally and as attorney for:

Also see attached newspaper articles 1-4

> 24043570472

Maunawili Community Assoc by Victoria S. Creed

Maunawili Community Association
by it's President Victoria S. Creed
P. O. Box 943
Kailua, Hawaii 96734

Karin L Koboc

Karin L. Koboc
968 Maunawili Circle
Kailua, Hawaii 967

Victoria S. Creed

Victoria S. Creed
1057 Lunaanela Street
Kailua, Hawaii 96734

Donna Wong

Donna Wong
1525 Uluhao Street
Kailua, Hawaii 96734

On this 3rd day of May,
1989 appeared before me
Maunawili Community Association by its President
Victoria S. Creed, Victoria S. Creed, Karin L.
Koboc and Donna Wong
and in my presence did affix
their signatures individually
and/or as representatives of
their organization to the
foregoing letter of complaint.

Barbara Locricchio

L.S.

NOTARY PUBLIC, STATE OF HAWAII
My commission expires 3-26-
1990.

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

April 17, 1989

Anthony P. Locricchio, Esquire
903 Maunawili Circle
Kailua, HI 96734

RE: MUR 2846

Dear Mr. Locricchio:

This letter acknowledges receipt on April 11, 1989, of your clients' complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended (the "Act"), by Citizens For Waihee, Han Kuk Chan, Masanori Kobayashi, Yoshinori Hayashida, Hiroshi Kobayashi, Masao Hayashi, Roy Hiroshige, Mizutani Takayuki, Masanori Inoue, Councilman David Kahanu, Councilman Leigh-Wai Doo, Tetsuo Yasuda, Japan Travel Bureau International, Inc., Ohbayashi Hawaii Corporation, Japan Airlines, GEM of Hawaii PAC, Mauna Lani Resort PAC, Mauna Lani Resort, Inc., CPD PAC State, Daiei Hawaii Investment, Inc., Nitto Hawaii Co., Ltd., [redacted] Pan-Pacific Development, Inc., Pan-Pacific Construction, Inc., Hawaii Daori Corporation, Azabu Buildings Company, Ltd., Kumugai Properties, Inc., Friends of Frank Fasi, the campaign of Senator James Aki, and the campaign of Senator Ann Kobayashi. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 2846. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints. If you have any questions, please contact Retha Dixon, Docket Chief, at (202) 376-3110.

Sincerely,

Lawrence M. Noble
General Counsel

By: George F. Rishel
Acting Associate General Counsel

Enclosure
Procedures

EXHIBIT A

7404357047 4

STATE OF HA[illegible]
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
Friends For Fasi

DATE RECEIVED 1986	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
12/30	Fewell, Richard B. 96-1416 Waihona Place Pearl City, Hawaii 96782		400.		1400.
12/30	Fukuda, Kenneth T. 3426' Nioiopua Drive Honolulu, Hawaii 96817		2000.		2000.
12/30	Fukunaga & Associates, Inc. 1388 Kapiolani Boulevard, 2nd Floor Honolulu, Hawaii 96814		1000.		2500.
12/30	Fukushima, E. A. 220 South King Street, Suite 210 Honolulu, Hawaii 96813		200.		200.
12/30	Halekulani Corporation 700 Bishop Street, Suite 1115 Honolulu, Hawaii 96813		2000.		4000.
12/30	Jack Endo Electric, Inc. 2814 Kilihau Street Honolulu, Hawaii 96819		1250.		3250.
12/30	Kasamoto, Janet 861 Kii Street Honolulu, Hawaii 96825		1000.		3000.
12/30	Kasamoto, Yuji 615 Pikoi Street, Room 1000 Honolulu, Hawaii 96814		2000.		4000.
12/30	Kickertz, Allan V. 41-930 Kakaina Street Waimanalo, Hawaii 96795		250.		500.
12/30	Kiigo, A. L. 180 Sand Island Road Honolulu, Hawaii 96819		500.		500.
12/30	LePendu, Jean Louis 3320 Herbert Street Honolulu, Hawaii 96815		250.		250.
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE: IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page .....
2. TOTAL This Period (last page this line only) .....

EXHIBIT B

2404357045

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
Friends For Fasi

DATE RECEIVED 1988	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) CUMULATIVE TOTALS FROM DONOR
12/30	Paul T. Taniguchi, Ltd. 1700 Kapiolani Boulevard, Suite 709 Honolulu, Hawaii 96814		500.		500.
12/30	S. I. U. of N. A. 5201 Auth Way Camp Springs, MD 20746		500.		500.
12/30	SPEC - BOH 111 South King Street Honolulu, Hawaii 96813		2000.		4000.
12/30	Ujimori, Jack H. 1001 Bishop Street, #958 Honolulu, Hawaii 96813		500.		2500.
12/30	Walter Lum Associates, Inc. 98-722 Kuahao Place Pearl City, Hawaii 96782		50.		2050.
12/30	Wong, Hon Young 76 North King Street, Room 213 Honolulu, Hawaii 96817		1000.		1000.
	TOTAL COLUMN 1		TOTAL COLUMN 2		NOTE: IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page ..... 33075.
2. TOTAL This Period (last page this line only) ..... 33075.

EXHIBIT C

2404357047/6

STATE OF HA[illegible]
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
Friends For Fasi

DATE RECEIVED 1988	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
10/17	AVEIRO, John, Jr. 436 B-1 Hualani Street Kailua, Hawaii 96734		750.		750.
10/17	CPB PAC-State 220 South King Street Honolulu, Hawaii 96813		500.		500.
10/17	CHING, Gilbert T. C. 2459 Bingham Street Honolulu, Hawaii 96826		200.		200.
10/17	CHING, Herbert Y. 1449 Kolopua Street Honolulu, Hawaii 96819		200.		200.
10/17	CHOCK, Owen G. 1431 Hikala Place Honolulu, Hawaii 96816		750.		750.
10/17	CHONG, Cedric D. O. 250 Ward Avenue, Suite 206 Honolulu, Hawaii 96814		1000.		2000.
10/17	CLARK, Florence F. 86-315 Ikuone Place Waianae, Hawaii 96792		2000.		2000.
10.17	Community Planning, Inc. 700 Bishop Street, Suite 608 Honolulu, Hawaii 96813		250.		2250.
10/17	CONNER, Thomas R. 41-027 Hinalea Street Waimanalo, Hawaii 96795		200.		200.
10/17	Creative Landscaping, Inc. 41-977 Kakalua Street Waimanalo, Hawaii 96795		2000.		2250.
10/17	CUMMINS, Patrick M. 47-475 Kialii Street Kaneohe, Hawaii 96744		2000.		2000.
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1 SUBTOTAL of Contributions Over $100 This Page .....

2 TOTAL This Period (last page this line only) .....

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STATE OF HA
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

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NAME OF CANDIDATE, COMMITTEE OR PARTY
Friends For Fasi

DATE RECEIVED 1988	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
9/12	Lacayo Architects, Inc. 737 Bishop Street, #1550 Honolulu, Hawaii 96813		2000.		2000.
9/12	LACAYO, Norman 737 Bishop Street, #1550 Honolulu, Hawaii 96813		2000.		2000.
9/12	LACAYO, Pamela C. 5477 Kalaniana'ole Highway Honolulu, Hawaii 96821		1000.		1000.
9/12	Lakeside Development Inc. 1088 Bishop Street, #4003 Honolulu, Hawaii 96813		500.		1500.
9/12	MENDONCA, Adolph J. 511 Hahaione Street, #1-8E Honolulu, Hawaii 96825		500.		500.
9/12	NAKAMOTO, Calvin H. 850 Kapiolani Boulevard, #207 Honolulu, Hawaii 96814		500.		500.
9/12	Oahu Dance Advisory Council 719 Alewa Drive Honolulu, Hawaii 96817		200.		200.
9/12	Ohbayashi Hawaii Corp. 1001 Bishop Street, #2680 Honolulu, Hawaii 96813		1000.		1000.
9/12	OZAWA, Myra 95-595 Kanamee Street, #326 Mililani, Hawaii 96789		250.		250.
9/12	Pam Lacayo Interiors, Inc. 737 Bishop Street, #1555 Honolulu, Hawaii 96813		2000.		2000.
9/12	SATO, Andrew 969 Kaahue Street Honolulu, Hawaii 96825		500.		500.
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE: IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED.

1. SUBTOTAL of Contributions Over $100 This Page .....
2. TOTAL This Period (last page this line only) .....

EXHIBIT E

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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
FRIENDS FOR FASI

DATE RECEIVED 1988	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
5/11	Aristides Construction, Inc. P. O. Box 4182 Kaneohe, Hawaii 96744		150		400
8/2	Amstrong, James S., Jr. 5500 Kaaikui Street Honolulu, Hawaii 96821		250		750
5/11	Arthur Y. Mori & Associates, Inc. 1314 S. King Street Suite 955 Honolulu, Hawaii 96814		250		500
5/11	Sin, Arthur, AIA, Architect 1542 Young Street Suite 203 Honolulu, Hawaii 96826		100		350
5/11	Asaoka & Associates, Inc. 1600 Ala Moana Blvd. #1408 Honolulu, Hawaii 96815		250		500
8/2	Asato, Lloyd Y. 1001 Bishop Street #1030 Honolulu, Hawaii 96813		2000		2000
3/22	Au's Plumbing & Metal Work, Inc. 2265 Hoonee Place Honolulu, Hawaii 96819		1250		1250
6/13	Auto Tech Service Center, Inc. 1301 Moomi Street Honolulu, Hawaii 96817		100		350
6/13	Ayers, Patrick H. 667 Hilokai Street Kailua, Hawaii 96734		1500		1500
8/2	Azuha Realty, Inc. 410 Atkinson Drive Honolulu, Hawaii 96814		2000		2000
6/27	B.Y. Realty Management & Sales 1221 Kapiolani Blvd. #230 Honolulu, Hawaii 96814		300		300
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1 SUBTOTAL of Contributions Over $100 This Page .....

2 TOTAL This Period (last page this line only) .....

EXHIBIT F

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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
FRIENDS FOR FASI

DATE RECEIVED 1988	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
8/2	Coordination Council for North American Affairs 2748 Pali Highway Honolulu, Hawaii 96817		250		250
8/2	Copp, R. 1020 Auahi Street Bldg. 6 Room 1 Honolulu, Hawaii 96814		250		250
8/2	Corvico 900 Fort Street Mall #1777 Honolulu, Hawaii 96813		250		250
5/24	Corn, Alma C. 645 Ilikai Street Kailua, Hawaii 96734		1000		2000
6/27	Cosmopolitan Fashion Shoppe Koko Marina Shopping Center Honolulu, Hawaii 96825		25.		125
8/2	Cowell & Co., Inc. 745 Fort Street #311 Honolulu, Hawaii 96813		100		600
6/13	Crazy Shirt Hawaii 99-969 Iwaena Street Aiea, Hawaii 96701		300		550
8/2	Creative Consultants, Inc. 1040 Richards Street Room 311 Honolulu, Hawaii 96813		1000		1000
8/2	Crisafulli, Jim 1160 Ala Napunani #805 Honolulu, Hawaii 96818		125		125
8/2	Cruthers, Eda 1720 Ala Moana Blvd. #1102-B Honolulu, Hawaii 96815		2000		2000
6/27	Cuskaden, Everett & Linda 4674 Aukai Avenue Honolulu, Hawaii 96816		500		500
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page .....
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EXHIBIT G

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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
FRIENDS FOR FASI

DATE RECEIVED 1988	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
8/2	Cycle City, Ltd. 2965 N. Nimitz Highway Honolulu, Hawaii 96819		250		250
8/26	Creative Industries, Inc. 1040 Richards Street Room 311 Honolulu, Hawaii 96813		100		350
8/26	DBH, Inc. 1188 Bishop Street Suite 2405 Honolulu, Hawaii 96813		750		750
5/16	Daiei Hawaii Investments, Inc. 801 Kaheka Street Honolulu, Hawaii		100		350
7/6	Dan Serrao Builders 47-222 Hui Aeko Street Kaneohe, Hawaii 96744		125		125
7/6	Daniel G. Ching & Associates 906 Kahena Street Honolulu, Hawaii 96825		1000		2000
6/27	Daniel Design, Ltd. 1001 Bishop Street #303 Honolulu, Hawaii 96813		325		325
6/27	Daspit, Warren C. 1221 Kapiolani Blvd. Honolulu, Hawaii 96814		50.		300
7/6	Davi, Richard 1899 Laukahi Street Honolulu, Hawaii 96821		100		350
6/27	Decker, Roger 4125 Black Point Road Honolulu, Hawaii 96816		500		500
5/11	Deering, William K. 551 Uluhaku Street Kailua, Hawaii 96734		250		500
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE: IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED.

1. SUBTOTAL of Contributions Over $100 This Page .....
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NAME OF CANDIDATE, COMMITTEE OR PARTY

DATE RECEIVED 1988	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
8/2	Gaci, Inc. 715 S. King Street #416 Honolulu, Hawaii 96813		250		450
3/16	GA Legislative Lobbying Fund 1065 Ahua Street Honolulu, Hawaii 96819		250		250
3/22	GH Waste Systems, Inc. 1416 Aupupu Street Kailua, Hawaii 96734		500		750
3/24	GH Associates 841 Bishop Street Suite 1501 Honolulu, Hawaii 96813		2000		2000
8/2	Galen, Velma I. 728 Kinau Street #10 Honolulu, Hawaii 96813-2511		200		200
6/27	Ganac, Benjamin H. 94-670 Nu'ao Place Waipahu, Hawaii 96797		1500		1500
7/6	Gaspar, Nelson, jr. 41-293-D Akini Street Waimanalo, Hawaii 96795		150		150
8/2	Gem Plitical Action Committee 1199 Dillingham Blvd. Honolulu, Hawaii 96817		1000		2000
6/27	General Services, Inc. P. O. Box 2259 Pearl City, Hawaii 96782-8259		500		750
8/2	Gentry Development Company P. O. Box 295 Honolulu, Hawaii		500		500
8/2	Gentry Ventures P. O. Box 295 Honolulu, Hawaii 96809		250		250
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page .....

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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

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NAME OF CANDIDATE, COMMITTEE OR PARTY
FRIENDS FOR FASI

DATE RECEIVED 1988	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
3/24	Bairgat, Wahib A. ONP Assoc. 841 Bishop Street - Suite 1501 Honolulu, Hawaii 96813		2000		2000
6/27	Oshiken, John E Bette 828 Ocean View Drive Honolulu, Hawaii 96816		200		200
6/27	HMI Political Action Committee 932 Ward Avenue #150 Honolulu, Hawaii 96814		125		125
8/2	IBEW - PAC (Hawaii Food Industry) 1177 Kapiolani Blvd. #201 Honolulu, Hawaii 96814		500		1500
6/13	IBT, Ltd. 445 Seaside Avenue #3 Honolulu, Hawaii 96815		250		1250
6/13	ISFTA Political Action Committee 2305 S. Beretania Street #202 Honolulu, Hawaii 96816		250		250
3/16	Hachidai USA, Inc. dba Coconut Island Properties 2408 Qsiomao Road Honolulu, Hawaii 96816		2000		2000
6/27	Haines, Margaret 1016 Koloa Street Honolulu, Hawaii 96816		200		300
6/27	Hale, Carol Ann 813 Kii Street Honolulu, Hawaii 96821		325		325
8/2	Hoteiwa Industrial Country Center P. O. Box 3439 Honolulu, Hawaii 96801		1000		1250
8/2	Hosoda, Dean 98-619 Kilinoe Street Aiea, Hawaii 96701		2000		2000
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page .....
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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
FRIENDS FOR FASI

DATE RECEIVED 1982	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
3/16	Hawaiian Reinforcing Steel Co., Ltd. 761 Ahua Street P. O. Box 1898 Honolulu, Hawaii 96805		250		300
8/2	Hawaiian Telephone Co., Employees Good Government Club P. O. Box 2200 Honolulu, Hawaii 96841		375		625
3/22	Hawaii's Beef Hotels 227 Lewers Street Honolulu, Hawaii 96815		2000		2000
3/24	Hayashi, H. F. 2490 Kalakaua Avenue Honolulu, Hawaii 96815		2000		2000
3/24	Hayashi, Mark 3503 Paty Drive Honolulu, Hawaii 96822		2000		2000
3/16	Hayashi, Michisaburo c/o Daiichi Real Estate Co., Ltd. 2270 Kalakaua Avenue #1405 Honolulu, Hawaii 96815		250		250
7/6	Hayashi, Ralph 5080 Likini Street #318 Honolulu, Hawaii 96818		250		350
8/2	Hee, Kendall 1724 Bertram Street Honolulu, Hawaii 96816		1000		2000
8/2	Hee, Linda 2439 Kapiolani Blvd. #1703 Honolulu, Hawaii 96826		1000		1000
3/17	Hemmeter, Christopher B. 1441 Kapiolani Blvd. 18th Floor Honolulu, Hawaii 96814		1000		1500
3/17	Hemmeter Development Corp. 2424 Kalakaua Avenue Honolulu, Hawaii 96815		1000		1000
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE: IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page .....
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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
FRIENDS FOR TASI

DATE RECEIVED 1988	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
8/2	Tsumoto, George 99-052-A Moanalua Road Aiea, Hawaii 96701		250		250
8/2	J. Brian Hughes & Associates, Inc. 1670 Kalakaua Avenue #604 Honolulu, Hawaii 96826		500		500
6/27	T. Tanashiro, Inc. 1628 Democrat Street Honolulu, Hawaii 96819		1000		1000
6/27	J. A. Electric, Inc. 1687 Kalamakaloni Way Honolulu, Hawaii 96814		50		550
5/16	T. M. Sucia, Inc. 96-1219 Waiholma Street Pearl City, Hawaii 96782		250		250
6/27	Jackson Contractors 707 Richards Street #400 Honolulu, Hawaii 96813		550		1800
3/22	James Tsugawa & Associates, AIA 567 S. King Street Honolulu, Hawaii 96813		875		1875
7/6	Jardine Matt I. Chandler Hawaii, Inc. 841 Bishop Street Suite 2300 Honolulu, Hawaii 96813		500		1500
6/13	Jet Hawaii, Inc. 2255 Kubio Avenue #1601 Honolulu, Hawaii 96815		250		500
3/24	Jo, Jai Ok 436 Kekaulunhi Street Honolulu, Hawaii 96825		250		750
8/2	John W. Anderson, Jr., Inc. 220 S. King Street Suite 1460 Honolulu, Hawaii 96813		250		750
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page .....
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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

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NAME OF CANDIDATE, COMMITTEE OR PARTY
FRIENDS FOR FASI

DATE RECEIVED 1988	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
8/2	Kasemot, Michael K. 1326 Keeaumoku Street #602 Honolulu, Hawaii 96814		500		500
8/26	Katayama, Charlotte S. 1925 Palanai Street Pearl City, Hawaii 96782		125		125
6/13	Kats General Repairs, Inc. 1628 Kmakanui Street Honolulu, Hawaii		100		350
6/13	Kauai Island Tours, Inc. 222 Kalakaua Avenue #609 Honolulu, Hawaii 96815		250		750
6/13	Kawachi, Wallace 719-B 22nd Avenue Honolulu, Hawaii 96816		100		850
6/13	Kawahigashi, Ted S. 7227 Luhi Place Honolulu, Hawaii 96825		2000		2000
7/6	Kawamoto, Herbert K. 2609 Henry Street Honolulu, Hawaii 96817		2000		2000
3/24	Kawamura, Lestrice 1420 Victoria Street #1103 Honolulu, Hawaii 96822		500		500
6/13	Kawashima, Tyrus T. 3158-E Manoa Road Honolulu, Hawaii 96822		1000		1000
3/24	Kawauchi, Diane T. 700 Richards Street #1103 Honolulu, Hawaii 96813		1000		1500
8/2	Kea, Bernard, Jr. 7197 Komano Street Honolulu, Hawaii 96825		500		500
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE: IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page .....
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NAME OF CANDIDATE, COMMITTEE OR PARTY
FRIENDS FOR FASI

DATE RECEIVED 1988	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
7/6	Metro Horizon, Inc. 1088 Bishop Street #3500 Honolulu, Hawaii 96813		1000		2000
8/2	MidPac Development, Ltd. P. O. Box 1719 Honolulu, Hawaii 96806		250		250
6/27	Mid Pac Lumber Co., Ltd. P. O. Box 1719 Honolulu, Hawaii 96806		250		1250
8/2	Midtown Travel Services 2046 N. King Street Honolulu, Hawaii 96819		250		250
7/6	Mikuelian, D. L. 226 Kalakaua Street Honolulu, Hawaii 96825		500		2000
6/27	Mikami, Jeanette 98-338 Ponokaulike Street Aiea, Hawaii 96701		100		350
6/27	Mimura, Clayton S. 98-1932 Apelehoku Street Aiea, Hawaii 96701		500		500
8/2	Mimura, Felicia K. 712 Umi Street #10 Honolulu, Hawaii 96819		2000		2000
3/16	Minmi Group (USA), Inc. c/o Fujiyama, Duffy & Fujiyama 1001 Bishop Street Honolulu, Hawaii 96813		1000		1000
7/6	Minn & Ripley 810 Richards Street Suite 729 Honolulu, Hawaii 96813		250		250
3/22	Minuth, Reed G. 1717 Nott Smith Drive Honolulu, Hawaii 96822		500		500
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page .....

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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY

FRIENDS FOR FASI

DATE RECEIVED 1988	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) CUMULATIVE TOTALS FROM DONOR
8/2	Shiroma, Earle F. 1833 Kalakaua Avenue #101 Honolulu, Hawaii 96815		2000		2000
7/6	Shiroma, Joan M. 4846-1 Kilauea Avenue Honolulu, Hawaii 96816		100		125
7/6	Shishido, Kelly & Colleen 45-462 Iolii'i Place Kaneohe, Hawaii 96744		200		200
7/6	Silva, Jimmy S. 94-1038 Hakelekua Street Waipahu, Hawaii 96797		250		250
3/24	Simms, Sandra S. 94-444 Keekuhiwa Place Mililani 96789		300		650
6/27	Skyway Express, Inc. 1019 Smith Street #303 Honolulu, Hawaii 96817		2000		2000
7/6	Slaton, Randolph R. 1001 Bishop Street #1100 Honolulu, Hawaii 96813		500		500
8/26	Smith, Dallas E. 1001 Bishop Street #2100 Honolulu, Hawaii 96813		1225		1725
7/6	Smith, Russell 999 Wilder Avenue Honolulu, Hawaii		500		500
7/6	Sony Hawaii Company 960 Kapiolani Street Honolulu, Hawaii 96819		300		800
7/6	South Pacific Ocean Treasures 29-132 Kam Highway Kaneohe, Hawaii 96744		500		1500
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page ..... _____
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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
FRIENDS FOR FASI

DATE RECEIVED 1988	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
8/2	Wong, Chris 1415 Victoria Street #703 Honolulu, Hawaii 96822		500		500
6/13	Wong, Clara L. 3879 Pokapahu Place Honolulu, Hawaii 96816		100		200
3/22	Wong, Darryl P. 1575 S. Beretania Street Room 101 Honolulu, Hawaii 96826		437.50		437.50
8/2	Wong, Howard M. Y. 50 S. Beretania Street C-208-B Honolulu, Hawaii 96813		250		1250
6/13	Wong, Vincent T. 3879 Pokapahu Place Honolulu, Hawaii 96816		100		200
7/6	Wong, R.S.H. 3071 Kalawao Street Honolulu, Hawaii 96822		500		500
7/6	Wong, Warren M. 1575 S. Beretania Street Room 101 Honolulu, Hawaii 96826		187.50		187.50
3/24	Wong, Wellington C. 1821 Keemaoku Street #501 Honolulu, Hawaii 96822		2000		2000
3/24	Wong, Winston 2017-B Iholena Honolulu, Hawaii 96817		250		750
6/13	Wu, George 1114 Punahou Street PH-3 Honolulu, Hawaii 96826		1000		1000
6/27	YY Valley Corporation P. O. Box 1221 Honolulu, Hawaii 96807		2000		2000
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
FRIENDS FOR FASI

DATE RECEIVED 1998	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
3/24	Yasutome, George N. 99-930 Kalawoho Place Aiea, Hawaii 96701		250		250
7/6	Yato, Chisato 2232 Kapiolani Blvd Apt. 1204 Honolulu, Hawaii 96826		250		250
6/13	Yee, Alfred A. 1441 Kapiolani Blvd Suite 810 Honolulu, Hawaii 96814		500		2000
3/24	Yee, Lynnell 863 Kanoi Place Honolulu, Hawaii 96825		500		500
7/6	Yokohama Okadaya (Hawaii) Corp. P. O. Box 88124 Honolulu, Hawaii 96815		100		600
8/2	Yoner, J. 1020 Auahi Street Bldg. 6 Room 1 Honolulu, Hawaii 96814		250		250
3/24	Yoshimura, George S. 5017 Kilauea Avenue Honolulu, Hawaii 96818		500		1000
8/2	Yoshimura, Allen 1451 S. King Street #308 Honolulu, Hawaii 96814		2000		2000
3/24	Yoshimura, Laurie Rei 5017 Kilauea Avenue Honolulu, Hawaii 96816		500		500
8/2	Yoshioka, Eugene T. P. O. Box 3805 Honolulu, Hawaii 96812		1000		1000
6/13	Yoshizaki, Alison M. 45-458 Puahaula Place Kaneohe, Hawaii 96744		1400		1400
			TOTAL COLUMN 1:	TOTAL COLUMN 2:	NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED.

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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
FRIENDS FOR FASI

DATE RECEIVED 1988	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTAL $ FROM DONOR
8/2	Palu, K. P. O. Box 329 Waipahu, Hawaii 96797		250		250
3/16	Pan-Pacific Construction, Inc. 1001 Bishop Street #2350 Honolulu, Hawaii 96813		1500		1500
8/2	Pan-Pacific Development, Inc. 1001 Bishop Street #2350 Honolulu, Hawaii 96813		500		500
8/2	Panda International Inc. 1088 Bishop Street #1006 Honolulu, Hawaii 96813		2000		2000
8/2	Pang, Gertrude 3617 Bethshau Road Honolulu, Hawaii		200		200
7/6	Paradise Beverages 2850 Paa Street Honolulu, Hawaii 96819		250		750
8/2	Park Associates, Inc. 1507 S. King Street Honolulu, Hawaii 96826		1000		2000
6/27	Park, Gerald 1245 Young Street #201 Honolulu, Hawaii 96814		1500		3000
3/24	Patrin-Thoene, Leslie Lynn P.		500		1000
6/13	Paul S. Osumi, Jr. AIA, Inc. 700 Bishop Street Suite 1918 Honolulu, Hawaii 96813		250		250
5/11	Paul's Electrical Service, Inc. 45-161 Kokoheki Place Kaneohe, Hawaii 96744		250		500
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page .....
2. TOTAL This Period (last page this line only) .....

EXHIBIT R

2404357049 1

STATE OF HA
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
Friends For Fasi

DATE RECEIVED 1988	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
12/30	Long & Melone, Ltd. 333 Queen Street, Suite 500 Honolulu, Hawaii 96813		1250.		3250.
12/30	Magoon Estate, Ltd. P.O. Box 258 Honolulu, Hawaii 96809		1000.		1500.
12/30	Melvin Lau Associates, Inc. 1221 Kapiolani Boulevard, Suite 945 Honolulu, Hawaii 96814		1625.		3625.
12/30	Miyagi, Hiroo W. 2606 Puuoui Avenue Honolulu, Hawaii 96817		500.		2500.
12/30	Murayama, Kotake, Munekawa & Associates, Inc. 1960 South King Street, Suite 6 Honolulu, Hawaii 96826		2000.		4000.
12/30	Nakama, Keo 1788 Laukahi Street Honolulu, Hawaii 96821		200.		200.
12/30	Ogasawara, Thomas K. 1724 Kalauokalani Way, Suite 101 Honolulu, Hawaii 96814		2000.		4000.
12/30	Otaka, Inc. 2571 Lemon Road Honolulu, Hawaii 96815		750.		2750.
12/30	Pacific Expositions 1580 Makaloa Street, Suite 1200 Honolulu, Hawaii 96814		1500.		1500.
12/30	Park Associates, Inc. 1507 South King Street Honolulu, Hawaii 96826		250.		2250.
12/30	Paul Louie & Associates, AIA 650 Ala Moana Boulevard, #217 Honolulu, Hawaii 96813		500.		750.
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED.

1. SUBTOTAL of Contributions Over $100 This Page .....
2. TOTAL This Period (last page this line only) .....

EXHIBIT S

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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
FRIENDS FOR FASI

DATE RECEIVED 1987	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
8/29	A'A Party Supplies 753-D Halekauwila St Honolulu 96814			132 Chafing Dishes	132
8/17	A&B HIPAC P.O. Box 3440 Honolulu 96801		1,000		1,000
10/26	ABC Glass Co Inc 99-1096 Iwaena St Unit B&C Aiea 96701		250		250
9/4	AM Partners Inc 1164 Bishop Street Suite 1003 Honolulu 96813		250		250
9/4	AMSCO 4141 Lawehana St Honolulu 96818		250		250
7/27	ANA Hallo Tours (USA) Inc 2255 Kuhio Avenue Suite 1025 Honolulu 96815		250		250
7/27	ANA Hotels Hawaii Inc. P. O. Box 896 Waianae, Hawaii 96792		250		250
8/24	A-1 A-lectrician Inc 2849 Kaihikapu St Honolulu 96819		500		500
9/14	A-1 Roofing Inc 424 Hunter Way, S.I. Honolulu 96819		500		500
8/24	A.Y. Refrigeration 1635 Oo Lane Honolulu 96817		250		250
8/24	ABE, Ernest 98-1712-B Kaahumanu St Pearl City 96782		1,500		1,500
			TOTAL COLUMN 1:	TOTAL COLUMN 2:	NOTE IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page .....
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EXHIBIT I

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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
FRIENDS FOR FASI

DATE RECEIVED 1987	NAME AND ADDRESS OF DONOR	OCCUPATION / IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION / DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
8/24	AKINAKA, Arthur Y. 1437-A Houghtailing St Honolulu 96817		2,000		2,000
8/24	AKINAKA, Misako M. 1437-A Houghtailing St Honolulu 96817		2,000		2,000
10/15	AKINAKA, Robert Y. 2804 Park St Honolulu 96817		2,000		2,000
12/4	Albert C. Kobayashi Inc 94-535 Ukee St Waipahu 96797		1,000		1,000
8/24	ALEXANDER, Earle M., III P. O. Box 4150 Honolulu 96813		250		250
9/4	Alii Glass & Metal Inc 94-303 Farrington Hwy Waipahu 96797		500		500
7/27	Ali'i Kai Catamaran Pier 8, Upper Level Honolulu 96813		2,000		2,000
7/27	Ali Nippon Airways Co Ltd 2255 Kuhio Ave, Suite 1005 Waikiki Trade Center Honolulu 96815		500		500
9/4	Alliance Realty & Management Inc 677 Ala Moana Blvd #307 Honolulu 96813		500		500
9/14	Allied Floor Corp 1727 Democrat St Honolulu 96819		250		250
8/24	Aloha Fender Inc 915 Kaaahi Place Honolulu 96817		250		250
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE: IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED.

1. SUBTOTAL of Contributions Over $100 This Page ..... _____
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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
FRIENDS FOR FASI

DATE RECEIVED 1987	NAME AND ADDRESS OF DONOR	OCCUPATION / IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION / DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
8/24	Aloha Plaza Properties 2270 Kalakaua Ave, Suite 1800 Honolulu 96815		1,000		1,000
9/11	AIRD, Geraldine 1020 Mokulua Drive Kailua 96734		1,000		1,000
12/4	Aluminum Smelting and Refining Co Inc 5463 Dunham Road Maple Hgts, Ohio 44137		2,000		2,000
8/4	ALVES, Henry F. 668 Keolu Dr Kailua 96734		250		250
12/4	Al-Hal Builders 6537 Hawaii Kai Dr Honolulu 96825		500		500
9/14	Amsan Construction Co Inc 1376 Kapiolani Blvd Honolulu 96814		250		250
9/11	ANDAY, Beverly 1910 Paula Dr Honolulu 96816		250		250
8/4	American Hawaii Cruises Inc		2,000		2,000
	550 Battery St San Francisco, CA 94108				
10/5	AmPac Hawaii, Inc P. O. Box 3230 Honolulu 96801		2,000		2,000
8/17	Anbe, Aruga & Ishizu Architects Inc 1451 So. King St. No. 504 Honolulu 96814		2,000		2,000
9/27	Andrew Lee Architect & Associates 3057-A Waialae Ave Honolulu 96816		250		250
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page .....
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EXHIBIT V

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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
FRIENDS FOR FASI

DATE RECEIVED 1987	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
8/24	D. C. Electric Inc 99-850 Iwaena St Aiea 96701		500		500
8/24	D & S Drafting Service 1020 Keeaumoku St No. 302 Honolulu 96814		250		250
9/14	Dae Han Gifts Center 825 Keeaumoku St Suite 105 Honolulu 96814		250		250
9/11	Daiei Hawaii Investments Inc 801 Kaheka St Honolulu 96814		250		250
9/4	Damon R. Runyan Inc 155 Makua St Kailua 96734		500		500
9/4	DANG, Alban H. 2144 Mohala Way Honolulu 96822		250		250
10/15	DANIEL, Dennis 5633 Kanau St Honolulu 96821		2,000		2,000
8/24	Daniel G. Ching & Associates 1188 Bishop St Suite 2309 Honolulu 96813		1,000		1,000
9/14	Daniel, Mann, Johnson & Mendenhall PAC of Calif 3250 Wilshire Blvd Los Angeles, CA 90010		500		500
9/4	DASPIT, Warren C. 1221 Kapiolani Blvd Honolulu 96814		250		250
8/17	DAVI, Richard 1899 Laukahi St Honolulu 96821		250		250
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page .....
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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
FRIENDS FOR FASI

DATE RECEIVED 1987	NAME AND ADDRESS OF DONOR	OCCUPATION / IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION / DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
8/17	FULLER, Robert L. 431 SW River Bend Dr West Linn, OR 97068		250		250
10/15	Fumio Tesiya Ltd 852 Mapunapuna St Honolulu 96819		250		250
9/4	FUNAGAKI, Gary 99-625 Holo St Aiea 96701		1,000		1,000
9/14	FURUTANI, Gordan Y. 47-606 Halemanu St Kaneohe 96744		250		250
9/4	FUSHIMI, Hiroaki c/o Central Pacific Bank		2,000		2,000
9/11	FYFFE, A. Edward Jr 4744 Matsonia Drive Honolulu 96816		100		350
12/4	G. S. Onaga 99-930 Iwaena St B-101 Aiea 96701		250		250
9/4	G. W. Murphy Construction Co Inc 650 Kakoi St Honolulu 96819		500		500
9/11	G.Y. Maranhige Contractor Inc 242 Libby St Honolulu 96819		500		500
10/5	GECC Financial Corp P. O. Box 2448 Honolulu 96804		1,000		1,000
9/14	Gabrielsen & Co 737 Bishop St Suite 1460 Honolulu 96813		500		500
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page .....

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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
FRIENDS FOR FASI

DATE RECEIVED 1987	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTAL $ FROM DONOR
9/4	Ganzer Brothers Inc 7281 Makaa St Honolulu 96825		500		500
12/4	Garden Landscaping Inc 94-497 Ukee St Waipahu 96797		500		500
8/24	GARNER, Harold J. 95-061 Kaulua St Mililani 96789		250		250
8/24	GARROD, Pete 826 19th Ave Honolulu 96816		250		250
8/4	Gem Political Action Committee 1199 Dillingham Blvd Honolulu 96817-4478		1,000		1,000
9/11	Gentry Pacific Ltd P. O. Box 295 Honolulu 96809		2,000		2,000
9/4	George M. Matsumoto & Associates Inc 3536 Harding Ave Suite 601 Honolulu 96816		250		250
9/4	Gerber Systems (U.S.A.) Inc P. O. Box 431 Honolulu 96809		250		250
10/26	GERELL, Robert H. 112 Lumahai St Honolulu 96825		2,000		2,000
9/11	GH Inc 458-B Keawe St Honolulu 96813		1,750		1,750
10/5	GIACOMETTI, Guido 1350 Ala Moana #2812 Honolulu 96814		250		250
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page ..... _____
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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
FRIENDS FOR FASI

DATE RECEIVED 1987	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
9/4	OOTO, Stephanie Sur 1717 Mott Smith Dr No. 611 Honolulu 96822		2,000		2,000
9/4	Grace Pacific Corp P. O. Box 78 Honolulu 96810		2,000		2,000
8/24	GRANT, William A. 7545 Kekaa St Honolulu 96825		500		500
9/14	Gray, Hong & Associates Inc 110 Merchant St Suite 607 Honolulu 96813		2,000		2,000
9/14	GREEN, Howard R. P.O.Box3439 Honolulu 96801		500		500
10/5	Green, Ning, Lilly & Jones P. O. Box 3439 Honolulu 96801		1,500		1,500
9/11	Green Thumb Inc 3363 Campbell Ave Honolulu 96815		1,750		1,750
7/27	GROBE, Randolyn J. 620 Coral St Honolulu 96813		250		250
9/4	Grosvenor Int'l (Hawaii) Ltd 733 Bishop St Suite 1717 Honolulu 96813		500		500
12/4	Group 70 924 Bethel St Honolulu 96813		500		500
9/14	GUILLERMO, Virginia G., Dr. 47-410 Ahuimanu Road Kaneohe 96744		950		950
			TOTAL COLUMN 1:	TOTAL COLUMN 2:	NOTE: IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page .....
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EXHIBIT Z

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STATE OF HAWAII

CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
FRIENDS FOR FASI

DATE RECEIVED 1987	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS (IN-KIND) CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
9/4	Halekulani Corporation 700 Bishop St Suite 1115 Honolulu 96813		2,000		2,000
8/4	HANNE, Charles K. 1752 Kumakani Loop Honolulu 96821		500		500
8/24	HAMILTON, Robert 3415 Paty Drive Honolulu 96822		1,500		1,500
8/24	Hansen Sales P. O. Box 19008 Honolulu 96817		500		500
8/17	HARA, James S. 5340 Livai St Honolulu 96821		2,000		2,000
9/14	HARADA, Cappy 153 Meadowbrook Dr Santa Maria, CA 93455		2,000		2,000
8/17	HARENG, Amy J. 1745-J Ala Amoamo St Honolulu 96819		500		500
8/4	Harold T. Miyamoto & Associates 1325 Nuuanu Ave #218 Honolulu 96817		1,000		1,000
9/14	HARRIS, Carmen		500		500
12/4	HARRIS, Jeremy 1663-F Kewalo St Honolulu 96822		600		600
8/4	Harry T. Miyachi, AIA, Inc 3615 Harding Ave #301 Honolulu 96816		250		250
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED.

1. SUBTOTAL of Contributions Over $100 This Page .....

2. TOTAL This Period (last page this line only) .....

EXHIBIT AA

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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
FRIENDS FOR FASI

DATE RECEIVED 1987	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
8/4	Hasegawa Komuten (hawaii) Inc 820 Mililani St Suite 820 Honolulu 96813		250		250
9/14	Hauoli Pest Control 1024-B Kikowaena Place Honolulu 96819		250		250
9/4	Hauoli Sales Co Ltd P. O. Box 1758 Honolulu 96806		250		250
10/5	Hausman Bus Sales 10 E. Golf Road Des Plaines, IL 60016-2291		500		500
10/5	HAVERLY, Fay H. 1638 Kalaniki St Honolulu 96821		250		250
10/15	Hawaii Associated Wholesalers 575-B Kaolu Dr Kailua 96734		250		250
10/15	Hawaii Automotive & Rental Gasoline Dealer Ass'n-PAC 1177 Kapiolani Blvd #201 Honolulu 96814		500		500
10/26	Hawaii Concrete Products Inc 91-027 Kaomi Loop Ewa Beach 96706		500		500
9/4	Hawaii Design Associates Inc 2754 Woodlawn Dr Honolulu 96822		1,500		1,500
9/4	Hawaii Ice Cream & Foods Co 1125 No. King St Honolulu 96817		250		250
9/4	Hawaii Industrial Electric Inc P. O. Box 4498 Honolulu 96812-4498		250		250
			TOTAL COLUMN 1:	TOTAL COLUMN 2:	NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page .....
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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
FRIENDS FOR ENGI

DATE RECEIVED 1987	NAME AND ADDRESS OF DONOR	OCCUPATION / IF A MINOR, ENTER NAME OF PARENT	COLUMN 1 AMOUNT OF THIS CASH CONTRIBUTION	COLUMN 2 VALUE OF THIS IN-KIND CONTRIBUTION / DESCRIPTION	COLUMN 3 AGGREGATE TOTALS FROM DONOR
8/20	Hawaii Innovative Engineering Inc 910-E Austin Lane Honolulu 96817		500		500
8/24	Hawaii Resort Shops Inc 2270 Kalakaua Ave Suite 1000 Honolulu 96815		2,000		2,000
8/24	Hawaii Sekitei Corp 2470 Kalakaua Ave No. 3802 Honolulu 96815		1,000		1,000
9/11	Hawaii Test Borings Inc 96-1416 Waihona Place Pearl City 96782		2,000		2,000
9/14	Hawaii Transfer Co Ltd P. O. Box 3086 Honolulu 96802		500		500
10/15	Hawaii Western Door Co Inc 944 Akepo Lane Honolulu 96817		500		500
9/11	Hawaiian Asset Management & Investments Corp 1270 Queen Emma St No. 804 Honolulu 96813		500		500
8/4	Hawaiian Cement 220 So. King St Suite 1700 Honolulu 96813		500		500
10/26	Hawaiian Dredging & Construction Co P. O. Box 4088 Honolulu 96812		500		500
9/4	Hawaiian Telephone Co Employees Good Government Club P. O. Box 2200 Honolulu 96841		250		250
9/4	HAYASHIDA, Suye 44-136 Nanamoena St Kaneohe 96744		2,000		2,000
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE: IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED.

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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
FRIENDS FOR FASI

DATE RECEIVED 1987	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
9/4	HAYASHIDA, Yoshinori c/o Central Pacific Bank		2,000		2,000
9/4	HEE, Charlotte 47-120 Wailehua Road Kahaluu 96744		250		250
9/4	HEE, David 47-129 Wailehua Road Kahaluu 96744		250		250
9/4	HEE, Deanne 1724 Bertram St Honolulu 96816		2,000		2,000
9/4	HEE, Eric 2439 Kapiolani Blvd #1703 Honolulu 96826		2,000		2,000
8/4	Hee Hing Corporation 449 Kapahulu Ave Honolulu 96815		500		500
9/4	HEE, Kendall 1724 Bertram St Honolulu 96816		1,000		1,000
8/17	Helber, Hastert, Van Horn & Kimura 733 Bishop St Suite 2590 Honolulu 96813		2,000		2,000
9/14	HELLREICH, Philip Dr 40 Aulike St Suite 311 Kailua 96734		250		250
8/17	HERMAN, Isaac 15 Woodcrest Court Hillsborough, CA 94010		500		500
8/17	HEWITT, Jane D. 1465 Kalanikai Place Honolulu 96821		500		500
			TOTAL COLUMN 1:	TOTAL COLUMN 2:	NOTE: IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

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CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
FRIENDS FOR FASI

DATE RECEIVED 1987	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTAL $ FROM DONOR
8/24	INOUYE, Lester H. 2070 Kula St Honolulu 96817		1,500		1,500
8/17	INOUYE, Tad 1096 So. Beretania St Honolulu 96814		250		250
9/4	International Commercial Bank of China 40 Wall St New York, NY 10005		500		500
8/17	IRIE, Lillian E. 98-1540 Akaaka St Aiea 96701		250		250
8/17	Irie & Nakamoto Architects Inc 738 Kaheka St Suite 204 Honolulu 96814		750		750
9/11	ISHII, Aaron K. 99-791 Halawa Heights Rd #303 Aiea 96701		500		500
9/4	Island Flooring Co Inc 744 Kohou St Honolulu 96817		250		250
10/5	Island Movers Inc P. O. Box 17865 Honolulu 96817		250		250
9/4	Island Ready-Mix Concrete Ltd P. O. Box 30142 Honolulu 96820		500		500
10/15	Island Title Corp 1001 Bishop St Suite 600 Honolulu 96813		500		500
10/5	ISOBE, Walter Y. 2734 Lanilua Road Honolulu 96813		250		250
			TOTAL COLUMN 1:	TOTAL COLUMN 2:	NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED.

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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
FRIENDS FOR FASI

DATE RECEIVED 1987	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
10/5	JA Electric Inc 1687 Kalaukalani Way Honolulu 96814		500		500
8/24	JN Productions Inc 2028 Paa St Suite 2140 Honolulu 96819		250		250
8/17	Jack Endo Electric Inc 2814 Kilihau St Honolulu 96819		2,000		2,000
10/5	Jackson Contractors 828 Port St 6th Floor Honolulu 96813		1,250		1,250
9/4	James K. Tsugawa, AIA & Associates 587 So. King St Suite 310 Honolulu 96813		1,000		1,000
9/4	JAMSON Cor 2546 Lemon Road #203 Honolulu 96815		250		250
9/4	Japan Travel Bureau International Inc 2270 Kalakaua Ave Honolulu 96815		2,000		2,000
9/4	Jardine Matt & Chandler Hawaii Inc 841 Bishop St Suite 2300 Honolulu 96813		1,000		1,000
8/24	Jas W. Glover Ltd P. O. Box 579 Honolulu 96809-0579		250		250
9/14	Jet Hawaii Inc 2255 Kuhio Ave Suite 1601 Honolulu 96815		250		250
8/24	JO, Jai Ok 436 Kekauluohi St Honolulu 96825		500		500
			TOTAL COLUMN 1:	TOTAL COLUMN 2:	NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED.

1. SUBTOTAL of Contributions Over $100 This Page .....

2. TOTAL This Period (last page this line only) .....

EXHIBIT FF

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STATE OF HA[illegible]

CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY

FRIENDS FOR FASI

DATE RECEIVED 1987	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
9/14	KANAI, Chester M. 1001 Bishop St Suite 1030 Honolulu 96813		250		250
9/4	KANEDA, Shoichi c/o Central Pacific Bank		2,000		2,000
10/5	KANURI, Rose T. 1143 Fort St Honolulu 9681)		250		250
9/4	Kapiolani Driving Range 3833 Paki Ave Honolulu 96815		500		500
9/11	KASAMOTO, Janet T. 861 Kii St Honolulu 96825		2,000		2,000
9/11	KASAMOTO, Neal 2424 So. Beretania St No. 203 Honolulu 96826		2,000		2,000
9/11	KASAMOTO, Yuji 615 Piikoi St Rm 1000 Honolulu 96814		2,000		2,000
9/14	KAOWILI, Lorna M. H. 1154 Fort St Mall #315 Honolulu 96813		250		250
8/17	KATAHARA, R. C. 94-155 Puanane LOOP Mililani 96789		250		250
8/17	Kats General Repairs Inc 1628 Kanakanui St Honolulu 96817		250		250
9/4	KAU, Louis A. 3122 Keahi St Honolulu 96822		250		250
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page .....

2. TOTAL This Period (last page this line only) .....

EXHIBIT 66

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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY

PERIOD FOR FAST

DATE RECEIVED 1987	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	COLUMN 1 AMOUNT OF THIS CASH CONTRIBUTION	COLUMN 2 VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	COLUMN 3 AGGREGATE TOTALS FROM DONOR
8/24	KNU, Vivian L. Y. P. O. Box 543 Aiea 96701		500		500
9/14	Kauai Island Tours Inc 2222 Kalakaua Ave Suite 609 Honolulu 96815		500		500
8/17	KOBAYASHI, Wallace M. 719-B 22nd Ave Honolulu 96816		750		750
9/11	KOBAYA, Joyce K. 1326 7th Ave Honolulu 96816		125		125
8/17	KOBAYAMA, Jean F. 94-1210 Mopua Loop No. A5 Waipahu 96797		500		500
8/24	KOBAYAMA, Les 1420 Victoria St #1103 Honolulu 96822		500		500
9/11	KOBAYASHI, Diane T. 700 Richards St No. 1103 Honolulu 96813		500		500
8/17	KOYA, Maurice H. 1292 Kika St Kailua 96734		500		500
9/11	KOZAK, Rosa A. 95-760 Lauaki St Mililani 96789		1,700		1,700
9/11	KAZI, Sirazul Islam 46-296 Nahewai St Kaneohe 96744		500		500
9/4	KEALA, Betty Ann 124 Poipu Dr Honolulu 96825		250		250
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE: IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page .....

2. TOTAL This Period (last page this line only) .....

EXHIBIT HH

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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY

FRIENDS FOR FAST

DATE RECEIVED 1987	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
9/14	KIM, Randolph M. 3215 Ala Ilima St #A-512 Honolulu 96818		250		250
8/24	KIM, Sung Sook 990 Ala Nanala St #25-A Honolulu 96818		500		500
8/24	KIM, Yong Jin 990 Ala Nanala St #25-A Honolulu 96818		500		500
9/4	KIMURA, Dennis 1014 Akala Lane Honolulu 96814		1,000		1,000
8/4	KIMURA, Marjorie F. 94-442 Kealakaa St Mililani 96789		500		500
8/24	KIMURA, Michael M. 1515 Ihilea Loop Honolulu 96821		250		250
9/4	KIMURA, Randall N. 777 Paani St #602 Honolulu 96826		250		250
8/24	KIMURA, Richard M. 1581 Onipaa Place Honolulu 96819		250		250
12/4	King & King 735 Bishop St Suite 308 Honolulu 96813		750		750
8/24	King & Neal Inc 1164 Bishop St Suite 1710 Honolulu 96813		250		250
9/14	Kintetsu International Express 2270 Kalakaua Ave Suite 1402 Honolulu 96815		250		250
			TOTAL COLUMN 1:	TOTAL COLUMN 2:	NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page .....

2. TOTAL This Period (last page this line only) .....

EXHIBIT JJ

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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
FRIENDS FOR FASI

DATE RECEIVED 1987	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
8/24	KIRIMITSU, Walter S. 333 Queen St Suite 900 Honolulu 96813		500		500
9/4	KITAGAWA, Shuichi c/o Honbushin Mission Int'l 95-030 Waihonu St Wahiawa 96786		250		250
8/24	KITAMURA, Henry N. 333 Queen St 9th Floor Honolulu 96813		500		500
9/14	Kiyo's Transmission Service 878 Queen St Honolulu 96813		500		500
9/4	KNUTSON, W. F. 381 Puiwa Road Honolulu 96817		250		250
8/24	KO, June Y. 810-6 Kaaloa St Honolulu 96826		250		250
8/24	KO, Robert Y. H. 810-6 Kaaloa St Honolulu 96826		250		250
8/24	KOBAYASHI, Franklyn M. Aiea Bowling Center Inc Aiea Shopping Center Aiea 96701		500		500
9/4	KOBAYASHI, Hiroshi c/o Central Pacific Bank		2,000		2,000
9/4	KOBAYASHI, Masamori c/o Central Pacific Bank		2,000		2,000
10/5	Koga Engineering & Construction Inc 846 So. Hotel St Honolulu 96813		2,000		2,000
			TOTAL COLUMN 1:	TOTAL COLUMN 2	NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page ..... _____
2. TOTAL This Period (last page this line only) ..... _____

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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
FIGURES FOR ENGI

DATE RECEIVED 1987	NAME AND ADDRESS OF DONOR	OCCUPATION OF A MINOR, ENTER NAME OF PARENT	COLUMN 1 AMOUNT OF THIS CASH CONTRIBUTION	COLUMN 2 VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	COLUMN 3 AGGREGATE TO DATE TOTALS FROM DONOR
8/17	KOHLOSS, Frederick H. 1645 Ala Wai Blvd #PH-1 Honolulu 96815		250		250
9/11	KOIZUMI, Kotaro 95-186 Waiwaku Place Mililani 96789		1,500		1,500
8/17	KOKI, Sharlyn 2305 Kam Hwy Honolulu 96819		250		250
9/14	Kometani and Associates 2104 So. King St Honolulu 96826		250		250
9/14	KOMETANI, Douglas K. 1154 Fort St Mall #315 Honolulu 96813		250		250
9/14	KOMETANI, James S. 1154 Fort St Mall #315 Honolulu 96813		1,000		1,000
8/17	KONDO, Maurice I. 60 No. Beretania St #102 Honolulu 96817		750		750
10/5	KONO, Stanley T. 2646 Rooke Ave Honolulu 96817		2,000		2,000
10/15	Korean Buddhist Dae Mun Sa Temple of Hawaii 2559 Waiomao Road Honolulu 96816		2,000		2,000
9/14	KOSAGA, Minnie 820 Omaha St Honolulu 96816		500		500
9/4	KOSHIBA, Iteko c/o Central Pacific Bank		2,000		2,000
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

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STATE OF HA
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
FRIENDS FOR FASI

DATE RECEIVED 1987	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
7/27	Lex Brodie's Tire Co 701 So. Queen St Honolulu 96813		1,000		1,000
9/4	Leyton House (Hawaii) Inc 2255 Kuhio Ave Suite 1002 Honolulu 96815		500		500
9/11	LEZAK, Karen H. 1209 Akupa Place Kailua 96734		500		500
8/24	LIBARIOS, Ernest O. 98-1470 Kaonohi St Aiea 96701		500		500
8/24	LIBARIOS, Herman H. 3248 Catherine St Honolulu 96815		250		250
8/24	LIBERMAN, Tovik 229 Paoakalani Ave No 3801 Honolulu 96815		250		250
10/5	LILLIE, Karl J. 2943 Kalakaua Ave No 706-708 Honolulu 96815		750		750
10/15	LIM, Lily S. M. 1525 Wilder Ave No 1008 Honolulu 96822		250		250
9/14	LIM, Pamela J. 1441 Victoria St No 505 Honolulu 96822		2,000		2,000
8/24	LIM, Rona O. K. 250 Paiko Dr Honolulu 96821		500		500
8/24	LINDOM, Rodman 3621 Diamond Head Road Honolulu 96816		500		500
			TOTAL COLUMN 1:	TOTAL COLUMN 2:	NOTE IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page .....
2. TOTAL This Period (last page this line only) .....

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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
FRIENDS FOR FASI

DATE RECEIVED 1987	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
10/5	Love's Bakery P. O. Box 294 Honolulu 96809		250		250
8/17	LOW, Paul T. F. 2910 Makalei Place Honolulu 96815		2,000		2,000
9/4	LUI-KWAN, Ivan M. P. O. Box 656 Honolulu 96809		500		500
8/24	Lyle Hamasaki Construction Inc 1344 Konia St Honolulu 96817		2,000		2,000
9/11	Lyon Associates Inc 745 Fort St Suite 400 Honolulu 96813		2,000		2,000
9/11	LYON, Frank E., Jr 745 Fort St Suite 400 Honolulu 96813		2,000		2,000
	TOTAL COLUMN 1:		TOTAL COLUMN 2:		NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page .....
2. TOTAL This Period (last page this line only) .....

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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
FRIENDS FOR FASI

DATE RECEIVED 1997	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTAL* FROM DONOR
10/5	MIYASATO, David T. 1851 Liliha St Honolulu 96817		250		250
9/4	MIYASATO, Gail 94-924 Lumiloki St Waipahu 96797		250		250
8/17	MIYASHIRO, Alton K. 2930 East Manoa Rd Apt 5A Honolulu 96822		1,500		1,500
9/4	MIYASHIRO, Malcolm 3137 East Manoa Road Honolulu 96822		2,000		2,000
9/11	MIZUTA, Patrick S. 2423-D Rose St Honolulu 96819		2,000		2,000
10/5	Moana Builders Inc 2688 E Kilihau St Honolulu 96819		250		250
9/11	MONSEEN, R., Mrs. 5480 Kirkwood Place Honolulu 96821		2,000		2,000
9/14	Mokuleia Land Co 68-580 Farrington Hwy Waialua 96791		2,000		2,000
10/26	MONROE, Patricia A. 1560 Thurston No 805 Honolulu 96822		2,000		2,000
12/4	MOON, Eugene 222 Liliuokalani Ave #1102 Honolulu 96815		200		200
8/24	MORANDO, Ernest F. 1818 Kanakanui St Honolulu 96819		250		250
			TOTAL COLUMN 1:	TOTAL COLUMN 2:	NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED.

1. SUBTOTAL of Contributions Over $100 This Page .....
2. TOTAL This Period (last page this line only) .....

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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY

PRIMARY FOR 1982

DATE RECEIVED 1982	NAME AND ADDRESS OF DONOR	OCCUPATION (IF A MINOR, ENTER NAME OF PARENT)	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
9/14	NAK, Herbert M., Dr. Inc 1270 Queen Emma St Honolulu 96813		250		250
8/24	NAMBA, Jodie Y. 3445 Ala Akulikuli St Honolulu 96818		250		250
8/24	NAMBA, Richard Ikuo 3445 Ala Akulikuli St Honolulu 96818		250		250
8/17	National Construction & Management Corp 1255 Nuuanu Ave C-103 Honolulu 96817		500		500
9/11	NEUFFER, George M. 1698 Laukahi St Honolulu 96821		2,000		2,000
9/4	New Tokyo - Hawaii Restaurant Co Ltd 286 Beach Walk Honolulu 96815		500		500
9/14	Nick's Fish Market P. O. Box 88676 Honolulu 96830-8676		2,000		2,000
7/27	NIDO, Ann Y. 810 University Ave #201 Honolulu 96826		250		250
9/14	Niji Jewelry & Boutique Inc 2005 Kalia Road Honolulu 96815		500		500
10/5	NIDO, Amor B. 623 McNeill St Honolulu 96817		500		500
10/5	NISHI, Wilfred K. 1034 Iiwi St Honolulu 96816		250		250
			TOTAL COLUMN 1:	TOTAL COLUMN 2:	NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED.

1. SUBTOTAL of Contributions Over $100 This Page .....

2. TOTAL This Period (last page this line only) .....

EXHIBIT PP

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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
FRIENDS FOR FASI

DATE RECEIVED 1987	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS In-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
10/5	ODA, Howard K. 1912 Leimomi Place Wahiawa 96786		2,000		2,000
9/4	ODA, James E. Dr. 3456 Niolopua Dr Honolulu 96817		2,000		2,000
9/14	OGASAWARA, Thomas K. 1724 Kalauokalani Way Suite 101 Honolulu 96814		2,000		2,000
9/4	OGATA, Bob 4710 Likini St Honolulu 96818		500		500
8/17	OGAWA, Miyeko P. O. Box 381 Ewa 96706		250		250
9/14	OH, Sung Nam 1517 Makiki St No 1202 Honolulu 96822		250		250
9/24	Ohbeyashi Hawaii Corp 1001 Bishop St Suite 2680 Honolulu 96813		1,000		1,000
10/5	OHNISHI, Hirofumi ECC Manoa Foreign Language Institute		2,000		2,000
7/27	OKADA, Judy 1102 10th Avenue Honolulu 96816		2,000		2,000
7/27	OKADA, Sonny 2065 So. King St Honolulu 96826		2,000		2,000
8/4	Okahara & Associates Inc 200 Kohola St Hilo 96720		1,250		1,250
			TOTAL COLUMN 1:	TOTAL COLUMN 2:	NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED.

1. SUBTOTAL of Contributions Over $100 This Page .....
2. TOTAL This Period (last page this line only) .....

EXHIBIT 90

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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
FRIENDS FOR FASI

DATE RECEIVED 1987	NAME AND ADDRESS OF DONOR	OCCUPATION / IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION / DESCRIPTION	(COLUMN 3) AGGREGATE TOTAL FROM DONOR
8/17	Pacific Fire Protection, Inc. 96-1358 Waihona St. Pearl City 96782		250.		250.
9/4	Pacific Landmark Realty 1188 Bishop St #3500 Honolulu 96813		2,000.		2,000.
8/4	Pacific Palt Center P. O. Box 29936 Honolulu 96820		500.		500.
9/4	Pacific Resources PAC P. O. Box 3379 Honolulu 96842		500.		500.
8/24	Pacific Sausages Co., Inc. 1157 North King St. Honolulu 96817		500.		500.
12/4	Pacific Terrazzo & Tile Corp. 94-078 Leokane St. Waipahu 96797		1,000.		1,000.
10/5	Pacific Warehouse Inc. P. O. Box 22040 Honolulu 96822		250.		250.
9/14	Pacifico Creative Service 2270 Kalakaua Ave. Suite 1610 Honolulu 96815		500.		500.
10/5	Padron, Manual 654 Coolidge Ave NE Atlanta, GA 30306		250.		250.
10/5	Pagoda Hotel 1525 Rycroft St. Honolulu 96814		500.		500.
9/4	Paiva, Yolanda 92-828 Kohupono St. Ewa Beach 96707		500.		500.
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page .....

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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY: FRIENDS FOR JOEI

DATE RECEIVED 1987	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS In-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
10/5	PAVIA, Nick P. 1262 Pihana St Honolulu 96825		1,000		1,000
9/14	Peach Flooring Inc 99-970-A Iwaena St Aiea 96701		250		250
9/14	Peacock Roofing & Termite Co 2726 Waiwai Loop Honolulu 96819		250		250
9/11	Pearl City Shopping Center Inc 2295 No. King St Honolulu 96819		250		250
8/24	Pearl Country Club of Hawaii 98-535 Kaahumanu St Aiea 96701		250		250
9/14	PECK, Verden L. 621 Ulili St Honolulu 96816		250		250
9/11	PELEKAI, S. 1019 Kove St Honolulu 96816		500		500
9/14	Pentagram Corp 1056 Fort St Mall Honolulu 96813		500		500
8/24	Petals Of Paradise Inc 41-710 Kaulukaau St Waimanalo 96795		500		500
10/5	Peter Hsi Associates Inc 615 Piikoi St Suite 2001 Honolulu 96814		500		500
9/4	PETRYKANYN, John P. 2517 Farrier Lane Reston, VA 22091		2,000		2,000
			TOTAL COLUMN 1:	TOTAL COLUMN 2:	NOTE: IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page .....

2. TOTAL This Period (last page this line only) .....

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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
FRIENDS FOR FASI

DATE RECEIVED 1987	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CAMPAIGN CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTOR	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
9/4	Petty Ronald A P. O. Box 2834 Honolulu 96803		2,000.		2,000.
10/5	Phillips, Brandt, Reddick * Associates (Hawaii) 130 Merchant St. Suite 1111 ,Honolulu 96813		2,000		2,000
9/11	Phillips, Owen L., Jr. 2901 No. Nimitz Hwy Honolulu 96819		250.		250.
9/14	Pineapple Hawaii 2270 Kalakaua Ave Suite 1514 Honolulu 96815		2,000.		2,000.
8/4	Pioneer Political Action Comm. 900 Port Street Mall Honolulu 96813		250.		250.
9/14	Plaza Hotel		2,000.		2,000.
	P. O. Box 618-B Honolulu 96810				
8/24	Pleasant Hawaiian Holiday 2404 Townegate Road Westlake Village, CA 91361		1,500.		1,500.
10/5	Poepoe, Ronald 1810 Maiki Place Pearl City 96782		250.		250.
8/24	Power Sweepers of Hawaii, Inc. 2139 Kalihi St. Honolulu 96819		500.		500.
9/11	Pratt C. Dudley, Jr. c/o Hawaiian Electric Co. Honolulu 96840		250.		250.
8/24	Prime Construction Inc. 830 Mapunapuna St. Honolulu 96819		250.		250.
			TOTAL COLUMN 1:	TOTAL COLUMN 2:	NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page .....

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EXHIBIT II

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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
FRIENDS FOR FASI

DATE RECEIVED (1987)	NAME AND ADDRESS OF DONOR	OCCUPATION / IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION / DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
9/4	Protheroe, W. Wayne Jr. 44-519 Kaneohe Bay Drive Kaneohe 96744		250.		250.
8/17	Prudential-Bache Securities, Inc. 100 Gold St. New York, NY10292		500.		500.
9/14	Pulley, Robert W. Bishop Square, Pauahi Tower2600 Honolulu 96813		250.		250.
10/5	Queen Kapiolani Hotel 150 Kapahulu Ave. Honolulu 96815		250.		250.
12/4	Quon, Norman Y. 2212 McKiley St. Honolulu 96822		500.		500.
			TOTAL COLUMN 1:	TOTAL COLUMN 2:	NOTE IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED.

1. SUBTOTAL of Contributions Over $100 This Page ..... _____
2. TOTAL This Period (last page this line only) ..... _____

EXHIBIT VV

2404357051 9

STATE OF HA[illegible]

CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
FRIENDS FOR FAS[illegible]

DATE RECEIVED 1987	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
9/4	Royal Adventure Travel 3615 Harding Ave Honolulu 96816		500.		500.
10/15	Royal Co. Ltd. 1056 Fort Street Mall Honolulu 96813		1,250.		1,250.
9/4	Royal Hawaiian Country Club 581 Kamoku St. Suite 2404 Honolulu 96826		2,000.		2,000.
8/24	Roy's Kam Center Texaco 1634 Nakuahine St. Honolulu 96817		500.		500.
10/5	Runnells, Loran H. 830 Ahua St Honolulu 96819		500.		500.
			TOTAL COLUMN 1:	TOTAL COLUMN 2:	NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page .....

2. TOTAL This Period (last page this line only) .....

EXHIBIT WW

9404357052O

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCCUPATION / IF A MINOR, ENTER NAME OF PARENT	[COLUMN 1] AMOUNT OF THIS CASH CONTRIBUTION	[COLUMN 2] VALUE OF THIS IN-KIND CONTRIBUTION / DESCRIPTION	[COLUMN 3] AGGREGATE TOTALS FROM DONOR
9/28	S&H Sakamoto, Inc 1005 Halena Street Honolulu, Hawaii 96819		500.00		500.00
9/8	Saab-Scania of America, Inc. Saab Drive Orange, CT 06477		2000.00		2000.00
8/25	SIDA of Hawaii, Inc. P. O. Box 29420 Honolulu, Hawaii 96820		500.00		500.00
8/26	Safeguard Services, Inc. 1000 Bishop Street, Suite 608 Honolulu, Hawaii 96813		250.00		250.00
8/26	Safekeeper West 664 Old Mokapu Road Kailua, Hawaii 96734		250.00		250.00
8/31	Safety Systems Hawaii, Inc. 302 Mokauea Street Honolulu, Hawaii 96819		250.00		250.00
8/20	SAFFORD, Francis I. P. O. Box 1238 Honolulu, Hawaii 96807		250.00		250.00
9/4	SAIKI, H. 2464 Kanealii Avenue Honolulu, Hawaii 96813		250.00		250.00
9/4	SAIKI, M. 95-745 Lauaki Street Mililani, Hawaii 96789		250.00		250.00
9/4	SAIKI, S. O. 95-745 Lauaki Street Mililani, Hawaii 96789		250.00		250.00
8/20	SAKAE, Robert M. 1041 17th Avenue Honolulu, Hawaii 96816		500.00		500.00
			TOTAL COLUMN 1:	TOTAL COLUMN 2	NOTE: IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page ..... _____
2. TOTAL This Period (last page this line only) ..... _____

EXHIBIT XX

9404357052 1

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
9/4	SAKAI, Carolyn M. 45-118 Mimo Place Kaneohe, Hawaii 96744		750.00		750.00
9/4	SAKAI, Don I. 45-118 Mimo Place Kaneohe, Hawaii 96744		500.00		500.00
9/4	SAKAI, K. 2464 Kanealii Avenue Honolulu, Hawaii 96813		250.00		250.00
8/14	SAKAI, Kenneth T. 1229 Ala Amoamo Street Honolulu, Hawaii 96819		500.00		500.00
8/14	SAKAI, Rhonda L. M. 1229 Ala Amoamo Street Honolulu, Hawaii 96819		500.00		500.00
9/30	SAKEMOTO, Eiji ECC Junior Foreign Language Institute		2000.00		2000.00
9/30	SAKEMOTO, Kenji ECC Kansai Foreign Language Institute		2000.00		2000.00
8/25	SALVA CRUZ, Rafael M. 98-432 Koomilani Street Pearl City, Hawaii 96782		250.00		250.00
9/8	SAM SUNG Electronics, Inc. 1370 Makaloa Street Honolulu, Hawaii96814		250.00		250.00
9/4	SANDERS, Whitney A., II 1100 Reading Blvd. Wyomissing, PA 19610		1000.00		1000.00
8/14	SANPEI, Alice C. 98-140 Keenae Street Aiea, Hawaii 96701		500.00		500.00
			TOTAL COLUMN 1:	TOTAL COLUMN 2:	NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED.

1. SUBTOTAL of Contributions Over $100 This Page .....
2. TOTAL This Period (last page this line only) .....

EXHIBIT YY

2404357052 2

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
9/28	Service Mortgage Co. P. O. Box C-19560 Irvine, CA 92713		500.00		500.00
9/8	Service Packaging Corp P. O. Box 17714 Honolulu, Hawaii 96817		250.00		250.00
8/20	Servco Pacific, Inc. 1610 Hart Street Honolulu, Hawaii 96817		250.00		250.00
10/5	SEXTON, D. S. 1094 Kaoopulu Place Honolulu, Hawaii 96825		250.00		250.00
8/27	SHAH, Khaliq N. 1585 Kapiolani Blvd., No. 818 Honolulu, Hawaii 96814		2000.00		2000.00
7/28	SHELDON, Henry K. 1521 Alexander Street #902 Honolulu, Hawaii 96822		250.00		250.00
9/4	SHIGEMURA, Stanley J. 1251 So. King Street, Suite C Honolulu, Hawaii 96814		1000.00		1000.00
9/4	Shigemura, Tsumoto, Lau & Associates, Inc. 1251 So. King Street, Suite C Honolulu, Hawaii 96814		2000.00		2000.00
9/25	SHIGEOKA, K. O. 1520 Ahuawa Loop Honolulu, Hawaii 96816		200.00		200.00
8/20	SHIM, Alvin 333 Queen Street, Suite 900 Honolulu, Hawaii 96813		500.00		500.00
9/4	SHIM, Wallace K. K. 1840 Paula Drive Honolulu, Hawaii 96816		300.00		300.00
			TOTAL COLUMN 1:	TOTAL COLUMN 2:	NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED.

1. SUBTOTAL of Contributions Over $100 This Page ..... _____

2. TOTAL This Period (last page this line only) ..... _____

EXHIBIT ZZ

2404335705523

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCCUPATION / IF A MINOR ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION / DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
9/8	SOAVE, Kenneth J., D.P.M. 1188 Bishop Street, Suite 1807 Honolulu, Hawaii 96813		2000.00		2000.00
8/25	SOHODA, Eugene 45-087 Waiape Place KANEOHE, Hawaii 96744		250.00		250.00
9/8	Sony Hawaii Co. 550 Hapunapuna Street Honolulu, Hawaii 96819		500.00		500.00
8/25	South Pacific Ocean Treasures 49-132 Kam Hwy Kaneohe, Hawaii 96744		1000.00		1000.00
9/8	SOWDEN, C. Kenneth 1122 Kaumailuna Place Honolulu, Hawaii 96817		2000.00		2000.00
8/31	Spaghetti! Spaghetti! 2201 Kalakaua Avenue, No. A-313 Honolulu, Hawaii 96815		250.00		250.00
8/14	SPARES, Jesse O. P. O. Box 776 Aiea, Hawaii 96701-0776		250.00		250.00
8/14	SPENCER, William F. 270 Iliheo Street Kailua, Hawaii 96734		500.00		500.00
8/27	SPENSER, Ross 555 Mahaione Street Honolulu, Hawaii 96825		500.00		500.00
9/8	Springs, Inc. 2875 Ualena Street Honolulu, Hawaii 96819		300.00		300.00
8/20	Standard Electric, Inc. 2929 Ualena Street Honolulu, Hawaii 96819		250.00		250.00
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page ..... _____
2. TOTAL This Period (last page this line only) ..... _____

EXHIBIT AL

> 940435705524

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
8/31	T. Tida Contracting Ltd. P. O. Box 1 Kaneohe, Hawaii 96744		250.00		250.00
9/28	TKJ & L Inc. 700 Bishop Street, 15th Floor Honolulu, Hawaii 96813-4187		2000.00		2000.00
8/27	TRB Hawaii Ltd. 1001 Bishop Street, Suite 1110 Honolulu, Hawaii 96813		500.00		500.00
8/25	TW Electrical Service, Inc. 870 Leighton Street Honolulu, Hawaii 96821		250.00		250.00
9/25	TAGUCHI, Ben 2925 Ala Oloa Place Honolulu, Hawaii 96818		500.00		500.00
9/28	Tai Hing Co., Inc. P. O. Box 1736 Honolulu, Hawaii 96806		500.00		500.00
9/4	Taiyo Hawaii Co., Ltd. 1001 Bishop Street, Suite 1140 Honolulu, Hawaii 96813		250.00		250.00
8/20	TAKABAYASHI, William K. 2555 Ferdinand Avenue Honolulu, Hawaii 96822		250.00		250.00
8/14	TAKAGAKI, Kiyoshi J. 726 15th Avenue Honolulu, Hawaii 96816		500.00		500.00
8/12	TAKAHASHI, G. 1320 Mahiole Street Honolulu, Hawaii 96819		250.00		250.00
9/28	TAKAHASHI, Grace K. 95-774 Lanipaa Street Mililani, Hawaii 96789		250.00		250.00
			TOTAL COLUMN 1:	TOTAL COLUMN 2:	NOTE IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page .....

2. TOTAL This Period (last page this line only) .....

EXHIBIT A2

2404357052 5

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
8/27	THONG, Kenneth L. 3282 Ala Laulani Street Honolulu, Hawaii 96818		500.00		500.00
8/25	TJAN, Non G. 2505 Halekoa Drive Honolulu, Hawaii 96821		2000.00		2000.00
8/12	TOBA, Bert R. 628 Liholiho Street Wailuku, Maui 96793		250.00		250.00
8/27	TOBA, Margaret 628 Liholiho Street Wailuku, Maui 96793		250.00		250.00
8/25	TOBIAS, Stan P. O. Box 4273 Honolulu, Hawaii 96813		250.00		250.00
9/4	Tobishima Pacific, Inc. 1001 Bishop Street, Suite 1140 Honolulu, Hawaii 96813		250.00		250.00
8/26	Toft Moss Farrow Associates 1164 Bishop Street, Suite 1614 Honolulu, Hawaii 96813		500.00		500.00
8/20	TOKUHARA, Geraldine E. 1139 Kaweloka Street Pearl City, Hawaii 96782		1000.00		1000.00
10/19	Tokunaga Masonry, Inc. 1024 Kikowaena Place Honolulu, Hawaii 96819		250.00		250.00
8/10	TOKUNO, Gerald M. 99-165 Moanalua Road, Suite 307 Aiea, Hawaii 96701		250.00		250.00
9/8	Toledo Associates P. O. Box 17948 Honolulu, Hawaii 96817		250.00		250.00
			TOTAL COLUMN 1:	TOTAL COLUMN 2:	NOTE IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED.

1. SUBTOTAL of Contributions Over $100 This Page .....

2. TOTAL This Period (last page this line only) .....

EXHIBIT A3

2404357052 6

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
8/26	U-Me Enterprises, Inc. 1833 Kalakaua Avenue, Suite 708 Honolulu, Hawaii 96815		500.00		500.00
8/25	United Truck Rental & Equipment Leasing, Inc. 234 Beach Walk Honolulu, Hawaii 96815		500.00		500.00
7/28	Universal Express Co. (Hawaii), Ltd. 2586 Kalakaua Avenue Honolulu, Hawaii 96815		500.00		500.00
9/4	UNO, Joseph Paul 47-567 Hakuhale Street Kaneohe, Hawaii 96744		750.00		750.00
8/10	Upholsterers, Inc. 524 Kamani Street Honolulu, Hawaii 96813		250.00		250.00
8/11	Urban Engineering Consultants, Inc. 1350 So. King Street, No. 214 Honolulu, Hawaii 96814		2000.00		2000.00
8/27	USHIJIMA, Charles T. 1514 Young Street #202 Honolulu, Hawaii 96826		500.00		500.00
8/20	Utility Graphics Consultants, Corp 6200 So. Syracuse Way, Suite 225 Englewood, CO 80111		250.00		250.00
8/11	UYETAKE, Thomas 1150 So. King Street, Suite 1200 Honolulu, Hawaii 96814		250.00		250.00
			TOTAL COLUMN 1:	TOTAL COLUMN 2:	NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page .....

2. TOTAL This Period (last page this line only) .....

EXHIBIT 44

7404357052 7

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
8/20	YAMA, Roy T. 3483 Ala Ilima Street Honolulu, Hawaii 96818		1000.00		1000.00
8/20	YAMA, Sally Y. 3483 Ala Ilima Street Honolulu, Hawaii 96818		1000.00		1000.00
9/30	YAMAGUCHI, Isamu ECC Foreign Language Institute		2000.00		2000.00
9/30	YAMAGUCHI, Katsumi ECC Nagoya Foreign Language Institute		2000.00		2000.00
8/25	YAMAGUCHI, Michael S. 47-443 Aialii Place Kaneohe, Hawaii 96744		1500.00		1500.00
8/27	YAMAKI, Berlyn F. 1755 Hoolkaika Place Pearl City, Hawaii 96782		250.00		250.00
10/19	YAMAMOTO, Bert A. 1687 Pensacola Street, No. 802 Honolulu, Hawaii 96822		750.00		750.00
8/12	YAMAMOTO, David M. 98-1698 Kapaki Street Aiea, Hawaii 96701		250.00		250.00
8/31	YAMAMOTO, Elmer c/o Central Pacific Bank		2000.00		2000.00
8/27	YAMAMOTO, Helena 98-1698 Kapaki Street Aiea, Hawaii 96701		250.00		250.00
9/4	YAMAMOTO, Jean E. 3240 Ala Laulani Street Honolulu, Hawaii 96818		948.00		948.00
			TOTAL COLUMN 1:	TOTAL COLUMN 2:	NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page .....
2. TOTAL This Period (last page this line only) .....

EXHIBIT A5

>24043570528

STATE OF HA[illegible]
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCCUPATION / IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION / DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
9/4	YAMAMOTO, Rodney 2241 Aha Niu Place Honolulu, Hawaii 96821		1000.00		1000.00
8/20	YAMASAKI, Hazel 511 Kekupua Street Honolulu, Hawaii 96825		500.00		500.00
8/26	YAMASAKI, Momoru c/o Honbushin Mission Int'l 95-030 Waihonu Street Mahlawa, Hawaii 96786		250.00		250.00
9/28	YAP, Carol 1150 Davenport Street Honolulu, Hawaii 96822		250.00		250.00
8/25	YAP, Gim San 1088 Bishop Street, Suite 1123 Honolulu, Hawaii 96813		2000.00		2000.00
9/28	YAP Raymond C., Dr. 1150 Davenport Street Honolulu, Hawaii 96822		250.00		250.00
8/27	YASUDA, George 47-266-B Hui Iwa Street Kaneohe, Hawaii 96744		500.00		500.00
8/31	YASUDA, Tetsuo c/o Central Pacific Bank		2000.00		2000.00
8/31	YASUDA, Yasuo c/o Central Pacific Bank		2000.00		2000.00
9/4	YASUE, Allan T. 2500 Pacific Tower, Bishop Square Honolulu, Hawaii 96813		200.00		200.00
8/11	YASUMOTO, Stanley T. 5302 Halu Place Honolulu, Hawaii 96816		2000.00		2000.00
			TOTAL COLUMN 1:	TOTAL COLUMN 2:	NOTE: IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page .....

2. TOTAL This Period (last page this line only) .....

EXHIBIT 4b

?40435705529

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
8/31	Yokohama Okadaya (Hawaii) Corp. P. O. Box 88124 Honolulu, Hawaii 96815		500.00		500.00
9/4	YOKOOJI, Iwao 41-745 Kaulukanui Street Waimanalo, Hawaii 96795		2000.00		2000.00
8/29	YOKOOJI, Iwao, Mrs. 41-745 Kaulukanui Street Waimanalo, Hawaii96795			200.00 Flowers	200.00
8/14	YOKOTA, Clarice A. 3238-A Brokaw Street Honolulu, Hawaii 96815		500.00		500.00
9/4	YOKOYAMA, Gary M. 500 University Avenue, Apt. 317 Honolulu, Hawaii 96826		450.00		450.00
9/25	YONAMINE, Tozen 383 Halaki Street Honolulu, Hawaii 96821		1500.00		1500.00
8/31	YOSHIDA, Seinosuke c/o Central Pacific Bank		2000.00		2000.00
12/1	YOSHINATSU, Lloyd T. 1524 Pensacola Street, No. 112 Honolulu, Hawaii 96822		250.00		250.00
8/14	YOSHIMURA, Dana 1441 Pikoi Street #603 Honolulu, Hawaii 96822		500.00		500.00
8/14	YOSHIMURA, George S. 5017 Kilauea Avenue Honolulu, Hawaii 96816		500.00		500.00
12/31	YOSHIZAKI, Harold I. 45-458 Puahuula Place Kaneohe, Hawaii 96744		2000.00		2000.00
			TOTAL COLUMN 1:	TOTAL COLUMN 2:	NOTE: IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page .....

2. TOTAL This Period (last page this line only) .....

EXHIBIT A7

>2404357050<

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
FRIENDS FOR FASI

DATE RECEIVED 1987	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTAL FROM DONOR
8/24	Liu Construction Inc 416 Sand Island Parkway Road Honolulu 96819		250		250
10/15	Loang City Circle of Hawaii 1137 River St Honolulu 96817		250		250
8/24	LOCKARD, Phyllis G. 94-279 Makapipi St #C 119 Mililani 96789		500		500
8/29	LOGAN, Roland & Cherlyn 55-160 Naupaka St Laie 96762			480 Shrimps	480
8/17	Lone Star Hawaii Properties Inc 220 So. King St Suite 1700 Honolulu 96813		1,000		1,000
9/4	LONG, Jeffrey T. 81 So. Hotel St Suite 212 Honolulu 96813		250		250
8/4	Long & Melone Ltd 333 Queen St Suite 500 Honolulu 96813		2,000		2,000
8/4	Long & Melone Escrow Ltd 333 Queen St Suite 501 Honolulu 96813		2,000		2,000
9/4	Longevity International Enterprises Corp 100 No. Beretania St Suite 304 Honolulu 96817 521-4434		250		250
8/4	LOOMIS, Jim 212 Kaha St Kailua 96734		500		500
10/5	LOUI, Steven P. O. Box 29816 Honolulu 96820		500		500
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

SUBTOTAL of Contributions Over $100 This Page .....

TOTAL This Period (last page this line only) .....

EXHIBIT 48

?40435705531

9 4 0 4 3 5 7 0 5 3 2

Golf firm gave Fasi $22,000

Mayor says foreign donations returned

By James Dooley

Mayor Frank Fasi said last night that his campaign organization last year returned all political donations received from foreign nationals, because he believes such donations violate federal law.

Fasi, however, was not alone in receiving contributions from foreign nationals. Many local candidates report receiving money from foreign individuals or corporations, and state campaign spending officials have advised them it is legal.

There is a federal law prohibiting foreign contributions to candidates for Congress and president, however.

Fasi said from his home last night that he didn't know how much money was received and refunded to foreign nationals. "It wasn't very much. Foreign nationals don't like me too much," he said.

The refund included at least $22,000 in corporate and personal funds donated to Fasi's campaign last year by the Japan-based developers of an embattled 36-hole golf course project in Maunawili Valley, Fasi said. It is unclear [illegible]

Fasi revealed the campaign money refund when contacted by The Advertiser about the donation from Royal Hawaiian Country Club developer Yasuda and various Yasuda associates [illegible]

Fasi said he read last year about a federal law that forbids U.S. election campaign contributions by foreign nationals.

"I asked our lawyers to check it out, and they did and said it applied to us," Fasi said.

"We gave back whatever we got last year," Fasi said.

"We don't accept money now from foreign nationals. We tell them we can't accept it," Fasi said. [illegible]

Fasi said he feels the law applies to other state and local elections here. But he said he's unaware of other Hawaii politicians who refuse to accept campaign money from non-citizens.

He suggested The Advertiser research the campaign spending records of Gov. John Waihee to determine how much money his campaign took in from foreign-[illegible]

A brief review of Waihee's campaign reports yesterday, limited to donations from Yasuda and his associates during the past two years, showed the governor received $1,000 each from Yasuda and two Yasuda executives in 1987.

Waihee press secretary Carolyn Tanaka said last night she was unaware of any questions being raised about the legality of foreign contributions to Hawaii political campaigns. Waihee campaign organization officials were unavailable for comment last night.

Fasi said the money contributed to his campaign from the Yasuda group "was not solicited by us. One of the people said he could raise some money and later he came in with some cashier's checks. We gave it all back later."

Yasuda, head of the Japan-based firms that are building the Royal Hawaiian Country Club in Maunawili last year also hired Fasi's personal law firm, Hong Twigg and Rutherford, to represent Yasuda and his companies. But the move was unrelated to the city's processing of the golf course project, paperwork, attorney Donald Hong said yesterday.

For the past year, Fasi has been sharply critical of Japanese-backed golf course projects on Oahu agricultural land, and he recently proposed a 15-month moratorium on such development.

Although the Maunawili project involves agricultural land, it received a city conditional use permit to proceed with development in June 1988, well before Fasi first expressed concerns about such projects.

And because the permit has already been granted, the project would not be affected by the mayor's proposed moratorium, according to John Whalen, director of the city Department of Land Utilization. Fasi's moratorium proposal is now in the hands of the City Council.

Three of the 30 pending golf projects on Oahu already have their permits and would be unaffected by the moratorium, said Whalen.

Although Fasi has castigated Japanese developers who want to build golf courses on agricultural land, he has been outspoken in his support of Yasuda's plans, despite considerable community opposition to the 450-acre project.

Last June, Fasi announced Yasuda's offer to pay $4.3 million for flood control improvements in the Maunawili area, an offer denounced by some com-

See Mayor, Page A-4

Map shows the location of the proposed 36-hole golf club in Maunawili Valley.

Advertiser 1/22/89

EXHIBIT

'Gift' stirs new criticism in Maunawili

☐ A developer has offered $4.5 million for flood control works in Maunawili

By Lucy Young
Star-Bulletin

Star Bulletin 6/25/88

The developer of a controversial Maunawili golf course project is trying to quell the heat from neighbors by promising $4.9 million for flood control improvements and community park facilities.

Mayor Frank Fasi announced yesterday that Royal Hawaiian Country Club, "which is not obligated to spend a nickel," will make improvements to Palapu, Omao and Maunawili streams near Maunawili Estates.

That announcement, however, stirred mixed reactions from some key critics of the twin 18-hole golf course complex, who questioned the coincidence of the "donation" and a recently approved access road grading permit. For opponents, that go-ahead is a significant first step for the project.

"It appears very clear that Hawaii is for sale to foreign investors," charged Maunawili resident Tony Locricchio, a staunch opponent of the project. "It's just a question of the price tag."

"This is the worst precedent that's ever been established," he said. "If a project poses a public health danger, and if a developer is able to give $5 million, the city ignores the public health dangers."

Late yesterday, an angry Fasi responded by calling such charges "unbelievable," and saying, "I'm surprised by the reaction. I'm really surprised."

"He's not buying anything," Fasi said of Royal Hawaiian financier Yasuo Yasuda. "He has to abide by the law and ordinances. And he has every right under the present law to proceed with the project."

Locricchio said the public health danger to Maunawili Estates residents posed by damaged stream beds is just part of the problem. He also is worried that project construction will dump silt into Kawainui Marsh and increase the potential of flooding in Coconut Grove, which was devastated by the New Year's storm.

Locricchio maintains that those impacts have not been adequately addressed, but project consultant Community Planning Inc. said they are being resolved by measures, such as catchment basins and ponding areas.

See 'GIFT', Page A-4

2404357053 3

'GIFT': Golf courses still are criticized

Continued from Page A-1

"It's very generous of the developer to offer the funds to improve flood controls," said Simone Flair, co-president of the Maunawili Estates Community Association. "It's apparently something the city feels needs to be done, but doesn't have the funds to do."

"If it gets done, it's a good thing, if there are no strings attached," she said.

In a Thursday night meeting with Fasi and the developer's local attorneys, association board members were reassured that the $5 million comes with no strings attached, Flair said.

Fasi said he met with Yasuda this week while the Japanese businessman was in town, and managed to secure the commitment.

The developer had asked Fasi how he could help the community and be a good neighbor in light of the opposition, the mayor said. "He doesn't like the idea of being an enemy."

When Fasi mentioned the flood control and park improvements, the developer agreed to help even though "he doesn't have to do it," Royal Hawaiian will assume all engineering, survey, legal, accounting and construction costs of the stream improvements. And if the city is successful in obtaining federal funds for such improvements, the extra money would go into other Maunawili projects such as relocation assistance and park improvements on a 6-acre parcel donated to the city, Fasi said.

(A Congressional committee has until month's end to take up a request for some $3 million in flood aid for Maunawili.)

Another agreement Fasi apparently secured from the developer was a 20-year covenant which restricts development of the site to golf course use, with the exception of a 60-acre parcel which will remain agricultural.

Residents will get briefing on project

Maunawili residents will get a chance to discuss Royal Hawaiian Country Club's $5 million pledge for flood control and other improvements in a 7 p.m. meeting Tuesday at Maunawili Elementary School.

Mayor Frank Fasi, who will attend, said yesterday he will recommend to the City Council that the developer's "gift" be accepted.

EXHIBIT 2

9 4 0 4 3 5 7 0 5 3 4

Sun Press 6/30-7/6/88

"Mr. Mayor, I'm saying that you are lying to these people."

—Tony Lootsatsie

"If I can get that money back, I'm going to go for it."

—Mayor Fasi

Golf course offer nixed

But Fasi still hopes to secure cash donation

By SUE DEKOK
News Editor

MAUNAWILI

Mayor Frank Fasi told Maunawilians this week that he's not yet ready to give up on his push for a goodwill grant from the developer of a controversial golf course project — despite that developer's formal withdrawal of the offer.

Royal Hawaiian Country Club Inc. developer Yasuo Yasuda sent a letter to Fasi on Tuesday, cancelling his offer of $4.9 million to repair Maunawili's flood-damaged streams.

Less than two hours after the letter arrived, the mayor was announcing Yasuda's decision to about 100 Maunawili residents.

In the letter, Yasuda said that he is "extremely distressed" with the adverse publicity surrounding his offer of assistance.

"It hurts me deeply and personally that statements have been published which create the impression of wrongdoing on my part when none, in fact, exist," he wrote.

Newspaper coverage of the offer "has given a sinister appearance to a simple gesture of goodwill," the letter explained.

He cited articles in the Sun Press as well as treatment of the matter by both Honolulu daily newspapers as examples of adverse publicity.

Yasuda said he was persuaded by Fasi to donate the money because the mayor had convinced him that people would acknowledge the gesture as a demonstration of friendship, concern for their welfare.

"Unfortunately, such has been the case," he wrote.

Fasi defended his position in the matter saying that it is common practice for the city and state to "exact something" in return for government approval for development projects.

There was no pay-off, he said, no "quid pro quo."

"The man genuinely wanted to be a good neighbor. [illegible]

Sun C[illegible]

EXHIBIT 13

9 4 0 4 3 5 7 0 5 3 5

Maunawili builder withdraws donation offer

OFFER from A-1

what he could do. I told him. And that was it."

Moreover, Fasi said, he has no intention of dropping the issue.

"The man is going to build his golf course," the mayor said, "and if I can get that money back, I'm going to go for it."

Fasi said he will prevail upon a non-partisan group to survey Maunawili Valley residents to accurately assess the sentiments of the community concerning the two 18-hole golf courses, which were approved for construction in 1986 by the city Department of Land Utilization.

When asked the purpose for the survey, Fasi said it may help him convince Yasuda to reinstate his offer.

Tony Locricchio, a Maunawili attorney who has been an outspoken critic of the golf courses, challenged Fasi's no-strings-attached stream.

"Mr. Mayor, I'm saying that you are lying to these people," Locricchio said.

He said that in an earlier phone conversation Fasi told him that he hoped to silence opposition to the project by securing the donation.

The mayor hotly denied Locricchio's charges and added that he had asked the attorney to keep the conversation confidential. (Locricchio reported his phone conversation with the mayor to the Sun Press early in June. That report, along with comments from Fasi, was published in the June 9 issue of the paper.)

Locricchio also challenged Fasi's motives for initiating negotiations with Yasuda when the mayor knew that federal money was likely to be available for stream repairs.

"We could have had $7 million," Fasi replied.

The mayor suggested that Locricchio's motives might be influenced by the fact that he is representing a client who was relocated from the valley to make way for the golf course.

Locricchio acknowledged that he had filed a lawsuit against the golf course developer in Circuit Court last Friday on behalf of Leonard Wong, a former Maunawili Valley rancher. Wong's breeding bull was "shot and killed" during the relocation, Locricchio said.

Many of the people who spoke out at the meeting were more sympathetic to the developer and a number indicated their support for the golf course.

"I would rather see a golf course behind my lot then a bunch of houses," one man said.

Another man told Fasi that he expects a survey will show a surprising number of residents in favor of the project.

Concerns such as an intersection leading to the golf courses, jurisdiction of Old Government Road (which runs through the project), and a lighted driving range were raised. Some people thought a lot could be done to quell opposition if Yasuda would agree to meet with the residents.

"I think it would be very beneficial for the community to come face-to-face with Mr. Yasuda," one man said.

Fasi said he would pass the man's suggestion along. But, he added, "Yasuda is the most shy, most retiring man I've ever met, and he doesn't speak English."

The mayor told the Sun Press following the meeting that Yasuda had been in Honolulu this week but he believed he'd left town.

In his letter to Fasi, Yasuda said that though he has withdrawn his offer of assistance, he will seek some "alternative methods" to demonstrate his "friendship and affection" for the people of Honolulu. At the same time, he added, he will continue to develop his golf course.

9404357053 6

Star Bulletin 6/21/88

Tempers flare at hearing on golf courses

☐ Developer pulls back $4.9 million gift for flood control work at Maunawili

By David Ochiro
Star-Bulletin

Charges and countercharges flew between Mayor Frank Fasi and an opponent of a controversial golf course project during a Maunawili community meeting last night.

Fasi dropped a bombshell at the meeting by reading a four-page letter from Japanese developer Yasuo Yasuda withdrawing an offer of a $4.9 million donation to make flood-control improvements [illegible] Kailapu, Omao and Maunawili streams.

A Maunawili resident [illegible] Fasi told him that Yasuda would donate funds toward flood-control improvements if residents dropped their opposition to the project.

Locricchio [illegible] the mayor of bring to the crowd of about 125 people gathered at Maunawili Elementary School. Fasi followed by repeatedly declaring [illegible] cchio, "You are not telling the [illegible] saying the developer's offer [illegible] is without strings attached.

Yasuda is the chairman of the board of directors of Royal Hawaiian Country Club Inc., the developer of the proposed golf course.

Yasuda's letter discussed community relations problems between his development group and Maunawili residents.

The letter went on to complain about adverse publicity and local newspaper stories that had given a "sinister appearance" to Yasuda's offer.

Mayor Frank Fasi

"Under the circumstances, I wish to be relieved of my offer of assistance and I will seek some alternative methods to demonstrate my friendship and affection for the people of Hoolaulea while continuing our effort to develop the golf courses in accordance with law," Yasuda's letter said.

Yasuda made the offer because he wanted to be a good neighbor, Fasi said.

"He wanted to help you," Fasi told the gathering. "Instead, he got kicked in the rear end."

Yasuda, at the urging of Mayor Frank Fasi, had offered to spend $4.9 million on flood-control improvements and community park improvements.

According to Locricchio, Fasi's announcement last week of Yasuda's $4.9 million offer jeopardized $2 million in federal flood-control funds.

Locricchio said the announcement might cause the federal government to withdraw the funds, leaving the community with no alternative than to accept the developer's offer.

Fasi listened, and then asked Locricchio if he represented the people at the meeting.

Most of the crowd responded with shouts of "No!"

Fasi then asked Locricchio repeatedly if he had a conflict of interest in the case.

Locricchio told the audience that he was representing rancher Leonard Wong in a lawsuit against Yasuda. The suit, filed last Friday, seeks damages from Yasuda, Royal Hawaiian Country Club Inc. and others after the rancher was allegedly driven off his property by [illegible] Locricchio described as [illegible]

Opinions on Yasuda's proposed project seemed to be split. Some people voiced opposition, while others said they preferred to live next to a golf course rather than a residential development.

Fasi claimed that he had secured a 50-year covenant from Yasuda restricting development of the Maunawili project site to golf course use.

Vicki Creed, president of the Maunawili Community Association, told the Star-Bulletin last night that a survey taken about two years ago showed that about 85 percent of her group's members were against the golf course.

A survey taken at the same time among members of the nearby Maunawili Estates Community Association showed that opinion was about evenly divided, Creed said.

Creed said in a written statement, "There is nothing for the Community to accept or reject. The 'deal' has already been signed, sealed and delivered...To ask the community to sanction these negotiations would be an insult to their good sense.

"We neither accept nor reject this 'gift'," Creed said.

But "since the permit appears already to have been paid for, it would be a shame not to accept the money," Creed concluded.

The city Department of Land Utilization approved preliminary plans for the golf course project on June 13 but attached 21 conditions that the developer must meet each time it applies for city permits.

DLU Director John Whalen told the audience at last night's meeting that an incremental review of grading permits at different stages of the project was one of the conditions for the project.

Whalen said that the DLU's recent approval of an access road grading permit didn't imply an OK for the golf course grading plans.

EXHIBIT 4

MUR 2892

OGC 2891

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

89 MAY 30 AM 10:38

George F. Rishel
Federal Election Commission
999 E. St. N. W.
Washington, D. C.
20463

May 23, 1989

COMPLIANCE
89 MAY 30 PM 1:52

Dear Mr. Rishel,

Thank you very much for the letter to Mr. Anthony Locricchio regarding his May 3, 1989 letter of Complaint re foreign contributions to Mayor Frank Fasi of Honolulu, Hawaii saying it was improperly notorized.

I was the Notary of the letter of Complaint and do swear that the parties all swore to and subscribe to the letter as true to the best of their knowledge.

The parties to the letter are Anthony P. Locricchio, Maunawili Community Association by it's President Victoria S. Creed, Karin L. Kosoc, Victoria S. Creed, Donna Wong.

Thank you very much for your help in this matter.

Sincerely,

Barbara Locricchio

Barbara Locricchio
Notary Public, State of Hawaii

2404357053537

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20461

June 12, 1989

Anthony P. Locricchio, Esquire
903 Maunawili Circle
Kailua, HI 96734

RE: MUR 2892

Dear Mr. Locricchio:

This letter acknowledges receipt on May 30, 1989, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by the Frank Fasi Mayoral Campaign, Friends Of Frank Fasi, and et al. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints. If you have any questions, please contact Retha Dixon, Docket Chief, at (202) 376-3110.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosure
Procedures

2404357053 8

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Minami Group (USA), Inc.
c/o Fujiyama, Duffy & Fujiyama
1001 Bishop Street
Honolulu, HI 96813

Re: MUR 2892
Minami Group (USA), Inc.

Gentlemen:

The Federal Election Commission received a complaint which alleges that Minami Group (USA), Inc. may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Minami Group (USA), Inc. in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

9404357053539

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570540

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Gee PAC
1199 Dillingham Blvd.
Honlulu, HI 96817

RE: MUR 2892
Gee PAC

Gentlemen:

The Federal Election Commission received a complaint which alleges that Gee PAC may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Gee PAC in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

2404357054I

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570542

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Pacifico Creative Service
2270 Kalakaua Avenue
Suite 1610
Honolulu, HI 96815

RE: MUR 2892
Pacifico Creative
Service

Gentlemen:

The Federal Election Commission received a complaint which alleges that Pacifico Creative Service may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Pacifico Creative Service in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

2043570543

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570544

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Kintetsu International
Express
2270 Kalakaua Avenue
Suite 1402
Honolulu, HI 96815

RE: MUR 2892
Kintetsu International
Express

Gentlemen:

The Federal Election Commission received a complaint which alleges that Kintetsu International Express may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Kintetsu International Express in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

2404357054 5

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570546

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Japan Travel Bureau
International, Inc.
2270 Kalakaua Avenue
Honolulu, HI 96815

RE: MUR 2892
Japan Travel Bureau
International, Inc.

Gentlemen:

The Federal Election Commission received a complaint which alleges that Japan Travel Bureau International, Inc. may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Japan Travel Bureau International, Inc. in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

7404357054 7

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570548

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Hasegawa Komuten (Hawaii), Inc.
820 Mililani Street
Suite 820
Honolulu, HI 96813

RE: MUR 2892
Hasegawa Komuten
(Hawaii), Inc.

Gentlemen:

The Federal Election Commission received a complaint which alleges that Hasegawa Komuten (Hawaii), Inc. may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Hasegawa Komuten (Hawaii), Inc. in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

7404357054 9

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570550

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Hachidai USA, Inc.
dba Coconut Island
Properties
2408 Kaiomao Road
Honolulu, HI 96816

Re: MUR 2892
Hachidai USA, Inc.

Gentlemen:

The Federal Election Commission received a complaint which alleges that Hachidai USA, Inc. may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Hachidai USA, Inc. in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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2404357055

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

9404357055 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Mr. Michisaburo Hayashi
c/o Daiichi Real Estate
Co., Ltd.
2270 Kalakaua Avenue
#1405
Honolulu, HI 96815

RE: MUR 2892
Michisaburo Hayashi

Dear Mr. Hayashi:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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2043570553

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570554

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Mr. Yasuo Yasuda
c/o Central Pacific Bank
220 S. King Street
Honolulu, HI 96813

Re: MUR 2892
Yasuo Yasuda

Dear Mr. Yasuda:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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2043570555

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570556

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

June 6, 1989

Mr. Seinosuke Yoshida
c/o Central Pacific Bank
220 S. King Street
Honolulu, HI 96813

Re: MUR 2892
Seinosuka Yoshida

Dear Mr. Yoshida:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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2404357055

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

7404357055 8

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Mr. Tetsuo Yasuda
c/o Central Pacific Bank
220 S. King Street
Honolulu, HI 96813

Re: MUR 2892
Tetsuo Yasuda

Dear Mr. Yasuda:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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2043570559

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570560

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Saab-Scania of America, Inc.
Saab Drive
Orange, CT 06477

Re: MUR 2892
Saab-Scania of America, Inc.

Gentlemen:

The Federal Election Commission received a complaint which alleges that Saab-Scania of America, Inc. may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Saab-Scania of America, Inc. in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

2040435705061

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570562

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Mr. Eisan Yamamoto
c/o Central Pacific Bank
220 S. King Street
Honolulu, HI 96813

Re: MUR 2892
Eisan Yamamoto

Dear Mr. Yamamoto:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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2404357056 3

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570564

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

June 6, 1989

S.I.U. of N.A.
5201 Auth Way
Camp Springs, MD 20746

RE: MUR 2892
S.I.U. of N.A.

Gentlemen:

The Federal Election Commission received a complaint which alleges that S.I.U. of N.A. may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against S.I.U. of N.A. in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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2043570565

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

7404357056 6

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Mr. Hiroshie Kobayashi
c/o Central Pacific Bank
220 S. King Street
Honolulu, HI 96813

Re: MUR 2892
Hiroshie Kobayashi

Dear Mr. Kobayashi:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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2043570567

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570568

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Mr. Masanori Kobayashi
c/o Central Pacific Bank
220 S. King Street
Honolulu, HI 96813

Re: MUR 2892
Masanori Kobayashi

Dear Mr. Kobayashi:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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7404357056 9

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

7404357050

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Mr. Itsuo Koshiba
c/o Central Pacific Bank
220 S. King Street
Honolulu, HI 96813

Re: MUR 2892
Itsuo Koshiba

Dear Mr. Koshiba:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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2404357057/1

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570572

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Mr. Shoichi Kaneda
c/o Central Pacific Bank
220 S. King Street
Honolulu, HI 96813

Re: MUR 2892
Shoichi Kaneda

Dear Mr. Kaneda:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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2404357057 3

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

2404357054

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Mr. Hiroaki Fushimi
c/o Central Pacific Bank
220 S. King Street
Honolulu, HI 96813

Re: MUR 2892
Hiroaki Fushimi

Dear Mr. Fushimi:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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2404357055

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570516

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Mr. Yoshinori "Ken" Hayashida
c/o Central Pacific Bank
220 S. King Street
Honolulu, HI 96813

Re: MUR 2892
Yoshinori "Ken"
Hayashida

Dear Mr. Hayashida:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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9404357057

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570578

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

June 6, 1989

Mr. Hirofumi Ohnishi
ECC Naaba Foreign
Language Institute
c/o Friends Of Frank Fasi
Chinese Cultural Plaza
Suite 203
Honolulu, HI 96801

RE: MUR 2892
Hirofumi Ohnishi

Dear Mr. Ohnishi:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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2404357057 9

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570530

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Mr. Eiji Sakemoto
ECC Junior Foreign
Language Institute
c/o Friends Of Frank Fasi
Chinese Cultural Plaza
Suite 203
Honolulu, HI 96801

RE: MUR 2892
Eiji Sakemoto

Dear Mr. Sakemoto:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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2043570581

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

9404357058 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Mr. Kenji Sakemoto
ECC Kansai Foreign
Language Institute
c/o Friends Of Frank Fasi
Chinese Cultural Plaza
Suite 203
Honolulu, HI 96801

RE: MUR 2892
Kenji Sakemoto

Dear Mr. Sakemoto:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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2404357058 3

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570584

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Queen Kapiolani Hotel
150 Kapahulu Avenue
Honolulu, HI 96815

RE: MUR 2892
Queen Kapiolani Hotel

Gentlemen:

The Federal Election Commission received a complaint which alleges that the Queen Kapiolani Hotel may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Queen Kapiolani Hotel in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

2043570535

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570536

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Pearl Country Club of
Hawaii
98-535 Kaonohi Street
Aiea, HI 96701

RE: MUR 2892
Pearl Country Club
of Hawaii

Gentlemen:

The Federal Election Commission received a complaint which alleges that the Pearl Country Club of Hawaii may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Pearl Country Club of Hawaii in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

7404357057

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

74043570538

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Plaza Hotel
PO Box 618-B
Honolulu, HI 96818

Re: MUR 2892
Plaza Hotel

Gentlemen:

The Federal Election Commission received a complaint which alleges that the Plaza Hotel may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Plaza Hotel in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

7404357058 9

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570590

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

June 6, 1989

Kauai Island Tours, Inc.
222 Kalakaua Avenue
#609
Honolulu, HI 96815

Re: MUR 2892
Kauai Island Tours, Inc.

Gentlemen:

The Federal Election Commission received a complaint which alleges that Kauai Island Tours, Inc. may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Kauai Island Tours, Inc. in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

7404357059 1

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570592

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Jet Hawaii, Inc.
2255 Kuhio Avenue
#1601
Honolulu, HI 96815

RE: MUR 2892
Jet Hawaii, Inc.

Gentlemen:

The Federal Election Commission received a complaint which alleges that Jet Hawaii, Inc. may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Jet Hawaii, Inc. in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

2043570593

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570594

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Mr. Katsumi Yamaguchi
ECC Nogoya Foreign
Language Institute
c/o Friends Of Frank Fasi
Chinese Cultural Plaza
Suite 203
Honolulu, HI 96801

RE: MUR 2892
Katsumi Yamaguchi

Dear Mr. Yamaguchi:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

7404357059595

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570596

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Central Pacific Bank
(CPB PAC-State)
220 S. King Street
Honolulu, HI 96813

Re: MUR 2892
Central Pacific
Bank

Gentlemen:

The Federal Election Commission received a complaint which alleges that Central Pacific Bank may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Central Pacific Bank in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

2404357059 7

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-3690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570598

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Ohbayashi Hawaii Corp.
1001 Bishop Street
#2680
Honolulu, HI 96813

Re: MUR 2892
Ohbayashi Hawaii Corp.

Gentlemen:

The Federal Election Commission received a complaint which alleges that the Ohbayashi Hawaii Corp. may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Ohbayashi Hawaii Corp. in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

2404357059 9

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-3690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570600

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Azuba Realty, Inc.
410 Atkinson Drive
Honolulu, HI 96814

RE: MUR 2892
Azuba Realty, Inc.

Gentlemen:

The Federal Election Commission received a complaint which alleges that Azuba Realty, Inc. may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Azuba Realty, Inc. in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

2404357060 01

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

74043570602

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

June 6, 1989

Coordination Council For
North American Affairs
2746 Pali Highway
Honolulu, HI 96817

Re: MUR 2892
Coordination Council
For North American
Affairs

Gentlemen:

The Federal Election Commission received a complaint which alleges that the Coordination Council For North American Affairs may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Coordination Council For North American Affairs in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

2404357060 3

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570604

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Daiei Hawaii Investaents, Inc.
801 Kaheka Street
Honolulu, HI 96814

Re: MUR 2892
Daiei Hawaii
Investaents, Inc.

Gentleaen:

The Federal Election Coaaission received a coaplaint which alleges that Daiei Hawaii Investaents, Inc. aay have violated the Federal Election Campaign Act of 1971, as aaended (the "Act"). A copy of the coaplaint is enclosed. We have nuabered this aatter MUR 2892. Please refer to this nuaber in all future correspondence.

Under the Act, you have the opportunity to deaonstrate in writing that no action should be taken against Daiei Hawaii Investaents, Inc. in this aatter. Please subait any factual or legal aaterials which you believe are relevant to the Coaaission's analysis of this aatter. Where appropriate, stateaents should be subaitted under oath. Your response, which should be addressed to the General Counsel's Office, aust be subaitted within 15 days of receipt of this letter. If no response is received within 15 days, the Coaaission aay take further action based on the available inforaation.

This aatter will reaain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Coaaission in writing that you wish the aatter to be aade public. If you intend to be represented by counsel in this aatter, please advise the Coaaission by completing the enclosed forn stating the naae, address, and telephone nuaber of such counsel, and authorizing such counsel to receive any notifications and other coaaunications froa the Coaaission.

2404357060 5

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570606

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

American Hawaii Cruises,
Inc.
550 Kearny Street
San Francisco, CA 94108

RE: MUR 2892
American Hawaii Cruises,
Inc.

Gentlemen:

The Federal Election Commission received a complaint which alleges that American Hawaii Cruises, Inc. may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against American Hawaii Cruises, Inc. in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

2404357060607

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570608

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Longevity International
Enterprises Corporation
100 N. Beretania Street
Suite 304
Honolulu, HI 96817

RE: MUR 2892
Longevity International
Enterprises Corporation

Gentlemen:

The Federal Election Commission received a complaint which alleges that the Longevity International Enterprises Corporation may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Longevity International Enterprises Corporation in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

7404357060609

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570610

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Universal Express Co. (Hawaii),
Ltd.
2586 Kalakaua Avenue
Honolulu, HI 96815

Re: MUR 2892
Universal Express Co.
(Hawaii), Ltd.

Gentlemen:

The Federal Election Commission received a complaint which alleges that the Universal Express Co. (Hawaii), Ltd. may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Universal Express Co. (Hawaii), Ltd. in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

2404357061 1

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570612

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Servco Pacific, Inc.
1610 Hart Street
Honolulu, HI 96817

RE: MUR 2892
Servco Pacific, Inc.

Gentlemen:

The Federal Election Commission received a complaint which alleges that Servco Pacific, Inc. may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Servco Pacific, Inc. in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

2404357061 3

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570614

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Mokuleia Land Company
68-540 Farrington Hwy.
Honolulu, HI 96791

Re: MUR 2892
Mokuleia Land Company

Gentlemen:

The Federal Election Commission received a complaint which alleges that the Mokuleia Land Company may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Mokuleia Land Company in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

2043570615

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

29043570616

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Sony Hawaii Company
960 Mapunapuna Street
Honolulu, HI 96819

RE: MUR 2892
Sony Hawaii Company

Gentlemen:

The Federal Election Commission received a complaint which alleges that the Sony Hawaii Company may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Sony Hawaii Company in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

2404357061 7

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570618

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Hawaii Sekitei Corporation
2470 Kalakaua Avenue
No. 3802
Honolulu, HI 96815

Re: MUR 2892
Hawaii Sekitei
Corporation

Gentlemen:

The Federal Election Commission received a complaint which alleges that the Hawaii Sekitei Corporation may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Hawaii Sekitei Corporation in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

2043570619

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

9404357062O

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

International Commercial
Bank of China
40 Wall Street
New York, NY 10005

RE: MUR 2892
International Commercial
Bank of China

Gentlemen:

The Federal Election Commission received a complaint which alleges that the International Commercial Bank of China may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the International Commercial Bank of China in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

7404357062 1

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

2404357062 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Royal Hawaiian Country
Club
581 Kamoku Street
Suite 2404
Honolulu, HI 96826

Re: MUR 2892
Royal Hawaiian Country
Club

Gentlemen:

The Federal Election Commission received a complaint which alleges that the Royal Hawaiian Country Club may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Royal Hawaiian Country Club in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

9404357062 3

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570624

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

June 6, 1989

Tobishima Pacific, Inc.
1001 Bishop Street
Suite 1140
Honolulu, HI 96813

Re: MUR 2892
Tobishima Pacific, Inc.

Gentlemen:

The Federal Election Commission received a complaint which alleges that Tobishima Pacific, Inc. may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Tobishima Pacific, Inc. in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

2404357062S

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570626

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Taiyo Hawaii Co., Ltd.
1001 Bishop Street
Suite 1140
Honolulu, HI 96813

Re: MUR 2892
Taiyo Hawaii Co., Ltd.

Gentlemen:

The Federal Election Commission received a complaint which alleges that the Taiyo Hawaii Co., Ltd. may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Taiyo Hawaii Co., Ltd. in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

2404357062 7

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

29043570628

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Otaka, Inc.
2571 Lemon Road
Honolulu, HI 96815

RE: MUR 2892
Otaka, Inc.

Gentlemen:

The Federal Election Commission received a complaint which alleges that Otaka, Inc. may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Otaka, Inc. in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

7404357062 9

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570630

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

ANA Hallo Tours (USA), Inc.
2255 Kuhio Avenue
Suite 1025
Honolulu, HI 96815

RE: MUR 2892
ANA Hallo Tours (USA), Inc.

Gentlemen:

The Federal Election Commission received a complaint which alleges that ANA Hallo Tours (USA), Inc. may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against ANA Hallo Tours (USA), Inc. in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

2404357063 1

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

7404357063 2

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

ANA Hotels Hawaii, Inc.
PO Box 896
Waianae, HI 96792

RE: MUR 2892
ANA Hotels Hawaii, Inc.

Gentlemen:

The Federal Election Commission received a complaint which alleges that ANA Hotels Hawaii, Inc. may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against ANA Hotels Hawaii, Inc. in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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7404357063 3

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570634

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Pan-Pacific Development, Inc.
1001 Bishop Street
#2350
Honolulu, HI 96813

Re: MUR 2892
Pan-Pacific
Development, Inc.

Gentlemen:

The Federal Election Commission received a complaint which alleges that Pan-Pacific Development, Inc. may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Pan-Pacific Development, Inc. in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

2040357063 5

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570636

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Pan-Pacific Construction, Inc.
1001 Bishop Street
#2350
Honolulu, HI 96813

Re: MUR 2892
Pan-Pacific
Construction, Inc.

Gentlemen:

The Federal Election Commission received a complaint which alleges that Pan-Pacific Construction, Inc. may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Pan-Pacific Construction, Inc. in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

2404357063 7

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570638

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Grosvenor International (Hawaii),
Ltd.
733 Bishop Street
Suite 1717
Honolulu, HI 96813

RE: MUR 2892
Grosvenor International
(Hawaii), Ltd.

Gentlemen:

The Federal Election Commission received a complaint which alleges that Grosvenor International (Hawaii), Ltd. may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Grosvenor International (Hawaii), Ltd. in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

7404357063 9

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570640

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

All Nippon Airways Co., Ltd.
2255 Kuhio Avenue
Suite 1005
Waikiki Trade Center
Honolulu, HI 96815

RE: MUR 2892
All Nippon Airways Co., Ltd.

Gentlemen:

The Federal Election Commission received a complaint which alleges that All Nippon Airways, Co., Ltd. may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against All Nippon Airways, Co., Ltd. in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

2043570641

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570642

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

June 6, 1989

Love's Bakery
PO Box 294
Honolulu, HI 96809

RE: MUR 2892
Love's Bakery

Gentlemen:

The Federal Election Commission received a complaint which alleges that Love's Bakery may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Love's Bakery in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

9404357064 3

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

> 24043570644

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Leyton House (Hawaii), Inc.
2255 Kuhio Avenue
Suite 1002
Honolulu, HI 96815

RE: MUR 2892
Leyton House (Hawaii), Inc.

Gentlemen:

The Federal Election Commission received a complaint which alleges that Leyton House (Hawaii), Inc. may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Leyton House (Hawaii), Inc. in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

2404357064 5

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570646

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Halekulani Corporation
700 Bishop Street
Suite 1115
Honolulu, HI 96813

RE: MUR 2892
Halekulani Corporation

Gentlemen:

The Federal Election Commission received a complaint which alleges that the Halekulani Corporation may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Halekulani Corporation in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

2043570647

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570648

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Y.Y. Valley Corporation
PO Box 1221
Honolulu, HI 96807

RE: MUR 2892
Y.Y. Valley Corporation

Gentlemen:

The Federal Election Commission received a complaint which alleges that the Y.Y. Valley Corporation may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Y.Y. Valley Corporation in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

2404357064 9

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570650

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

New Tokyo-Hawaii Restaurant
Co., Ltd.
286 Beach Walk
Honolulu, HI 96815

RE: MUR 2892
New Tokyo-Hawaii
Restaurant Co., Ltd.

Gentlemen:

The Federal Election Commission received a complaint which alleges that the New Tokyo-Hawaii Restaurant Co., Ltd. may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the New Tokyo-Hawaii Restaurant Co., Ltd. in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

7404357065 1

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570652

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Yokohama Okadaya (Hawaii)
Corp.
PO Box 88124
Honolulu, HI 96815

RE: MUR 2892
Yokohama Okadaya
(Hawaii) Corp.

Gentlemen:

The Federal Election Commission received a complaint which alleges that the Yokohama Okadaya (Hawaii) Corp. may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Yokohama Okadaya (Hawaii) Corp. in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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2404357065 3

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

9404357065 4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Frank Fasi Mayoral Campaign
c/o Friends Of Frank Fasi
Chinese Cultural Plaza
Suite 203
Honolulu, HI 96801

Re: MUR 2892
Frank Fasi Mayoral
Campaign

Gentlemen:

The Federal Election Commission received a complaint which alleges that the Frank Fasi Mayoral Campaign may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against the Frank Fasi Mayoral Campaign in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

2043570655

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

29043570656

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 6, 1989

Friends Of Frank Fasi
Chinese Cultural Plaza
Suite 203
Honolulu, HI 96801

Re: MUR 2892
Friends Of Frank Fasi

Gentlemen:

The Federal Election Commission received a complaint which alleges that Friends Of Frank Fasi may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 2892. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against Friends Of Frank Fasi in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with Section 437g(a)(4)(B) and Section 437g(a)(12)(A) of Title 2 unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address, and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

2404357065 7

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690. For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

By: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043570658

OGC 3110

GEM OF HAWAII, INC.

FEDERAL ELECTION COMMISSION
89 JUN 19 AM 10 25

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT
89 JUN 19 PM 2:51

June 14, 1989

Mr. Lawrence M. Noble
General Counsel
Federal Elections Commission
999 East Street N.W.
Washington, D.C. 20463

RE: MUR 2892
GEM of Hawaii PAC

Attention: Ms. Lois G. Lerner
Associate General Counsel

Dear Mr. Noble:

We have been advised by letter dated June 6, 1989 that the GEM Political Action Committee may have violated the Federal Election Campaign Act of 1971, as amended. This is in response to that transmittal.

In February of 1989, I placed a call to the Federal Elections Commission, and spoke with Patricia Klein, to inquire as to the legality of GEM PAC's contributions to candidates running for various offices in the State of Hawaii and the City and County of Honolulu. We were informed by Ms. Klein that political contributions by foreign nationals or corporations to any State, Local or Federal candidate or election is prohibited by Federal law. We were aware of this.

However, we were also informed that a corporation that is a wholly-owned subsidiary of a foreign parent and incorporated in the state in which the contribution is made may contribute to candidates for political office, as long as the monies do not originate from foreign accounts and the foreign principals do not make policy decisions as to whom the recipients should be.

The GEM PAC was formed by, and is comprised of, residents of the State of Hawaii; we are United States citizens. The names of the present PAC members are:

Edean S. Ring (Chair)
757 Kinalau Pl. #1003
Honolulu HI 96813 Born: Hawaii, USA

Roy Ishioka (Treasurer)
55 Judd St. #2010
Honolulu HI 96817 Born: Hawaii, USA

1199 Dillingham Boulevard • Honolulu, Hawaii 96817
EXECUTIVE OFFICE: (808) 841-6224 • ADMINISTRATION: (808) 847-1126 • Fax: (808) 845-7769

24043570659

Verna Maynard
251 Kuuhale St.
Kailua HI 96734 Born: Hawaii, USA

As its committee chair, and government affairs officer, I, with the consensus of the committee, decide on the direction of our contributions and in what amounts. I have no contacts with Japan on political matters, whether they be affiliations or contributions. I should also inform you that the GEM PAC funds are derived from local services. There is no involvement by our parent company in the day to day operations and administration of the GEM Department Stores.

With regard to Mr. Seinosuke Yoshida, we are bewildered by the references made in the complaint indicating that he is a majority stockholder of the GEM stores. He has never been associated with the GEM stores in the past, nor is he currently associated with the GEM stores in any capacity.

I am hoping that this information will help you and suffice in your investigation of this matter.

If you have any questions, I can be reached at (808) 841-6224.

Very truly yours,

Edean S Ring

Edean S. Ring
Chairperson
GEM PAC

ESR:rms

2043570660

06C3093

RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATION

89 JUN 16 AM 9:59

The
INTERNATIONAL
COMMERCIAL
BANK OF
CHINA

NEW YORK AGENCY

40 WALL STREET • NEW YORK, N.Y. 10005 U.S.A. • TEL: (212) 943-5000 • CABLE INTCOMBANK

June 13, 1989

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 JUN 16 PM 1:56

Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

Attn: Mr. Lois G. Lerner
Associate General Counsel

RE: MUR 2892

Gentlemen:

We are in receipt of your letter of June 6, in which you stated that a complaint has been filed with the Federal Election Commission alleging that we may have violated the Federal Election Campaign Act of 1971, as amended (the "Act").

As a matter of our policy, we do not make any political contribution to any individual of any political party at any government level. We are at a loss to understand how our name has appeared among the contributors who have contributed to the campaign fund of Frank Fasi, Mayor of Honolulu. We did not know who Frank Fasi was, much less made a campaign contribution to his cause. This is all the more true when we do not even do business in that part of the country.

We should therefore appreciate it, if you would kindly furnish us with some form of evidence of our alleged contribution, so that we may start an internal investigation of this matter.

Very truly yours,

L. C. Shu
Executive Vice President
& General Manager

LCS:ct

2404357066 1

MUR 3092

RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION

89 JUN 16 AM 9:56

Iwai, Motooka & Goto

ATTORNEYS AT LAW
A LAW CORPORATION
SUITE 602, HASEGAWA KOMUTEN BUILDING
820 MILILANI STREET
HONOLULU, HAWAII 96813

WILFRED K. IWAI
MILTON M. MOTOOKA
ARTHUR K. GOTO

AREA CODE 808
TELEPHONE 537-1935

June 13, 1989

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 JUN 16 PM 1:56

Federal Election Commission
999 E Street N.W.
Washington, D.C. 20463

Attn: Patty Reilly, Attorney-at-Law

Ladies and Gentlemen:

Re: MUR 2892 Hasegawa Komuten (Hawaii), Inc.
Request for Extension of Time to Answer Complaint

1. This office represents Hasegawa Komuten (Hawaii), Inc., now known as Haseko (Hawaii), Inc., a Hawaii corporation (hereinafter referred to as "Haseko Hawaii"), in the above-referenced matter. Our client's Statement of Designation of Counsel is enclosed.

2. Haseko Hawaii received your correspondence and a copy of the complaint on June 10, 1989 (Saturday). Monday, June 12, 1989 was a State holiday in Hawaii, and they referred the matter to this office today, June 13, 1989.

3. A request for an extension of time to answer the complaint on behalf of Haseko Hawaii from June 25, 1989 to July 5, 1989, a period of ten (10) calendar days, is hereby requested for the following reason.

a. Respondent's counsel was previously scheduled to depart on and is departing on a prior business trip to the Toronto, Canada area this date, June 13, 1989 through Sunday June 18, 1989. The purpose is to participate in depositions in an unrelated matter.

b. Counsel is unable to work on the instant case while on this trip, and thus will have to review, study, research and interview necessary personnel on counsel's return. Thereafter counsel will be able to respond.

9404357006662

Inui, Matsuoka & Goto
ATTORNEYS AT LAW
A LAW CORPORATION

c. This request is not made for purposes of delay.

4. Your favorable consideration would be appreciated.

Very truly yours,

Arthur K. Goto

ARTHUR K. GOTO

AKG:al
enc.
cc: Haseko (Hawaii), Inc.
6501C

9404357006 63

STATEMENT OF DESIGNATION OF COUNSEL

MDR 2892

NAME OF COUNSEL: Arthur K. Goto
Iwai, Motooka & Goto

ADDRESS: Suite 502, HK Building
820 Mililani Street
Honolulu, Hawaii 96813

TELEPHONE: (808) 537-1935

Fax: (808) 528-5813

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Haseko (Hawaii), Inc. fka Hasegawa Komuten (Hawaii), Inc., a Hawaii corp.

June 13, 1989
Date

By: Henry K. Sheldon
Signature Henry K. Sheldon
Its: Executive Vice President

RESPONDENT'S NAME: Haseko (Hawaii), Inc., fka Hasegawa Komuten (Hawaii), Inc., a Hawaii corporation

ADDRESS: Suite 820, Hasegawa Komuten Bldg.
820 Mililani Street
Honolulu, Hawaii 96813

HOME PHONE: Not Applicable

BUSINESS PHONE: (808) 536-3771

7404357006664

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 27, 1989

Arthur K. Goto
Iwai, Motooka & Goto
Suite 502
820 Mililani Street
Honolulu, Hawaii 96813

RE: MUR 2892
Hasegawa Komuten (Hawaii), Inc.

Dear Mr. Goto:

The Office of the General Counsel is in receipt of your recent request for a ten day extension of time to respond to the complaint in the above-captioned matter. After considering the circumstances as detailed in your letter, this Office will grant the requested extension. Accordingly, your response is due no later than July 5, 1989.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

2404357006665

06C 3116

FIRST DEVELOPMENT, INC.

Telephone (808) 545-1953

Hawaii Tower, Suite 1501
745 Fort Street
Honolulu, Hawaii 96813

Fax (808) 545-4115

June 14, 1989

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 JUN 19 PM 2:58

Mr. Lawrence M. Noble
General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2892
Michisaburo Hayashi

Dear Mr. Noble:

This office has received your letter dated June 6, 1989 addressed to Mr. Michisaburo Hayashi. Please be informed that Mr. Hayashi's employment with Daiichi Real Estate Co., Ltd. ended in 1988, and he can no longer be located at this address.

If we can be of any assistance to you in this matter, please do not hesitate to contact us.

Very truly yours,

Yasuhiko Kaminaga

Yasuhiko Kaminaga
Vice Chairman

YK:ty

2404357006666

89 JUN 19 AM 11:00

SIU

AFFILIATED WITH THE SEAFARERS INTERNATIONAL UNION OF NORTH AMERICA • AFL-CIO

SEAFARERS INTERNATIONAL UNION
ATLANTIC • GULF • LAKES AND INLAND WATERS DISTRICT

5201 AUTH WAY • CAMP SPRINGS, MARYLAND 20746 • (301) 899-0675

OGC 3/30

MICHAEL SACCO PRESIDENT
JOSEPH SACCO EXECUTIVE VICE PRESIDENT
ANGUS CAMPBELL VICE PRESIDENT
JOE DiGIORGIO SECRETARY
JACK CAFFEY VICE PRESIDENT
THOMAS GLISKEWELL VICE PRESIDENT
GEORGE McCARTNEY VICE PRESIDENT
JOHN FA... VICE PRESIDENT
RO... VICE PRESIDENT
ST... VICE PRESIDENT

RECEIVED
FEDERAL ELECTION COMMISSION
89 JUN 19 PM 2:50

June 16, 1989

Lois G. Lerner
Associate General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE: MUR 2892
Seafarers' International Union

Dear Ms. Lerner:

Please consider this letter as the response on behalf of the Seafarers' International Union (hereinafter SIU or the Union) to your letter of June 6, 1989 in the above-captioned matter. In addition, please find enclosed the Statement of Designation of Counsel.

The facts, based upon the Complaint of Anthony P. Locriocitio, Esq. et al., involve campaign contributions alleged to be from foreign nationals to Frank Fasi, Mayor of Honolulu. Specifically, as to the SIU the Complaint alleges that the "...S.I.U. of N.A. which is believed to be a foreign owned and/or controlled corporation who list their address as 5201 Auth Way, Camp Springs, MD 20746, whose contribution was for $500.00 made on 12/30/88". The contribution in question was not from the SIU. Rather, it was a contribution from the United Industrial Workers, Service, Transportation, Professional & Government of North America (hereinafter UIW) which is an affiliate of the SIU.

2404357006667

89 JUN 19 AM 9:24

It is the Union's position that the Complaint as to the SIU and UIW should be dismissed. First, the Federal Election Commission lacks jurisdiction over any election other than for a Federal office. The SIU/UIW is aware that Section 441 e of the Federal Election Campaign Act (FECA) prohibits political contributions by foreign nationals. However, Section 110.4 of the Federal Election Commission Regulations, 11 CFR Ch. 1 Part 110 Section 110.4, which prohibits a foreign national from contributing to any local State or Federal public office, is inconsistent with the intent of FECA which is to set forth rules governing Federal elections. There appears to be no specific language in FECA to provide the Federal Election Commission with jurisdiction to regulate State and Local elections. Therefore, even if a foreign national may not contribute to a Federal election the Federal Election Commission is without jurisdiction to promulgate regulations prohibiting foreign nationals from contributing to State and Local elections.

Second, even if the Federal Election Commission has jurisdiction over campaign contributions by foreign nationals to State and Local elections, neither the UIW or SIU is foreign owned. The SIU and UIW are both American unions. Neither SIU or UIW is owned in whole or in part by any foreign national. In order to verify this statement the Federal election commission, as well as anyone else, can obtain a copy of Labor Union Report LM-2 for both the SIU and UIW, filed with the United States Department of Labor, Washington, D.C.

In conclusion, based upon the fact that the SIU and UIW are not foreign owned and that the Federal Elections Commission does not have jurisdiction over State and Local elections the Complaint as to the SIU (and UIW) should be dismissed. If you have any questions I can be contacted at (301)899-0675 ext.277.

Yours very truly,

Stanford Dubin
Associate Counsel

SD:law
Enclosure

9404357066 8

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2892

NAME OF COUNSEL: Stanford Dubin, Associate Counsel

ADDRESS: Seafarers' International Union
5201 Auth Way
Camp Springs, MD 20746

TELEPHONE: (301) 899-0675 ext. 277

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

June 16, 1989
Date

Stanford Dubin
Signature

RESPONDENT'S NAME: Seafarers' International Union

ADDRESS: 5201 Auth Way
Camp Springs, MD 20746

HOME PHONE:

BUSINESS PHONE: (301) 899-0675

2404357006 69

OGC 3112

RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION

89 JUN 19 AM 10:32

CHUCK JONES AND MacLAREN
ATTORNEYS AT LAW
A PARTNERSHIP OF LAW CORPORATIONS
SUITE 1814, 745 FORT STREET
HONOLULU, HAWAII 96813-3810
TELEPHONE: (808) 533-3814
TELECOPIER: (808) 536-8617
TELEX: 6502667858 MCIUW

W. GREGORY CHUCK*
WARD D. JONES*
ALEXANDER T. MacLAREN*
DONN R. FUDO
*A LAW CORPORATION

WALTER G. CHU
OF COUNSEL

89 JUN 19 PM 2:51

FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

June 16, 1989

Federal Election Commission
Washington, D.C. 20463

Attention: Lawrence M. Noble, General Counsel
Lois G. Lerner, Associate General Counsel
Patty Reilly, Esq.

Re: MUR 2892 - Pearl Country Club of Hawaii

To whom it may concern:

We are the attorneys for Honda Kaihatsu Kogyo Co., Ltd. dba Pearl Country Club of Hawaii. Please find enclosed a Statement of Designation of Counsel. We've been asked to respond to your letter of June 6, 1989 regarding alleged violations of the Federal Election Campaign Act of 1971 as amended.

We would respectfully submit that no action should be taken against our clients arising out of a $250.00 contribution to the Frank Fasi Mayoral Campaign, for the reasons which follow. First, the Federal Election Campaign Act of 1971 as amended was enacted primarily to impose limitations upon giving and spending of money in political campaigns for federal offices in order to limit the actuality and appearance of corruption resulting in large individual financial contributions. Buckley v. Valeo, 426 U.S. 1, 46 L.Ed 2d 659, 96 Sup. Crt. 612 (1976). The courts in interpreting the U.S. Constitution, have specifically held that Congress may not regulate purely state or local elections. U.S. v. Bowman, 636 F.2d 1003 (Crt. of Appeals La. 1981); U.S. Constitution, Article I, Section 4, Clause 8; Article I, Section 8, Clause 18; Tenth Amendment, U.S. Constitution. Moreover, under 2 U.S.C.S. §431(8)(a)(i), a "contribution" includes any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any

2043570670

2404357061/1

election for federal office. Because the complained of contribution was to a Honolulu City and County mayoral campaign fundraiser, clearly this falls outside of the letter and spirit of the act and would be contrary to the reserved powers granted exclusively to the state government under the U.S. Constitution. Therefore, we must take issue with any contemplated action by the Commission with respect to our client pursuant to the act as legally baseless.

Second, we must point out that our client, Honda-Kaihatsu, although a Japanese corporation, is the owner of and has registered the Pearl Country Club of Hawaii as a Hawaii business. Pearl Country Club's principal place of business is in Hawaii, not Japan. 2 U.S.C.S. §441E(b) specifically defines "foreign national" as, among other things, a corporation, organization, or other combination of persons organized under the laws or having its principal place of business in a foreign country. (cross-referencing 23 U.S.C.S. §611(b)(3)). Pearl Country Club as a business operates under Hawaii law and, because it is a golf course, pro shop and restaurant, operates principally on Oahu, City and County of Honolulu, State of Hawaii. It was not the likely intent of the drafters of section 441E to prohibit a local organization such as Pearl Country Club from contributing to a campaign in the same voting district considering the fact that the mayor's jurisdiction is limited to the City and County of Honolulu. For this reason, we believe our clients under these facts do not fall into the category of foreign principals for purposes of the act.

Even if by some stretch of the imagination, the act were to be applied to our situation, to our knowledge it is the first time our client has ever been the subject of a complaint filed with the Federal Election Campaign Commission and is a fairly de minimus violation of $250.00. The alleged violation certainly was not a product of any willful or intentional conduct on our client's behalf. We would suggest that no action or at worse a reprimand be the maximum remedy employed if the Commission disagrees with our legal analysis of the applicability of the act in this situation.

If we may be of further information or service, please do no hesitate to call. We would appreciate that all further correspondence be either directed to this office or courtesy copied to this office.

Yours truly,

Ward D. Jones

WARD D. JONES
Attorney for Pearl Country Club and
Honda Kaihatsu Kogyo Co., Ltd.

WDJ:lmc
Enclosure

cc: Albert S. Ogata

24043570672

STATEMENT OF DESIGNATION OF COUNSEL

MDR 2892

NAME OF COUNSEL: Ward D. Jones, Esq.

ADDRESS: 61814 Hawaii Building
745 Fort Street
Honolulu, HI 96813

TELEPHONE: (808) 533-3614

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

June 16/89
Date

Signature MASAYOSHI YASHIMA

RESPONDENT'S NAME: Honda Kaihatsu Kogyo Co., Ltd.
dba Pearl Country Club

ADDRESS: 98-535 Kaonohi Street
Aiea, HI 96701

HOME PHONE:

BUSINESS PHONE: (808) 487-1888/2460

9404357,0673

OGC 3102

KOBAYASHI, WATANABE, SUGITA, KAWASHIMA & GODA
ATTORNEYS AT LAW
HAWAII TOWER, 6th FLOOR
745 FORT STREET
HONOLULU, HAWAII 96813-3869

TELEPHONE (808) 544-8300

Kevin S. C. Chang*
Alan M. Goda*
Lyle Y. Hirada*
J. Douglas Ing*
Cheryl K. Kakazu*
James Kawashima*
Burt T. Kobayashi, Jr.*
John T. Komeiji*
Wray H. Kondo*
Benjamin A. Kudo*
Dale W. Lee*
Ronald Y. K. Leong*
Lex R. Smith*
Kenneth Y. Sugita*
Robert T. Takamatsu*
Jeffrey N. Watanabe*
Cynthia Winegar*
Randall Y. Yamamoto*

*A Law Corporation

Jon M. I. Y. Ahii
Ferdinand G. Arpilla
Kate Feldman
Wendell H. Fuji
Cherise W. Gan
Robert K. Goo
Lyle S. Hosoda
Robert K. Ichikawa
David B. Kaapu
Donna Y. Kanemaru
Pamela J. Larson
Michael A. Lorusso
Allen K. Maeda
David L. Morrey
Jeffrey A. Olds
Fred Trancoso

OF COUNSEL
George R. Ariyoshi
Bert T. Kobayashi, Sr.
Russell K. Kono

Facsimile (808) 544-8399
Telex: 6502396585 MCI
MCI Mail: 2396585
ABA / Net: ABA2291

June 15, 1989

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 JUN 19 PM 2:43

BY DHL COURIER

Federal Election Commission
Office of General Counsel
999 E. Street, N.W.
Washington, D. C. 20463

Attention: Patty Reilly

Re: MUR 2892
Ohbayashi Hawaii Corporation

Dear Ms. Reilly:

As was the case in MUR 2846, our law firm represents Ohbayashi Hawaii Corporation in the above-referenced matter. Enclosed for your review and files is the original Statement of Designation of Counsel form executed by the President of Ohbayashi Hawaii Corporation.

This letter is also to request a twenty (20) day extension of time to submit a response to the Federal Election Commission in the above-referenced matter. We received a copy of Ms. Lerner's correspondence and the enclosures regarding the above-referenced matter on June 14. The extension of time is needed to review all of the facts and circumstances which are pertinent to this particular case before submitting a response.

Since Ohbayashi received Ms. Lerner's correspondence on June 13, we request that the deadline to respond be extended from June 28 to July 18, 1989.

2043570574

Thank you for your courtesy and consideration in this matter. Please contact me if you have any questions or require additional information to process our request for extension of time.

Very truly yours,

KEVIN S.C. CHANG
for
KOBAYASHI, WATANBE,
SUGITA, KAWASHIMA & GODA

KSCC:me

enclosure

cc: Ohbayashi Hawaii Corporation
(without enclosure)

24043570675

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2892

NAME OF COUNSEL: Kevin S. C. Chang

ADDRESS: 8th Floor, Hawaii Tower
745 Fort Street
Honolulu, Hawaii 96813

TELEPHONE: (808) 544-8300

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

6/14/89
Date

Signature Toshiharu Hino, President

RESPONDENT'S NAME: Obbayashi Hawaii Corporation

ADDRESS: Suite 2680, Pacific Tower
1001 Bishop Street
Honolulu, Hawaii 96813

HOME PHONE:

BUSINESS PHONE: (808) 524-5163

2404357061/6

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

June 27, 1989

Kevin S. C. Chang, Esquire
Kobayashi, Watanabe, Sugita,
Kawashima & Goda
Hawaii Tower
745 Fort St.
Honolulu, HI 96813-3889

RE: MUR 2892
Ohbayashi Hawaii Corporation

Dear Mr. Chang:

The Office of the General Counsel is in receipt of your recent request for a twenty day extension of time to respond to the complaint in the above-captioned matter. After considering the circumstances as detailed in your letter, this Office will grant the requested extension. Accordingly, your response is due no later than July 18, 1989.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

2404357067 7

OGC 3125

FEDERAL ELECTION COMMISSION
ADMINISTRATIVE

89 JUN 20 AM 10:31

DAMON KEY BOCKEN LEONG KUPCHAK

A LAW CORPORATION

Attorneys at Law

1600 Pauahi Tower
1001 Bishop Street
Honolulu, Hawaii 96813

Telephone: (808) 531-8031
Telex: 6-34307 DKBLK 634307
Facsimile: (808) 533-2242
Cable Address: ADVOCATES

R. Charles Bocken
Clinton K.L. Ching
C.F. Damon, Jr.
Thos. R. Eggers
Eric D. Ebe
Kamala J. Evans
Gerhard Fröhlich
Diane D. Hastert
Charles W. Key
Christine A. Kubota
Kenneth R. Kupchak
Denis C.H. Leong
Laurel K.S. Loo
James C. McWhinnie
Francis K. Mukai
Douglas D. Osterloh
Robert H. Thomas
Joslyn V. Wood*
Michael A. Yoshida
Michael J. Yoshii

*Member of Texas Bar Only

June 15, 1989

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 JUN 19 PM 4:30

CERTIFIED MAIL-
RETURN RECEIPT REQUESTED

Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

Attn: Patty Reilly, Esq.

Re: Leyton House (Hawaii), Inc. - MUR 2892

Dear Ms. Reilly:

This law office represents Leyton House (Hawaii), Inc., ("Respondent") in the above-captioned matter.

At this time, it is respectfully requested that an extension of 20 additional days within which to respond to the allegations be granted for the following reasons:

1. The principal owners of the corporation are not physically present in the United States. They are residing in Japan.

2. The corporate officer who personally made the alleged contribution is no longer employed by the corporation, and additional time is required to locate him in order to obtain his testimony.

The respondent's Statement of Designation of Counsel is enclosed herweith.

Thank you for your cooperation in this matter.

Very truly yours,

DAMON KEY BOCKEN LEONG KUPCHAK

Clinton K. L. Ching
Attorney for Leyton House
(Hawaii), Inc.

CKLC:RBT:jrt
Enclosure
cc: Leyton House
(Hawaii), Inc.
0002G/13

2 4 0 4 3 5 7 0 6 7 8

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2982

NAME OF COUNSEL: CLINTON CHING, ESQ.

ADDRESS: DAMON KEY BOCKEN LEONG & KUPCHAK
1600 PAUAHI TOWER
1001 BISHOP STREET, HONOLULU, HI 96813

TELEPHONE: 531-8031

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

6-13-89
Date

Signature
ITS: SECRETARY

RESPONDENT'S NAME: LEYTON HOUSE (HAWAII), INC.

ADDRESS: 2255 KUHIO AVE., SUITE 1002
HONOLULU, HI 96815

HOME PHONE:

BUSINESS PHONE: 924-7200

>4043570619

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 12, 1989

Clinton K. L. Ching
Damon, Key, Bockon, Leong & Kupchak
1600 Pauahi Tower
1001 Bishop Street
Honolulu, Hawaii 96813

RE: MUR 2892
Leyton House (Hawaii), Inc.

Dear Mr. Ching:

The Office of the General Counsel is in receipt of your recent request for a ten day extension of time to respond to the complaint in the above-captioned matter. After considering the circumstances as detailed in your letter, this Office will grant the requested extension. Accordingly, your response is due no later than July 5, 1989.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

7404357060680

0003163

Servco Pacific Inc.

June 19, 1989 89 JUN 22 AM 11:00

SERVCO

Serving the Pacific Since 1919
Oldest GM Dealer in Hawaii

OPERATING
SECTORS/GROUPS/DIVISIONS/STAFFS

CORPORATE HEADQUARTERS
- General Management
- Corporate Legal Staff
- Corporate Secretary Staff
- Corporate MIS Staff
- Servco Investment Corp.
- Servco Foreign Sales Corp.

CORPORATE ADMINISTRATIVE OPERATIONS
- Corporate Control Group
- Corporate Treasury Group
- Automotive F & C Group
- GM/O F & C Group
- International F & C Group
- Human Resources Staff

RESEARCH, PLANNING & DEVELOPMENT OPERATIONS
- Corporate Research & Planning Staff
- Corporate Community Relations Staff
- Real Estate Properties Group
- Hawaiiana Advertising & P.R. Inc. (Group)
- Evergreen Nurseries (Division)
- Special Foods Division

AUTOMOTIVE HEADQUARTERS
- Auto Merchandising & Marketing Group
- T-H Group

AUTOMOTIVE GENERAL SECTOR
- Auto Distribution Group
- Auto Allied Sales Group
- Marine & Recreation Group

AUTOMOTIVE RETAIL SECTOR
- Windward Auto Group

HONOLULU/HI TOYOTA OPERATIONS
- Honolulu Auto Group
- Kauai Toyota Division

LEEWARD/CHEVROLET OPERATIONS
- Waikiawa Auto Group
- Waipahu Auto Group

GENERAL MERCHANDISING OPERATIONS
- GE — Hotpoint Major Appliance Group
- RCA — GE Electronics Group
- Special Markets Group
- Sanyo Appliance & Electronic Group
- Allied Sales Group
- Allied Services Group
- Gibsons Retail Group

FINANCIAL/SERVICES OPERATIONS
- Servco Financial Corp. (Group)
- Servco Securities Corp. (Division)
- American Insurance Agency Inc. (Group)
- Servco Insurance Agency Inc. (Division)

INTERNATIONAL SECTOR
- Pacific International Company, Inc. (HQ)
- Guam Retail Group
- Pacific Motors Corp. (Group)
- Pacific Financial Corp. (Group)
- Pacific Wholesalers (Division)
- Pacific International Marianas, Inc. (Division)
- Pacific Marshalls, Inc. (Division)
- Hawaii/Cal Group
- Servco Japan Inc. (Division)
- Servco Intercontinental (Division)

Patty Reilly, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D. C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 JUN 22 PM 1:25

Re: MUR 2892
Servco Pacific Inc.

Dear Ms. Reilly:

This is in response to the June 6, 1989 letter from Lawrence M. Noble by Lois G. Lerner of the Office of the General Counsel for the Federal Election Commission and in followup to our telephone conversation this date.

Pursuant to your instructions, enclosed please find an affidavit by our corporate secretary attesting to the fact that Servco Pacific Inc. is a Hawaii corporation and wholly owned by residents and citizens of the State of Hawaii and United States of America.

I trust that this satisfies the Commission that no action should be taken against Servco Pacific Inc. I assume that your office will recommend the Commission find no reason to believe that the complaint sets forth a possible violation of the Act and, accordingly, that the Commission close the file in the matter.

I look forward to receiving notice from your office that this matter as it concerns Servco Pacific Inc. has been closed.

Thanking you in advance for your attention to this matter, I remain,

Sincerely,

Sharleen H. Oshiro
Vice President and
Legal Counsel

Enclosure

Honolulu ■ Oahu ■ Hawaii
Kauai ■ Maui
Guam ■ Saipan ■ Majuro
Daly City ■ Sacramento
■ Osaka ■

Pioneer Plaza • 900 Fort St. Mall, Suite 500 • Honolulu, Hawaii 96813
P.O. Box 2788 • Honolulu, Hawaii 96803 • Telephone: (808) 521-6511
Cable: SERVCOPAC HONOLULU • Telex: SVPAC 7430167 • Fax: (808) 523-3937

FI[illegible]TION

89 JUN 22 AM 11:00

State of Hawaii

City and County of Honolulu

AFFIDAVIT

EDITH ENDO, being first duly sworn, deposes and says:

1. That she is the corporate secretary of Servco Pacific Inc., a corporation duly organized and existing under and by virtue of the laws of the State of Hawaii, with its principal office at 900 Fort Street Mall, City and County of Honolulu, State of Hawaii, and in whose behalf she makes this affidavit.

2. That said corporation is not a foreign corporation, but as stated above, is a Hawaii corporation; and

3. That said corporation is a closely held corporation, whose shareholders are all residents and citizens of the State of Hawaii and the United States of America.

In witness whereof, said corporation has caused the above instrument to be executed in its behalf, pursuant to authority of its board of directors, by its secretary and its corporate seal to be hereunto attached, attested by its secretary this 14th day of June, 1989.

SERVCO PACIFIC INC.

By _____
Its Corporate Secretary

(corporate seal)

>4043570682

CORPORATION

STATE OF HAWAII,
City and County of Honolulu } ss.

On this 17th day of June, A. D. 1989, before me appeared EDITH M. ENDO to me personally known, who, being by me duly sworn, did say that they are the Corporate Secretary respectively of Seruco Pacific Inc. and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and the said EDITH M. ENDO acknowledged said instrument to be the free act and deed of said corporation.

Notary Public,
State of Hawaii.

My Commission Expires 19 7/10/91

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06C3183

KOBAYASHI, WATANABE, SUGITA, KAWASHIMA & G[redacted]
ATTORNEYS AT LAW
HAWAII TOWER, 8th FLOOR
745 FORT STREET
HONOLULU, HAWAII 96813-3889
TELEPHONE (808) 544-8300

[redacted]

Kevin S.C. Chang*
Alan M. Goda*
Lyle Y. Harada*
J. Douglas Ing*
Cheryl K. Kakazu*
James Kawashima*
Bert T. Kobayashi, Jr.*
John T. Komeiji*
Wray H. Kondo*

Benjamin A. Kudo*
Dale W. Lee*
Ronald Y. K. Leong*
Lex R. Smith*
Kenneth Y. Sugita*
Robert T. Takushiro*
Jeffrey M. Watanabe*
Cynthia Wiseger*
Randall Y. Yamamoto*

*A Law Corporation

OF COUNSEL:
George M. Akiyama
Bert T. Kobayashi, Sr.
Russell K. Kono

Facsimile: (808) 544-8399
Telex: 8803089 (MCI
MCI Mail: 2089849
ABA/Net: ABA219

Jan M.L.Y. Ahn
Ferdinand G. Aranza
Kelly Fabrican
Wendell H. Fuji
Charles W. Gall
Roseanne K. Goo
Lyle S. Hosoda
Robert K. Ichikawa

David B. Kaapu
Donna Y. Kanemaru
Pamela J. Larson
Michael A. Lilly
Alan K. Maeda
David L. Morrey
Janeen A. Olds
Fred Toyozono

June 21, 1989

BY DHL COURIER

Federal Election Commission
Office of General Counsel
999 E Street, N.W.
Washington, D. C. 20463

Attention: Patty Reilly

Re: MUR 2892
Hachidai USA, Inc.

Dear Ms. Reilly:

Our law firm represents Hachidai USA, Inc. in the above-referenced matter.

This letter is to request an extension of time until July 17, 1989 to submit a response to the Federal Election Commission in the above-referenced matter. Our firm received copies of the complaint and FEC's correspondence regarding the above-referenced matter on or about June 14. The extension of time is needed to review all of the relevant facts and circumstances before submitting a response.

Thank you for your courtesy and consideration in this matter. Please contact me if you have any questions or require additional information.

Very truly yours,

ALAN M. GODA
for
KOBAYASHI, WATANABE,
SUGITA, KAWASHIMA & GODA

3499E
cc: Hachidai USA, Inc.
Enclosure: Statement of Designation of Counsel

2404357063 4

STATEMENT OF DESIGNATION OF COUNSEL

NUR 2892

NAME OF COUNSEL: Alan M. Goda, Esq.

ADDRESS: 745 Fort Street, 8th Floor
Honolulu, Hawaii 96813

TELEPHONE: (808) 544-8300

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

6/21/89
Date

Alan Goda
Signature

RESPONDENT'S NAME: Hachidai USA, Inc.

ADDRESS: 444 Hobron Lane
Honolulu, Hawaii 96815

HOME PHONE:

BUSINESS PHONE: (808) 946-1888

2404357006885

MUR 2892

McCorriston
Miho & Miller
Attorneys at Law

RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION
89 JUN 26 AM 10:29

June 23, 1989

Patty Reilly, Esq.
Federal Election Commission
999 E. Street N.W.
Washington, D.C. 20463

Re: MUR 2892
Daiichiya-Love's Bakery, Inc.

Dear Ms. Reilly:

Pursuant to the Federal Election Commission's letter of June 6, 1989 to my client, please find enclosed the following:

1. Statement of Designation of Counsel;

2. Letter to Mr. Lawrence Noble dated June 21, 1989; and

3. Affidavit of Thomas Meehan, President of Daiichiya-Love's Bakery, Inc.

Should you have any questions, please feel free to contact me.

Very truly yours,

McCORRISTON, MIHO & MILLER

Stephen M. Okano

SMO:kry
Enclosures
cc: Daiichiya-Love's Bakery, Inc.

FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 JUN 26 AM 9:58

2043570646

1001 Bishop Street • Pacific Tower Suite 1500 • Honolulu, Hawaii 96813 • Telephone: (808) 537-6977 • Facsimile: (808) 524-8295 • Cable: "Attorneys Honolulu"

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2792

NAME OF COUNSEL: Steven M. Okano
McCorriston, Miho & Miller

ADDRESS: Suite 1500 Pacific Tower
1001 Bishop Street
Honolulu, Hawaii 96813

TELEPHONE: (808) 537-6977

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

6/22/89
Date

DAIICHIYA-LOVE'S BAKERY, INC.
By Thomas Meehan
Signature THOMAS MEEHAN

RESPONDENT'S NAME: Thomas Meehan

ADDRESS: Daiichiya-Love's Bakery, Inc.
P.O. Box 294
Honolulu, Hawaii 96809

HOME PHONE: 261-7036

BUSINESS PHONE: 737-5561

9404357006887

June 21, 1989

Mr. Lawrence Noble
General Counsel
Federal Election Commission
999 E. Street N.W.
Washington, D.C. 20463

RE: MUR 2892/ DAIICHIYA-LOVE'S BAKERY, INC.

Dear Mr. Noble:

This reply is in regard to MUR 2892, a complaint filed with the Federal Election Commission alleging that Daiichiya-Love's Bakery, Inc. may have violated the Federal Election Campaign Act of 1971.

On October 5, 1987, Daiichiya-Love's Bakery, Inc. ("Love's") made a $250.00 contribution to the Mayoral Campaign of Frank Fasi. Love's is a corporation organized under the laws of the State of Hawaii and has its principal place of business in the State of Hawaii. Love's, in fact, does almost all of its business in Hawaii, except for some sales in Guam and elsewhere in the Pacific. Attached is an affidavit by Mr. Thomas Meehan, President of Daiichiya-Love's Bakery, detailing the facts noted above and referred to below.

Under the Federal Election Campaign Act of 1971, as amended, in particular 2 U.S.C. Section 441e, contributions by foreign nationals are prohibited. Subsection (b)(1) states that "foreign national" shall mean a foreign principal as defined by 22 U.S.C. Section 611(b). 22 U.S.C. Section 611(b) provides that the term "foreign principal," in the context of corporations, refers to "a...corporation...organized under the laws or having its principal place of business in a foreign country." It specifically excepts a corporation that "is organized or created by the laws of the United States or of any State...and has its principal place of business within the United States." 22 U.S.C. Section 611(b)(2). Thus, under the plain language of the statute, Love's does not fall within the prohibition because it both is organized under the laws of the State of Hawaii and has its principal place of business within the United States. This is also the interpretation given to 22 U.S.C. Section 611(b) by the United States Court of Appeals for the District of Columbia in United States v. McGoff, 831 F.2d 1071, 1074 (D.C.Cir. 1987).

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Thus, while First Baking Company, Ltd., a Japan corporation, does own 99% of the stock of Love's and three of seven members of the board of Love's are also directors of First Baking Company, Ltd., it seems clear that those facts are simply irrelevant to the status of Love's under 2 U.S.C. Section 441e. The decision to make the contribution was an independent one on the part of Love's. It was not a contribution on behalf of, or at the direction or request of First Baking Company, Ltd. First Baking Company, Ltd., in fact, had no knowledge of the contribution. Finally, Love's is the only connection that First Baking Company, Ltd. has to Hawaii and the idea that a bakery would somehow want to influence the location of a golf course, as the complaint seems to imply, seems implausible.

For the foregoing reasons, and in particular because of the simple fact that the statute specifically excepts corporations organized and doing business in the United States, Daiichiya-Love's Bakery, Inc. believes that no action should be taken against it in response to the complaint by the Maunawili Community Association.

DAIICHIYA-LOVE'S BAKERY, INC.

By Thomas Meehan
Thomas Meehan

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AFFIDAVIT OF THOMAS MEEHAN

STATE OF HAWAII)
: SS.
CITY AND COUNTY OF HONOLULU)

THOMAS MEEHAN, being first duly sworn, on oath, deposes and says:

1. That he is the President of Daiichiya-Love's Bakery, Inc.

2. That Daiichiya-Love's Bakery, Inc. is a corporation organized under the laws of the State of Hawaii.

3. The principal place of business of Daiichiya-Love's Bakery, Inc. is the State of Hawaii.

4. That a contribution of $250.00 was made to the mayoral campaign of Frank Fasi on October 5, 1987 by Daiichiya-Love's Bakery, Inc.

5. That the contribution of October 5, 1987 was not made on behalf of, or at the direction of First Baking Company, Ltd., a Japan corporation. First Baking Company, Ltd. had no knowledge of the contribution.

6. That there are three members of the Board of Directors of Daiichiya-Love's Bakery who also hold seats on the Board of Directors of First Baking Company, Ltd. There are seven total members on the Daiichiya-Love's Bakery, Inc. Board of Directors.

7. That First Baking Company, Ltd. owns approximately 99% of the stock of Daiichiya-Love's Bakery, Inc.

8. That Daiichiya-Love's Bakery, Inc. is the only

presence of First Baking Company, Ltd. in Hawaii.

9. That Daiichiya-Love's Bakery, Inc. does not have any involvement with the proposed golf course development in Maunawili Valley.

Futher affiant sayeth naught.

Thomas Meehan

THOMAS MEEHAN

Subscribed and sworn to before me
this 22nd day of June, 1989.

Notary Public, State of Hawaii

My commission expires: 7/21/89

LS

7404357069 1

ATTORNEYS AT LAW

06C 3205

Ikazaki Devens Lo Youth & Nakano

Suite 1600 Central Pacific Plaza
220 South King Street
Honolulu, Hawaii 96813
Telephone (808) 521-1456
Cable Address "Whiteacre"
Fax (808) 538-3289

*Herbert T. Ikazaki
*Paul Devens
*Richard C. Lo
*Wilfred H. C. Youth
*James A. Nakano
*Russell K. Saito
Paula Devens
James H. Q. Lee
Thomas J. Wong

Ann L. Kurihara
Stanley L. Ching
Vladimir Devens
John T. Hoshibata
Russell H. Ando
**Rex K. Ikazaki

*A Law Corporation
**Licensed to practice in California only

June 20, 1989

FEDERAL ELECTION COMMISSION
89 JUN 26 AM 10:49

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Lawrence Noble, Esq.
General Counsel
Lois G. Lerner, Esq.
Associate General Counsel
Federal Election Commission
999 E. St. N.W.
Washington, D.C. 20463

Re: MUR 2892
Longevity International Enterprises Corporation

Dear Sir and Madam:

The undersigned is the attorney for Longevity International Enterprises Corporation ("Longevity") and this letter constitutes Longevity's answer to the complaint, dated May 9, 1989, filed by Mr. Anthony P. Locricchio, the attorney for the various complainants listed in his complaint.

FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

I. Allegations made by Mr. Locricchio.

With respect to the complaint filed, the allegation, as it relates to Longevity, is made at count sixty-eighth wherein Longevity made a contribution of $250 to Mayor Frank Fasi on or about September 4, 1987. The alleged violation claimed is by making this contribution, Longevity violated 2 U.S.C. 441E(a), which apparently prohibits foreign nationals from making political contributions.

First, Longevity received the complaint from your office on June 13, 1989.

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Second, with respect to counts one through sixty-seven, Longevity has no knowledge as to the truth or falsity of the allegations made in these specific counts.

Third, for the reasons set forth in this letter, Longevity denies the allegation that the contribution made was a violation under the Federal Election Campaign Act ("Act").

II. Background.

A. Status of Longevity.

Longevity is a California corporation, licensed to do business in the State of Hawaii. Enclosed with this answer is a copy of Longevity's annual corporate license and exhibit, which is filed with the State of Hawaii's Department of Commerce and Consumer Affairs. The current year's license and exhibit has been filed with the State of Hawaii but Longevity has not yet received back a file-stamped copy. Also enclosed is Longevity's filing with the State of California showing that it is a valid California corporation.

Longevity's main business in the State of Hawaii is the owner and landlord of a shopping complex known as The Chinese Cultural Plaza ("The Cultural Plaza"), located at 100 North Beretania Street. The Cultural Plaza consists of small shops and restaurants.

B. The Contribution Made by Longevity.

With respect to the contribution, which is the subject of the allegation of the complaint, according to Longevity's personnel, one of the tenants of the shopping center had asked if they could purchase tickets for a fundraiser that Mayor Fasi was having. The contribution was then made in connection with a fundraiser for the reelection of Mayor Frank Fasi. At no time did Longevity solicit any contributions and if this tenant did not request Longevity to make such a contribution, the contribution would not have been made.

2043570623

III. Argument.

A. The Contribution Made was Not to a Candidate who was Running for a Federal Office.

The complaint filed apparently is alleging that 2 U.S.C. 441E(a) has been violated because it is unlawful for a foreign national to make any contribution in connection with an election to any political office.

It appears that while 2 U.S.C. § 441E(a) does not state whether it applies to state and local elections, the terms "contribution" and "candidates" are defined under the Act to apply to candidates and elections for federal office.

As stated previously, and as the facts show, the contribution made in this particular case was to that of Mayor Fasi, who, at the time, and was a candidate of municipal office, and not a candidate for any federal office.

Up until this time, the State of Hawaii campaign spending commission also had interpreted the Act as not applying to local elections. Enclosed for your information is a memorandum prepared by the State of Hawaii's Attorney General's office in regards to political contributions from "foreign nationals" in which this point was covered and raised.

B. Longevity is a California Corporation Licensed to do Business in the State of Hawaii with its Principal Place of Business in the State of Hawaii.

Under the definition of foreign national under 22 U.S.C. 611(b), if a corporation is organized under or created by the laws of a state of the United States and has its principal place of business within the United States, it is not a foreign national under this Act.

As stated previously, and as we have submitted, Longevity is a California corporation and is licensed to do business in the State of Hawaii. Its principal place of business is in the State

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of Hawaii by owning and operating The Cultural Plaza shopping center. As such, for purposes of the Act, Longevity, being a California corporation authorized to do business in the State of Hawaii, is not a foreign national as defined under the Act.

IV. Conclusion.

For the foregoing reasons, it is Longevity's position that the complaint, as alleged, is without merit and the complaint should be dismissed.

If there are any further questions, please feel free to contact the undersigned.

Very truly yours,

IKAZAKI, DEVENS, LO, YOUTH & NAKANO

By _____
Thomas J. Wong

TJW:ln
Enclosures
cc: Longevity International Enterprises Corporation

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STATE OF HAWAII

MAKE CHECK PAYABLE TO ▶ DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
LICENSE FEE $100.00
IF FOREIGN CHECKS MUST STATE "U.S. FUNDS"

BUSINESS REGISTRATION DIVISION
1010 Richards Street
Mailing Address: P.O. Box 40, Honolulu, HI. 96810

YOUR CANCELLED CHECK IS YOUR RECEIPT
(PENALTY FOR LATE FILING 50% OF FILING FEE)

APPLICATION FOR RENEWAL OF OR EXEMPTION FROM FOREIGN CORPORATE LICENSE

[redacted]

CORPORATE NAME AND MAILING ADDRESS OF LICENSE

FOR YEAR JULY 1, 1988 TO JUNE 30, 1989
FILE BEFORE
JUNE 30, 1988

LONGEVITY INTERNATIONAL ENTERPRISES CORPORATION
100 N. BERETANIA ST. SUITE 304
HONOLULU HAWAII 96817

YOUR LICENSE WILL BE MAILED TO THE ADDRESS AS STATED ABOVE. IF YOU WISH OTHERWISE, PRINT CORPORATION'S NAME AND FORWARDING ADDRESS BELOW.

CORPORATION'S NAME

ADDRESS

CITY STATE ZIP

BY: X Ohang Ohun Lee x Secretary x July 25, 1988
(SIGNATURE OF AUTHORIZED CORPORATE OFFICER) * OFFICE HELD DATE
(IF ATTORNEY-IN-FACT SIGNS, ATTACH POWER OF ATTORNEY.)

* ANY OTHER PERSON SIGNING WILL BE REJECTED

INSTRUCTIONS:

Every foreign corporation, except foreign insurance companies and foreign nonprofit corporations, shall obtain an annual license and pay a license fee of $100 to the Director. The application must be dated, signed by an authorized corporate officer and his office held stated.

Form must be typewritten or printed and signed in black ink and must be legible.

[redacted]

7/1/89 to 6/30/89

LICENSE

015-0166-01
REGISTRATION

FOREIGN PROFIT CORPORATIONS

STATE OF HAWAII

MAKE REMITTANCE PAYABLE TO; DEPARTMENT OF COMMERCE AND CONSUMER AFAIRS
BUSINESS REGISTRATION DIVISION
1010 Richards Street
Mailing Address: P.O. Box 40, Honolulu, HI. 96810

FILING FEE $15.00

ORIGINAL-RETURN BY JUNE 30
YOUR CANCELLED CHECK IS YOUR RECEIPT

FOREIGN CORPORATION ANNUAL REPORT FOR THE YEAR ENDED DECEMBER 31, 1987 (YEAR)

CORPORATE NAME AND ADDRESS FOR MAILING CORPORATE REPORT:

CORPORATE NAME: LONGEVITY INTERNATIONAL ENTERPRISES CORPORATION
MAILING ADDRESS: 100 N. BERETANIA ST. SUITE 304
HONOLULU HAWAII 96817

IF THE MAILING ADDRESS HAS CHANGED, LINE OUT OLD ADDRESS AND TYPE OR PRINT NEW ADDRESS BELOW. (INCLUDE ZIP CODE)

(READ INSTRUCTIONS BELOW)

PRINCIPAL OFFICE ADDRESS: Suite 304, 100 N. Beretania Street, Honolulu, HI 96817
(INCLUDE ZIP CODE. (IF SAME AS MAILING ADDRESS, STATE SAME AS ABOVE.)

HAWAII BRANCH OFFICE ADDRESS: Same as above.
(INCLUDE ZIP CODE (IF NONE DURING THIS PERIOD, STATE NONE.)

OFFICERS AND DIRECTORS:

OFFICE HELD	NAME IN FULL
Chairman & Director	Wu, Yueh
President & Director	Chi, Jung-Chun
Vice President & Director	Hung-I Chiang
Secretary	Chang, Chun-Lee
Treasurer	Bang-Chuan Wang
Director	Hsu, Chun-I
Director	Lien, Chen-Kang
Director	Jen Fie Tun
Director	Chock Tong Wong

1. INCORPORATED UNDER THE LAWS OF: State of California
2. SPECIFIC NATURE OF BUSINESS TRANSACTED IN HAWAII (IF NOT SPECIFIC, REPORT WILL BE REJECTED): Owner and operator of shopping and dining complex.
3. NAME AND ADDRESS OF CURRENTLY LISTED REGISTERED AGENT RESIDING IN HAWAII: (agent may not be changed unless a change of agent form is first filed.)

The Corporation Company, Inc.
1000 Bishop Street, 15th Floor
Honolulu, Hawaii - 96813

DECLARATION

I DECLARE, UNDER THE PENALTIES SET FOURTH IN CHAPTER 415-136, HAWAII REVISED STATUES, THAT THIS REPORT HAS BEEN EXAMINED BY ME, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS A TRUE, CORRECT AND COMPLETE EXHIBIT, MADE IN GOOD FAITH FOR THE PERIOD STATED.

DATE July 25, 1988 — Chang Chun-Lee — Secretary
(SIGNATURE OF AUTHORIZED CORPORATE OFFICER) (IF ATTORNEY-IN-FACT SIGNS, ATTACH POWER OF ATTORNEY) (OFFICE HELD)

INSTRUCTIONS

Form must be typewritten or printed and signed in black ink and must be legible.
FAILURE TO FILE THE REPORT WITHIN THE PRESCRIBED PERIOD WILL SUBJECT THE CORPORATION TO A PENALTY OF $100.00, AND IF CONTINUED FOR A PERIOD OF TWO YEARS, THE DIRECTOR MAY CANCEL THE REGISTRATION OF THE CORPORATION.

DUE DATE: ON OR BEFORE JUNE 30th.

FILING OF FIRST REPORT: NEWLY REGISTERED CORPORATIONS: FIRST REPORT DUE AS OF THE END OF THE CALENDAR YEAR IN WHICH CORPORATION REGISTERED PROVIDED THAT IF THE CORPORATION REGISTERED AFTER DECEMBER 20, AN ANNUAL REPORT WILL NOT BE REQUIRED FOR THE FIRST YEAR.

INACTIVE CORPORATION: A REPORT MUST BE FILED ANNUALLY EVEN THOUGH THE CORPORATION MAY HAVE BEEN INACTIVE FOR THAT PERIOD.
FILE THIS ORIGINAL COPY. PHOTO COPY WILL NOT BE ACCEPTED.

FILE NO. K 547 51

015-0915-10

State of California

March Fong Eu
Secretary of State

P.O. Box 944230
Sacramento, CA 94244-0230
Phone: (916) 445 2020

STATEMENT BY DOMESTIC STOCK CORPORATION

THIS STATEMENT MUST BE FILED WITH CALIFORNIA SECRETARY OF STATE (SEC. 1502, CORPORATIONS CODE)

A $5 FILING FEE MUST ACCOMPANY THIS STATEMENT.

WHEN COMPLETING FORM, PLEASE USE BLACK TYPEWRITER RIBBON OR BLACK INK

IMPORTANT—Please Read Instructions On Back Of Form

1. C0910979 DUE DATE 02-28-89 290835
LONGEVITY INTERNATIONAL ENTERPRISES
CORPORATION
100 N. BERETANIA STREET #304
HONOLULU, HI 96817

DO NOT ALTER PREPRINTED NAME. IF ITEM NO. 1 IS BLANK, PLEASE ENTER CORPORATE NAME

DO NOT WRITE IN THIS SPACE

THE CALIFORNIA CORPORATION NAMED HEREIN, MAKES THE FOLLOWING STATEMENT

2. STREET ADDRESS OF PRINCIPAL EXECUTIVE OFFICE 100 N. Beretania Street	ROOM NO. 304	2A. CITY AND STATE Honolulu, HI	2B. ZIP CODE 96817
3. STREET ADDRESS OF PRINCIPAL BUSINESS OFFICE IN CALIFORNIA, IF ANY 235 Montgomery Street	ROOM NO. 1815	3A. CITY San Francisco, CA	3B. ZIP CODE 94104
4. MAILING ADDRESS 100 N. Beretania Street	ROOM NO. 304	4A. CITY AND STATE Honolulu, HI	4B. ZIP CODE 96817

THE NAMES OF THE FOLLOWING OFFICERS ARE:

5. CHIEF EXECUTIVE OFFICER CHI, Jung-Chun	5A. STREET ADDRESS (SEE REVERSE SIDE) 131 Nanking E. Rd., Sec. 3	5B. CITY AND STATE Taipei, Taiwan, Republic of	5C. ZIP CODE China
6. SECRETARY Louis Chun-Lee CHANG	6A. STREET ADDRESS (SEE REVERSE SIDE) Suite 304, 100 N. Beretania	6B. CITY AND STATE Honolulu, Hawaii	6C. ZIP CODE 96817
7. CHIEF FINANCIAL OFFICER Bang-Chuan WANG	7A. STREET ADDRESS (SEE REVERSE SIDE) Suite 304, 100 N. Beretania	7B. CITY AND STATE Honolulu, Hawaii	7C. ZIP CODE 96817

INCUMBENT DIRECTORS, INCLUDING DIRECTORS WHO ARE ALSO OFFICERS (Attach supplemental list if necessary)

8. NAME WU, Yueh	8A. STREET ADDRESS (SEE REVERSE SIDE) 131 Nanking E. Rd., Sec. 3	8B. CITY AND STATE Taipei, Taiwan, Republic of	8C. ZIP CODE China
9. NAME CHI, Jung-Chun	9A. STREET ADDRESS (SEE REVERSE SIDE) 131 Nanking E. Rd., Sec. 3	9B. CITY AND STATE Taipei, Taiwan, Republic of	9C. ZIP CODE China
10. NAME Hung-I CHIANG	10A. STREET ADDRESS (SEE REVERSE SIDE) 131 Nanking E. Rd., Sec. 3	10B. CITY AND STATE Taipei, Taiwan, Republic of	10C. ZIP CODE China

11. THE NUMBER OF VACANCIES ON THE BOARD OF DIRECTORS, IF ANY: _____

DESIGNATED AGENT FOR SERVICE OF PROCESS **(Only one agent may be named)**

12. NAME: C. T. Corporation System

13. CALIFORNIA STREET ADDRESS OF AGENT IS AN INDIVIDUAL (DO NOT USE P.O. BOX) DO NOT INCLUDE ADDRESS IF AGENT IS A CORPORATION.

14. DESCRIBE TYPE OF BUSINESS OF THE CORPORATION NAMED IN ITEM 1.
Owner and operator of a shopping and dining complex.

15. I DECLARE THAT I HAVE EXAMINED THIS STATEMENT AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, IT IS TRUE, CORRECT AND COMPLETE.

Louis Chun-Lee CHANG	Chang Chun-Lee	Secretary	December 13, 198
TYPE OR PRINT NAME OF SIGNING OFFICER OR AGENT	SIGNATURE	TITLE	DATE

16. I DECLARE THERE HAS BEEN NO CHANGE IN THE INFORMATION CONTAINED IN THE LAST STATEMENT OF THE CORPORATION WHICH IS ON FILE IN THE SECRETARY OF STATE'S OFFICE. DOES NOT APPLY ON INITIAL FILING.

(READ INSTRUCTIONS BEFORE COMPLETING THIS ITEM)

☐ CHECK IF APPLICABLE

TYPE OR PRINT NAME OF SIGNING OFFICER OR AGENT	SIGNATURE	TITLE	DATE

SUPPLEMENTAL LIST

INCUMBENT DIRECTORS, INCLUDING DIRECTORS WHO ARE ALSO OFFICERS:

NAME	BUSINESS/RESIDENCE ADDRESS	CITY & STATE	ZIP CODE
HSU, Chun-I	Suite 304, 100 N. Beretania	Honolulu, HI	96817
LIEN, Chen-Kang	131 Nanking E. Rd., Sec. 3	Taipei, Taiwan, Rep.	of China
Jen Fie TUN	20 Valletta Court	San Francisco, CA	94131
Chock Tong WONG	1689 Lewalani Drive	Honolulu, HI	96822

2404357060699

1/17/89
Lien Chen-Kang
resigned.
Replacement: George Lin
T.S.

JOHN WAIHEE
GOVERNOR

WARREN PRICE, III
ATTORNEY GENERAL

CORINNE K. A. WATANABE
FIRST DEPUTY ATTORNEY GENERAL

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
STATE CAPITOL
HONOLULU, HAWAII 96813
(808) 548-4740
FAX (808) 523-0614

February 8, 1989

MEMORANDUM

TO: Mr. Jack M. K. Gonzales
Executive Director
Campaign Spending Commission

THROUGH: Warren Price, III
Attorney General

FROM: Gary K. H. Kam
Deputy Attorney General

RE: Political Contributions from "Foreign Nationals"

2404357007000

This memorandum provides a brief discussion of the federal election law applicable to the above-referenced matter. The specific topics discussed include the statutory scheme, the Federal Election Commission ("FEC") rules, the relevant legislative history of the law in question and enforcement procedures. We have also noted that, in our view, the validity of the FEC rule governing political contributions by foreign nationals is questionable.

I. THE FEDERAL ELECTION CAMPAIGN ACT OF 1971

The Federal Election Campaign Act of 1971, as amended (2 U.S.C. § 431 et seq.; hereafter "Act"), is an "intricate statutory scheme adopted by Congress to regulate federal election campaigns [which] includes restrictions on political contributions and expenditures that apply broadly to all phases of and all participants in the election process. . . ." Buckley v. Valeo, 424 U.S. 1, 12 (1976). In 1976, the Act was amended by, inter alia, the addition of a provision prohibiting foreign nationals from making political contributions. 2 U.S.C. § 441e provides:

(a) It shall be unlawful for a foreign national directly or through any other person to make any contribution of money or other thing of value, or to promise expressly or impliedly to make any such contribution, in connection with an election to any political office or in connection with any primary election, convention, or caucus held to select candidates for any political office; or for any person to solicit, accept, or receive any such contribution from a foreign national.

(b) As used in this section, the term "foreign national" means-

(1) a foreign principal, as such term is defined by section 611(b) of Title 22, except that the term "foreign national" shall not include any individual who is a citizen of the United States; or

(2) an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of title 8. (Emphasis added.)

"Foreign principal" is defindd in 22 U.S.C. § 611(b), which provides:

The term "foreign principal" includes -

(1) a government of a foreign country and a foreign political party;

(2) a person outside the United States, unless it is established that such person is an individual and a citizen of and domiciled within the United States, or that such person is not an individual and is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States; and

(3) a partnership, association, corporation, organization, or other combination of persons

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> organized under the laws of or having its principal place of business in a foreign country.1/

It is clear that the term "foreign national" is not limited to individuals.

II. THE FEDERAL ELECTION COMMISSION

The Federal Election Commission ("FEC") is the federal agency charged with the administration, interpretation and civil enforcement of the Act. FEC v. American International Demographic Services, Inc., 629 F.Supp. 317, 319 (E.D. Va. 1986); see also 2 U.S.C. § 437(c), (d). Pursuant to its rulemaking authority, the FEC has interpreted 2 U.S.C. § 441e to be applicable to state and local elections, as well as federal elections. 11 C.F.R. § 110.4 provides in pertinent part:

> (a)(1) A foreign national shall not directly or through any other person make a contribution, or expressly or impliedly promise to make a contribution, in connection with a convention, caucus, primary, general, special, or runoff election in connection with any local, State or Federal public office.
>
> (2) No person shall solicit, accept, or receive a contribution as set out above from a foreign national.
>
> (3) For purposes of this section, "foreign national" means-

---

1/The FEC has concluded that a domestic corporation is not a foreign national for the purposes of § 441e even if it is a wholly-owned subsidiary of a foreign corporation, so long as the parent corporation does not provide funds for the political contribution and the subsidiary is not controlled by the parent with respect to the subsidiary's decision to make a contribution. A.O. 1985-3, Fed. Election Camp. Fin. Guide (CCH) ¶ 5809 (March 4, 1985).

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(i) A foreign principal, as defined in 22 U.S.C. 611(b); or

(ii) An individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined in 8 U.S.C. 1101(a)(20);

(iii) Except that "foreign national" shall not include any individual who is a citizen of the United States.

This interpretation by the FEC is open to question as it apparently goes beyond the express language of § 441e and the overall purpose of the Act to regulate federal elections.

FEC interpretations of the Act are entitled to deference. FEC v. Democratic Senatorial Campaign Committee, 454 U.S. 27, 37 (1981). However, as the federal legislative power resides in the Congress, the Act defines the scope and thus limits the FEC's rulemaking authority. See Chrysler Corp. v. Brown, 441 U.S. 281, 302 (1979). As such, agency rulemaking which exceeds the scope of its statutory authority is invalid.

2 U.S.C. § 441e does not expressly apply to state and local elections. Although the term "political office" is not defined by the Act, the terms "contribution" and "candidate" are so defined. These latter terms are operative only in connection with an election for federal office. 2 U.S.C. § 431(2), (8)(A). No mention of state or local office is made in the aforementioned definitions. As a general rule of statutory construction, when a word is defined by the statute, any other meaning not expressed is excluded. National Wildlife Federation v. Gorsuch, 693 F.2d 156, 172 (D.C. Cir. 1982) (quoting Colautti v. Franklin, 439 U.S. 379, 392 n. 10 (1979). Thus, it could be argued that the definitions of the terms "contribution" and "candidate" preclude the FEC from interpreting § 441e as being applicable to state or local offices.[2/]

2/We point out that the Act expressly qualified "political office" to include state and local office in 2 U.S.C. § 431(8)(xi). Thus it can be argued that if § 441e was meant to apply to state and local offices, the Congress would have expressly included state and local offices in § 441e.

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The legislative history of the Act (including its amendments) is not very helpful on the question of the applicability of § 441e to state and local offices. However, the overall purpose of the Act has been expressed by the Congress.

> During the 92d Congress (1971-1972) the Federal Election Campaign Act of 1971 (P.L. 92-225) was enacted to provide sweeping and thorough control over and public disclosure of receipts and expenditures in both Federal primary and general elections. The Federal Election Campaign Act Amendments of 1974, enacted during the 93d Congress (P.L. 93-443), amended the 1971 Act extensively. The resulting law provided for overall limitations on campaign expenditures and political contributions, extensive reporting and recordkeeping requirements for candidates and political committees, and the establishment of a Federal Election Commission with extensive powers to administer and enforce the Act. The law also provided for the public financing of Presidential primary and general elections and conventions.
>
> On January 30, 1976, the Supreme Court of the United States, in Buckley v. Valeo, upheld the contribution limitations, the recordkeeping and disclosure requirements of the Act and provisions for public financing of Presidential elections and conventions. However, the Court held that certain expenditure limitations under the Act were in violation of the First Amendment and that the exercise of administrative and enforcement powers delegated to the Commission was unconstitutional because of the way in which its members were appointed.
>
> Public hearings were held by the Subcommittee on Privileges and Elections, chaired by Senator Clairborne Pell, on February 18,1976. Witnesses appeared to testify and submit written statements on the impact of the Supreme court's decision and on the many bills which had been introduced in response to that decision: S. 2911, Amendment No. 1396 to S. 2911, S. 2912, S. 2918, S. 2953, S. 2980, and S. 2987.

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On February 20, 1976, the Subcommittee on Privileges and Elections referred an original bill to the Committee on Rules and Administration, without recommendation, to be used as a working draft by the Committee in its consideration of legislation. The Subcommittee also unanimously adopted a resolution recommending that the Committee on Rules and administration report legislation to amend the Federal Election Campaign Act of 1971, as amended-

(a) to reconstitute the Federal Election Commission as an independent executive branch agency, having six commissioners to be appointed by the President with the advice and consent of the Senate; and

(b) to make such other changes in the Act as may be necessary and desirable in light of the Supreme Court decision in the case of Buckley v. Valeo.

S. Rep. No. 677, 94th Cong., 2nd Sess. 2 (1976), reprinted in 1976 U.S. Code Cong. & Ad. News 930. Thus, when the Congress was considering the Federal Election Campaign Act Amendments of 1976, which added § 441e to Title 2, there were no indications that the Act or its amendments would apply to elections other than federal elections.

§ 441e, added to Title 2 in the 1976 amendments to the Act, was originally, in substantially similar form, § 613 of Title 18. It appears that the legislative history of the provision, when added to Title 18 by the Foreign Agents Registration Act Amendments of 1966, indicates a broader applicability of the law.

The proposed amendments to the Foreign Agents Registration Act of 1938 are designed to strengthen the basic purposes of the original act.

The act is intended to protect the interests of the United States by requiring complete public disclosure by persons acting for or in the interests of foreign principals where their activities are political in nature or border on the political. Such public disclosures as required by the act will permit the Government and the people of the United States to be informed as to the identities and activities of such persons and so be better able to appraise them and the purposes for which they act.

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H.R. Rep. No. 1470, 89th Cong., 2nd Sess. 1 (1966), reprinted in 1966 U.S. Code Cong. & Ad. News 2398. However, the definitions of "candidate" and "contribution" in chapter 29 of Title 18 also make no reference to state and local offices. See 18 U.S.C. § 591.

We are merely of the opinion that the FEC rule prohibiting foreign nationals from making political contributions in connection with state or local elections is open to question, not that the rule is invalid. As more fully discussed below, jurisdiction to enforce the Act is with the federal government, not our office. Enforcement actions are matters strictly between the federal government and the candidates involved.

III. ENFORCEMENT PROCEDURES

Civil enforcement of the Act may be initiated by the filing of a complaint with the FEC or by the FEC itself. 2 U.S.C. § 437g; 11 C.F.R. §§ 111.3, 111.4. If the FEC determines that there is probable cause to believe that a violation of the Act occurred or is about to occur, the FEC will try to correct the violation by using "informal methods of conference, conciliation, and persuasion, and to enter into a conciliation agreement with any person involved." A conciliation agreement bars further civil action by the FEC. 2 U.S.C. § 437g(a)(4)(A).[1/]

[1/] 2 U.S.C. § 437g(a)(4)(A) provides:

(i) Except as provided in clause (ii), if the Commission determines, by an affirmative vote of 4 of its members, that there is probable cause to believe that any person has committed, or is about to commit, a violation of this Act or of chapter 95 or chapter 96 of Title 26, the Commission shall attempt, for a period of at least 30 days, to correct or prevent such violation by informal methods of conference, conciliation, and persuasion, and to enter into a conciliation agreement with any person involved. Such attempt by the Commission to correct or prevent such violation may continue for a period of not more than 90 days. The Commission may not enter into a conciliation agreement under this clause except pursuant to an affirmative vote of 4 of its members. A conciliation agreement, unless violated, is a complete bar to any further action by the Commission, including the bringing of a civil proceeding under paragraph (6)(A).

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If the FEC is unable to correct or prevent violations of the Act, the Commission may institute a civil action for relief, including injunctive relief or civil penalties. 2 U.S.C. § 437g(a)(6)(A). The federal district court may assess a civil penalty in an amount not exceeding $5,000 or the amount of the illegal contribution, whichever is greater. 2 U.S.C. § 437g(a)(6)(B). If the court determines that the violation was willful, the court may assess a penalty not exceeding $10,000 or an amount equal to 200 percent of the illegal contribution. 2 U.S.C. § 437g(a)(6)(C). Furthermore, in any conciliation agreement, the FEC may include a requirement that the individual investigated pay the aforementioned penalties. 2 U.S.C. § 437g(a)(5)(B).

Independent of the conciliation procedure and civil action, the FEC may refer the matter to the Attorney General of the United States for criminal investigation and prosectuion if there is probable cause to believe that a knowing and willful violation of the act has occurred or is about to occur. 2 U.S.C. § 437g(a)(5)(C). Also, the Attorney General need not wait for the FEC to complete its investigation before prosecuting violations of the act. U.S. v. International Union of Operating Engineers, Local 701, 638 F.2d 1161, 1163 (9th Cir. 1979), cert. denied, 444 U.S. 1077 (1980). It appears that violations of 2 U.S.C. § 441e can be the subject of criminal prosecution only if the illegal contributions amount to $2,000 or more during a calendar year. 2 U.S.C. § 437g(d)(1)(A). Criminal penalties include a fine, or imprisonment for up to one year, or both. The fine shall not exceed the greater of $25,000 or 300 percent of the illegal contribution.

2 U.S.C. § 455 provides that prosecutions under the Act must begin within 3 years of the date of the violation.

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Ftn. 3 cont'd.

(ii) If any determination of the Commission under clause (i) occurs during the 45-day period immediately preceding any election, then the Commission shall attempt, for a period of at least 15 days, to correct or prevent the violation involved by the methods specified in clause (i).

IV. CONCLUSION

If the Campaign Spending Commission should receive a complaint regarding a possible violation of the Act, the complainant should be referred to the FEC. The FEC has exclusive jurisdiction over the civil enforcement of the Act. American International Demographic Services, Inc., supra, 629 F.Supp at 319. Furthermore, the office of the Attorney General of the United States has exclusive jurisdiction to prosecute criminal violations of the Act. International Union of Operating Engineers, local 701, supra, 638 F.2d at 1162. Also, as noted above, a criminal investigation and prosecution of violations of the Act are independent from the civil enforcement of the Act.

We understand that neither the U.S. Attorney's Office in Hawaii nor the Federal Bureau of Investigation ("FBI") plan to take any action should a listed contribution turn out to be impermissible as interpreted by the FEC. Such cases will be handled pursuant to FEC procedures, which have been discussed above. The U.S. Attorney's office and the FBI will investigate a contribution from a criminal standpoint only if the contribution was not listed by the candidate. If the contribution was listed by the candidate, then it is a matter between the FEC and the candidate.

GKHK:laf
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[redacted] OF DESIGNATION OF [redacted]

06C 3107

FEDERAL [redacted] COMMISSION

89 JUN 19 AM 9:10

MUR 2892

NAME OF COUNSEL: Thomas J. Wong

ADDRESS: Suite 1600, Central Pacific Plaza
220 South King Street
Honolulu, Hawaii - 96813

TELEPHONE: (808) 521-1456

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

June 13, 1989
Date

Signature
KARL WANG
Acting General Manager

RESPONDENT'S NAME: Longevity International Enterprises Corp.

ADDRESS: Suite 304, 100 N. Beretania
Honolulu, Hawaii - 96817

HOME PHONE:

BUSINESS PHONE: (808) 521-4934

[redacted]

2404357070 9

OGC 3207

RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION
89 JUN 26 AM 10:52

Coordination Council for North American Affairs
Office in Honolulu
2746 Pali Highway, Honolulu, Hawaii 96817

CONFIDENTIAL

June 19, 1989

Ms. Lois G. Lerner
Associate General Counsel
Federal Election Commission
1325 K Street, NW
Washington, DC 20463

Re: MUR 2892

Dear Ms. Lerner:

This is to acknowledge the receipt of your letter concerning MUR 2892. The following is our statement on this matter:

We were solicited by Mr. Norman Yu, an employee of the Honolulu City Government, to buy a ticket at $250.00 to a reception called "Hello, Mr. Mayor", given by Mayor Frank Fasi's friends and associates in August 1988.

We bought the ticket for the sole purpose of helping out Mr. Yu, who is a member of the Hawaiian Chinese community and very friendly to this office, and in so doing we are not trying to gain any advantage, economic or political, from either the Mayor or the City Government. And we have never asked any favor, however small it may be, from either the Mayor or the City.

When we received your letter concerning the legal complications that may arise from this matter, we truly feel that we are a victim rather than any advantage seeker of that intensified Mayoral Campaign.

We are hopeful that the afroesaid will satisfy your inquiry and you will be gracious enough to close the case.

89 JUN 26 PM 1:52

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Coordination Council for North American Affairs
Office in Honolulu
2746 Pali Highway, Honolulu, Hawaii 96817

Mr. Norman Yu's address and telephone number are as following:

930 Kaheka Street, #2304
Honolulu, HI. 96814
TEL: (808)942-2912

Coordination Council for
North American Affairs
2746 Pali Highway
Honolulu, HI. 96817

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OGC 3200

RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION
89 JUN 26 AM 10:34

TORKILDSON, KATZ, JOSSEM, FONSECA, JAFFE & MOORE
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING LAW CORPORATIONS
AMFAC BUILDING, 18TH FLOOR
700 BISHOP STREET
HONOLULU, HAWAII 96813-4187
TELEPHONE (808) 521-1051
CABLE ADDRESS "COUNSEL"
TELEX RCA (723) 8188 ATTNY HR
TELECOPIER (808) 521-8230

KAILUA-KONA OFFICE
75-5751 KUAKINI HIGHWAY, SUITE 105
KAILUA-KONA, HAWAII 96740
TELEPHONE (808) 329-8881

MAUI OFFICE
2145 MAIN STREET, SUITE 105
WAILUKU, MAUI, HAWAII 96793
TELEPHONE (808) 242-8287

June 22, 1989

VIA FAX NO. (202) 376-5280

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 JUN 26 PM 2:53

Ms. Patty Reilly
FEDERAL ELECTION COMMISSION
999 E Street N.W.
Washington, D.C. 20463

Re: MUR 2892 - Plaza Hotel

Dear Ms. Reilly:

We represent Nimitz Partners doing business as the Plaza Hotel in the above-entitled matter.

It has been charged that Nimitz Partners, doing business as the Plaza Hotel, violated Federal campaign spending regulations as a result of its donation of $2,000.00 on September 14, 1987 to the Friends of Fasi. It is alleged that this campaign contribution is "from foreign nationals and corporations either foreign in origin or United States formed subsidiary corporations controlled in whole or in substantive part by foreign nationals."

On behalf of Nimitz Partners, we deny these allegations because Nimitz Partners is neither a foreign corporation nor is it controlled "in whole or in substantive part by foreign nationals." The corporate and individual partners are U.S. citizens and we would challenge the complainants to prove otherwise.

Should you wish any additional information or have any questions, please do not hesitate to contact me.

Sincerely yours,

TORKILDSON, KATZ, JOSSEM,
FONSECA, JAFFE & MOORE,
Attorneys at Law

Gregory M. Sato (GMS)

Gregory M. Sato
Attorney for Nimitz Partners

GMS:jsy

2404357071 2

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2892

NAME OF COUNSEL: Torkildson, Katz, Jossem, Fonseca and Moore

ADDRESS: 700 Bishop Street, 15th Floor
Honolulu, HI 96813

TELEPHONE: (808) 521-1051

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

June 15, 1989
Date

Signature

RESPONDENT'S NAME: Dan Kaneshiro, General Mgr
Nimitz Partners dba Plaza Hotel

ADDRESS: 3253 N. Nimitz Highway
Honolulu, HI 96819

HOME PHONE: 521-7206

BUSINESS PHONE: 836-3636

2404357073

OGC 3201

RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION

89 JUN 26 AM 10:36

TOBISHIMA PACIFIC, INC.
PACIFIC TOWER, SUITE 1140
1001 BISHOP STREET
HONOLULU, HAWAII 96813
PHONE: (808) 521-4757

June 20, 1989

Mr. Lawrence M. Noble
General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2892 (Tobishima Pacific, Inc.)
Your June 6, 1989 letter

Dear Mr. Noble:

We are answering your letter, which we received on June 13, 1989. Tobishima Pacific, Inc. does not believe that any action should be taken against it by the Federal Election Commission.

We read the Federal Election Campaign Act after receiving your letter, and understand that it prohibits political contributions by foreign nationals. Tobishima Pacific, Inc. is not a foreign national. It is a U.S. corporation, incorporated in Hawaii, and subject to U.S. and Hawaii taxes. Our principal place of business is also in Hawaii.

Tobishima Pacific, Inc. has bought only one ticket to a political event. This ticket cost $250, and was for a Friends of Fasi fundraiser in 1987. At the time the ticket was purchased, we were not aware of the Federal Election Campaign Act. We bought the ticket unwillingly, and only after we were told that buying it was part of good citizenship in the U.S. Tobishima Pacific, Inc. had no other reason for buying the ticket. The ticket was for a fundraiser for the Mayor of the City and County of Honolulu, on the Island of Oahu. We are not particularly interested in or concerned with the politics in Honolulu as we do not have projects in Honolulu. Our company has a project on the Island of Maui only.

We also understand that the Federal Election Campaign Act bans indirect contributions from foreign nationals. Although our company is owned by a Japanese corporation, we did not make any contributions on its behalf. The decision to buy the fundraiser ticket was made in Hawaii, and was not ordered or requested by our parent company in Japan.

89 JUN 26 AM 10:36
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

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TOBISHIMA PACIFIC, INC.

In closing, we would like to repeat that Tobishima Pacific, Inc. believes that it has not violated any election law, and requests that the Federal Election Commission dismiss the complaint against it.

Very truly yours,

TOBISHIMA PACIFIC, INC.

By _____
Its Treasurer

cc: Ms. Patty Reilly

9404357071S

OGC 3202

RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION
89 JUN 26 AM 10:36

FUJIYAMA, DUFFY & FUJIYAMA
ATTORNEYS AT LAW, A LAW CORPORATION
SUITE 2700, PAUAHI TOWER, BISHOP SQUARE
1001 BISHOP STREET
HONOLULU, HAWAII 96813

TELEPHONE
(808) 536-0802
TELECOPIER
(808) 536-8117

WALLACE S. FUJIYAMA
JAMES E. DUFFY, JR.
AUDREY M. FUJIYAMA
PAUL A. SATO
JAMES J. STONE
ARCHIE T. HEHARA
RALPH S. LA FOUNTAINE
COLBERT M. MATSUMOTO
GLENN R. SATO
STEVEN J. T. CHOW

DAVID J. ARAKAWA
LESLIE C. NOBUYASU
NANCY J. RYAN
SCOTT S. NAKAMOTO
HOLLY T. W. SHIGATA
WYNNE M. YAMAMOTO
WILLIAM H. YIM
BRUCE H. CAMPBELL
RICHARD J. KOPSCHBROCK, JR.
WARD F. K. FUJIMOTO

June 21, 1989

VIA TELECOPIER
NO. (202) 376-5280
AND REGULAR MAIL

Federal Elections Commission
999 E St. N.W.
Washington, D.C. 20463

Attention: Ms. Patty Reilly

RE: MUR 2892
Minami Group (USA), Inc.

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 JUN 26 PM 12:15

Gentlemen:

Our law firm represents Minami Group (USA), Inc. in the above matter. Attached for your review and consideration is a statement of designation of counsel.

As the complainants have indicated in their various complaints, confusion exists as to the applicability of federal law to local political campaigns in Hawaii. This is because the statutory law, as opposed to the administrative regulations, apparently do not extend the law's jurisdiction to non-federal elections.

Further, the State Campaign Spending Commissioner in Hawaii has reportedly advised people that the federal law did not apply to local campaigns. Clearly, it was not the intention of our client to violate any federal laws, if applicable.

Despite the ambiguity in the law, our client has decided not to contest the issue of the applicability of federal law to local campaigns. Our client has been informed that the political contribution referred to by the complainants is in the process of being returned.

2043570116

We trust the foregoing is a satisfactory response to your inquiry. Please don't hesitate to contact us if you have any further questions. Thank you.

Very truly yours,

FUJIYAMA, DUFFY & FUJIYAMA
Attorneys At Law, A Law
Corporation,

By JAMES J. STONE

JJS:bp

Enclosure

24043570717

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2892

NAME OF COUNSEL: FUJIYAMA, DUFFY & FUJIYAMA ATTN: JIM STONE

ADDRESS: 1001 Bishop Street
2700 Pauahi Tower
Honolulu, HI 96813

TELEPHONE: (808) 536-0802

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

MINAMI GROUP (USA), INC.

June 16, 1989
Date

By [signature]
Signature
Executive Vice-President

RESPONDENT'S NAME: MINAMI GROUP (USA), INC.

ADDRESS: c/o FUJIYAMA, DUFFY & FUJIYAMA

HOME PHONE:

BUSINESS PHONE:

2404357071 8

OGC 3203

RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION
89 JUN 26 AM 10:36

WALLACE S. FUJIYAMA
JAMES E. DUFFY, JR.
RODNEY M. FUJIYAMA
PAUL H. SATO
JAMES J. STONE
ARCHIE F. HEWARA
RALPH S. LA FOUNTAINE
COLBERT M. MATSUMOTO
GLENN K. SATO
STEVEN J.T. CHOW

DAVID Z. ARAKAWA
LESLIE E. KOBAYASHI
NANCY J. RYAN
SCOTT S. WASHIMOTO
HOLLY T. W. SHIKADA
WYNNE M. TASHIMOTO
WILLIAM W. YIM
BRUCE R. CAMPBELL
RICHARD A. REPPENHAGEN, JR.
WARD F. M. FUJIMOTO

FUJIYAMA, DUFFY & FUJIYAMA
ATTORNEYS AT LAW, A LAW CORPORATION
SUITE 2700, PAUAHI TOWER, BISHOP SQUARE
1001 BISHOP STREET
HONOLULU, HAWAII 96813

TELEPHONE
(808) 536-0808
TELECOPIER
(808) 536-5117

June 21, 1989

VIA TELECOPIER
NO. (202) 376-5280
AND REGULAR MAIL

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 JUN 26 PM 12:55

Federal Elections Commission
999 E St. N.W.
Washington, D.C. 20463

Attention: Ms. Patty Reilly

RE: MUR 2892
Daiei Hawaii Investments, Inc.

Gentlemen:

Our law firm represents Daiei Hawaii Investments, Inc. ("Daiei") inthe above matter. We are also representing Daiei in MUR 2846. Attached for your review and consideration is a statement of designation of counsel.

As the complainants have indicated in their various complaints, confusion exists as to the applicability of federal law to local political campaigns in Hawaii. This is because the statutory law, as opposed to the administrative regulations, apparently do not extend the law's jurisdiction to non-federal elections.

Further, the State Campaign Spending Commissioner in Hawaii has reportedly advised people that the federal law did not apply to local campaigns. Clearly, it was not the intention of our client to violate any federal laws, if applicable.

Despite the ambiguity in the law, our client has decided not to contest the issue of the applicability of federal law to local campaigns. Our client has been informed that the political contribution referred to by the complainants is in the process of being returned.

2404357019

We trust the foregoing is a satisfactory response to your inquiry. Please don't hesitate to contact us if you have any further questions. Thank you.

Very truly yours,

FUJIYAMA, DUFFY & FUJIYAMA
Attorneys At Law, A Law
Corporation,

By JAMES J. STONE

JJS:bp

Enclosure

24043570720

STATEMENT OF DESIGNATION OF COUNSEL

NOA 2892

NAME OF COUNSEL: FUJIYAMA, DUFFY & FUJIYAMA ATTN: James J. Stone
Colbert M. Matsumoto

ADDRESS: 1001 Bishop Street
2700 Pauahi Tower
Honolulu, HI 96813

TELEPHONE: (808) 536-0802

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

DAIEI INVESTMENT, INC.

June 21, 1989
Date

By Tetsu Aiko
Signature
TETSU AIKO

RESPONDENT'S NAME: Daiei Hawaii Investment, Inc.

ADDRESS: 801 Kaheka Street
Honolulu, HI 96814

HOME PHONE:

BUSINESS PHONE: (808) 949-F066

2404357072 1

06C 3188

ATTORNEYS AT LAW

Ikazaki Devens Lo Youth & Nakano

Suite 1600 Central Pacific Plaza
220 South King Street
Honolulu, Hawaii 96813
Telephone (808) 521-1456
Cable Address "Whitacre"
Fax (808) 538-3289

*Herbert T. Ikazaki
*Paul Devens
*Richard C. Lo
*Wilfred H. C. Youth
*James A. Nakano
*Russell K. Saito
Paula Devens
James H. Q. Lee
Thomas J. Wong

Ann L. Kurihara
Stanley L. Ching
Vladimir Devens
John T. Hoshibata
Russell H. Ando
**Rex K. Ikazaki

*A Law Corporation
**Licensed to practice in California only

June 22, 1989

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF
89 JUN 26 PM 4:19

Federal Election Commission
999 E Street N.W.
Washington D.C. 20463

Re: MUR 2892
All Nippon Airways Co.,Ltd.

Gentlemen:

This communication is being filed in response to the complaint dated May 3, 1989 and identified as MUR 2892 filed by a certain Anthony P. Locricchio, personally and as attorney for certain individuals.

The Complaint, as prepared and filed, fails to apprise All Nippon Airways (ANA) of the particular sections of the Federal Election Campaign Act ("ACT") that was claimed to have been violated. However, complainant, without saying so, appears to charge that there was a violation of Section 441e of the Act because the donor, being a foreign corporation, is prohibited from becoming involved in elections for federal officers as defined by the Act.

A review of the Act, and in particular Section 441e thereof, fails to show any violation on the part of ANA for having made the contribution of $500.00 to the Friends of Fasi.

In support thereof, we submit the following:

FACTS:

a. The Complaint dated May 3, 1989 was received at the branch office of the All Nippon Airways Co., Ltd., Honolulu, Hawaii on June 13, 1989.

b. ANA is a corporation organized under the laws of Japan and has its principal office in the said country of incorporation.

2404357072 2

c. On or about July 27, 1987, ANA was solicited by the Friends of Fasi, to purchase tickets for fund raising purposes.

d. The Friends of Fasi, is a committee formed for the purpose of electing Frank Fasi to the office of the Mayor of the City and County of Honolulu.

e. On July 27, 1987, ANA, upon being solicited by one of the Friends of Fasi, purchased tickets to attend a fund raising party, the cost for such tickets aggregating $500.00.

f. The purchase of the tickets from the Friends of Fasi was made by ANA only after it received from its legal counsel an opinion that no laws were being violated in purchasing such tickets.

g. ANA's primary business is that of doing business as an international air carrier of passengers and freight.

h. The decision to purchase tickets was based on a determination by the then General Manager in Honolulu who had the authority and discretion to make such a decision.

2404357023

ARGUMENT

The clear intent of the Act is to comprehensively regulate the conduct of election compaigns for federal offices. This intent is discernable by the definitions assigned to key words throughout the Act.

The key words seem to be the terms "election," "candidate," and "contributions." The terms "candidate" and "contributions" clearly refer to federal elections. The term "election" is not so patently clear, but is used generally in conjunction with "candidate," "contributions," or other terms clearly referring to election for federal offices.

In addition to the foregoing references to federal elections, evidence that Congress concerned itself only with Federal elections is the fact that, if state elections were of concern to Congress, it could have so stated as it did in Section 431(8)(B)(xi) of the Act. The absence of any reference to state or municipal elections by Congress, in enacting the Act or in amending the Act in 1976, except where specific reference is made can only reinforce the argument that only elections for federal offices were the subject matter of the Act. It can be concluded that Congress had the opportunity to include state and municipal elections in the sweep of the Act, but chose not to.

Section 441e which appears to be the Section of the Act deemed violated by ANA, when read with the prescribed definitions of the terms "contributions," "election" and "candidate," is unequivocally inapplicable to the action of ANA in that the tickets purchased related to a political office which did not involve a federal office.

CONCLUSION

The Act does not contain any prohibition against a foreign corporation making cash contributions to the candidacy of the mayoral candidate for the City and County of Honolulu. In view of the foregoing, the Complaint as filed fails to state any violation by ANA of the Act and therefore, the Complaint should be dismissed.

Very truly yours,

IKAZAKI, DEVENS, LO, YOUTH
& NAKANO

By Herbert T. Ikazaki
Herbert T. Ikazaki

HTI/ck/akk

2043570724

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2892

NAME OF COUNSEL: ~~Ikazaki, Dwyane, Lo, Youth &~~ Nakano

ADDRESS: ~~1600 Central Pacific Plaza~~
220 South King Street
Honolulu, Hawaii 96813

TELEPHONE: 521-1456

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Date

Shinichi Sato
Signature

RESPONDENT'S NAME: Shinichi Sato
~~All Nippon Airways Co., Ltd.~~

ADDRESS: 2255 Kuhio Avenue, Suite 1201
Honolulu, Hawaii 96815

HOME PHONE: ~~(808) 947-6499~~

BUSINESS PHONE: (808) 922-1296

24043570725

ATTORNEYS AT LAW

Ikazaki Devens Lo Youth & Nakano

Suite 1600 Central Pacific Plaza
220 South King Street
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Telephone (808) 521-1456
Cable Address "Whitesacre"
Fax (808) 538-3289

*Herbert T. Ikazaki
*Paul Devens
*Richard C. Lo
*Wilfred N. C. Youth
*James A. Nakano
*Russell K. Saiki
Paula Devens
James H. Q. Lee
Thomas J. Wong

Ann L. Kurihara
Stanley L. Ching
Vladimir Devens
John T. Hoshibata
Russell H. Ando
**Rew K. Ikazaki

*A Law Corporation
**Licensed to practice in California only

June 22, 1989

RECEIVED
FEDERAL ELECTION COMMISSION
89 JUN 26 AM 9:40

Federal Election Commission
999 E Street N.W.
Washington D.C. 20463

Re: MUR 2892
ANA Hallo Tours (USA), Inc.

Gentlemen:

This communication is being filed in response to the complaint dated May 3, 1989 and identified as MUR 2892 filed by a certain Anthony P. Locricchio, personally and as attorney for certain individuals.

The Complaint, as prepared and filed, fails to apprise ANA Hallo Tours (ANA Hallo) of the particular sections of the Federal Election Campaign Act ("ACT") that was claimed to have been violated. However, complainant, without saying so, appears to charge that there was a violation of Section 441e of the Act because the donor, despite being a domestic corporation, is controlled by foreign shareholders.

A review of the Act, and in particular Section 441e thereof, fails to show any violation on the part of ANA Hallo for having made the contribution of $250.00 to the Friends of Fasi.

In support thereof, we submit the following:

FACTS:

a. The Complaint dated May 3, 1989 was received at the branch office of the ANA Hallo Tours (USA), Inc., in Honolulu, Hawaii on June 13, 1989.

b. ANA Hallo is a corporation organized under the laws of State of California and has its principal offices located at 707 Wilshire Boulevard, Suite 4750, Los Angeles, California 90017.

2404357017026

True and correct copies of the Articles of Incorporation are attached hereto as Exhibit "1".

c. On or about July 27, 1987, ANA Hallo was solicited by the Friends of Fasi, to purchase tickets for fund raising purposes.

d. The Friends of Fasi, is a committee formed for the purpose of electing Frank Fasi to the office of the Mayor of the City and County of Honolulu.

e. On July 27, 1987, ANA Hallo, upon being solicited by one of the Friends of Fasi, purchased tickets to attend a fund raising party, the cost for such tickets aggregating $250.00.

f. The purchase of the tickets from the Friends of Fasi was made by ANA Hallo only after it received from its associated legal counsel an opinion that no laws were being violated in purchasing such tickets.

g. ANA Hallo's primary business is that of arranging for various needs such as travel to and from airport, lodging, meals, sightseeing trips, etc. for visitors from Japan.

h. The decision to purchase tickets was based on a determination by the then General Manager in Honolulu who had the authority and discretion to make such a decision.

24043570727

ARGUMENT

The clear intent of the Act is to comprehensively regulate the conduct of election compaigns for federal offices. This intent is discernable by the definitions assigned to key words throughout the Act.

The key words sees to be the terms "election," "candidate," and "contributions." The terms "candidate" and "contributions" unequivocally refer to federal elections. The term "election" is not so patently clear, but is used generally in conjunction

with "candidate," "contributions," or other terms clearly referring to election for federal offices.

In addition to the foregoing references to federal elections, evidence that Congress concerned itself only with Federal elections is the fact that, if state elections were of concern to Congress, it could have so stated as it did in Section 431(8)(B)(xi) of the Act. The absence of any reference to state or municipal elections by Congress, in enacting the Act or in amending the Act in 1976, except where specific references are made can only reinforce the argument that only elections for federal offices were the subject matter of the Act. It can be concluded that Congress had the opportunity to include state and municipal elections in the sweep of the Act, but chose not to.

Section 441e which appears to be the Section of the Act deemed violated by ANA Hallo, when read with the prescribed definitions of the terms "contributions," "election" and "candidate," is patently inapplicable to the action of ANA Hallo in that the tickets purchased related to a political office which did not involve a federal office.

Moreover ANA Hallo is a domestic corporation with principal offices in the United States and as such is not a foreign corporation as the term is defined by Section 611(b) of Title 22. The purchase of tickets was a decision made in Honolulu by the branch manager in Honolulu and was not in any way the result of direction by a foreign national. Thus, it can be said that ANA Hallo is excluded from the sweep of Section 441(e) of the Act.

2404357028

CONCLUSION

The Act does not contain any prohibition against a domestic corporation making cash contributions to the candidacy of the mayoral candidate for the City and County of Honolulu. In view of the foregoing, the Complaint as filed fails to state any

violation by ANA Hallo of the Act and therefore, the Complaint should be dismissed.

Very truly yours,

IKAZAKI, DEVENS, LO, YOUTH
& NAKANO

By Herbert T. Ikazaki
Herbert T. Ikazaki

HTI/ck/akk

2404357029

AH

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2892

NAME OF COUNSEL: Ikazaki, Devens, Lo, Youth & Nakano

ADDRESS: 1600 Central Pacific Plaza
220 South King Street
Honolulu, Hawaii 96813

TELEPHONE: (808) 521-1456

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Date

Signature

RESPONDENT'S NAME: ANA Hallo Tours, (USA), Inc.

ADDRESS: 2255 Kuhio Avenue, Suite 1025
Honolulu, Hawaii 96815

HOME PHONE:

BUSINESS PHONE: (808) 926-3877

2404357030

1036778

ENDORSED
FILED
in the office of the Secretary of State
of the State of California
FEB 17 1981
MARCH FONG EU, Secretary of State
Connie M. Coy
Deputy

ARTICLES OF INCORPORATION

OF

ANA HALLO TOURS (USA), INC.

I

The name of this corporation is ANA HALLO TOURS (USA), INC.

II

The purpose of this corporation is to engage in any lawful act or activity for which a corporation may be organized under the General Corporation Law of California other than the banking business, the trust company business, or the practice of a profession permitted to be incorporated by the California Corporations Code.

III

The name and address in the State of California of this corporation's initial agent for service of process is: KEIZO MORI, 3234 Parkhurst Dr., Rancho Palos Verdes, CA 90274.

IV

This corporation is authorized to issue only one class of shares of stock; and the total number of shares which this corporation is authorized to issue is 100,000 shares.

Dated: February 6, 1981.

N. Kato

NAOHIKO KATO

I hereby declare that I am the person who executed the foregoing Articles of Incorporation, which execution is my act and deed.

N. Kato

NAOHIKO KATO

2404357073 1

State of California

OFFICE OF THE SECRETARY OF STATE

I, March Fong Eu, Secretary of State of the State of California, hereby certify:

That on the 17th day of FEBRUARY, 1981,

ALTA PALO TOURS (USA), INC.

became incorporated under the laws of this State by filing its Articles of Incorporation in this office.

In Witness Whereof, I execute this certificate and affix the Great Seal of the State of California this 17th day of FEBRUARY, 1981

March Fong Eu

Secretary of State

2404357073 2

ATTORNEYS AT LAW

Ikazaki Devens Lo Youth & Nakano

Suite 1600 Central Pacific Plaza
220 South King Street
Honolulu, Hawaii 96813
Telephone (808) 521-1456
Cable Address "Whiteacre"
Fax (808) 538-3289

*Herbert T. Ikazaki
*Paul Devens
*Richard C. Lo
*Wilfred H. C. Youth
*James A. Nakano
*Russell K. Saito
Paula Devens
James H. Q. Lee
Thomas J. Wong

Ann L. Kurihara
Stanley L. Ching
Vladimir Devens
John T. Noshibara
Russell H. Ando
**Rew K. Ikazaki

*A Law Corporation
**Licensed to practice in California only

June 22, 1989

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 JUN 22 AM 9:40

Federal Election Commission
999 E Street N.W.
Washington D.C. 20463

Re: MUR 2892
Kintetsu International Express

Gentlemen:

This communication is being filed in response to the complaint dated May 3, 1989 and identified as MUR 2892 filed by a certain Anthony P. Locricchio, personally and as attorney for certain individuals.

The Complaint, as prepared and filed, fails to apprise Kintetsu International Express (KIE) of the particular sections of the Federal Election Campaign Act ("ACT") that was claimed to have been violated. However, complainant, without saying so, appears to charge that there was a violation of Section 441e of the Act because the donor, despite being a domestic corporation, is controlled by foreign shareholders.

A review of the Act, and in particular Section 441e thereof, fails to show any violation on the part of KIE for having made the contribution of $250.00 to the Friends of Fasi.

In support thereof, we submit the following:

FACTS:

a. The Complaint dated May 3, 1989 was received at the branch office of the Kintetsu International Express in Honolulu, Hawaii on June 13, 1989.

b. KIE is a corporation organized under the laws of State of California and has its principal offices located at 1270 Avenue of the Americas, Suite 1810, New York, New York 10020.

2404357073

True and correct copies of the Articles of Incorporation are attached hereto as Exhibit "1".

c. On or about September 14, 1987, KIE was solicited by the Friends of Fasi, to purchase tickets for fund raising purposes.

d. The Friends of Fasi, is a committee formed for the purpose of electing Frank Fasi to the office of the Mayor of the City and County of Honolulu.

e. On September 14, 1987, KIE, upon being solicited by one of the Friends of Fasi, purchased tickets to attend a fund raising party, the cost for such tickets aggregating $250.00.

f. KIE's primary business is that of arranging for various needs such as travel to and from airport, lodging, meals, sightseeing trips, etc. for visitors from Japan.

g. The decision to purchase tickets was based on a determination by the then General Manager in Honolulu who had the authority and discretion to make such a decision.

2404357073 4

ARGUMENT

The clear intent of the Act is to comprehensively regulate the conduct of election compaigns for federal offices. This intent is discernable by the definitions assigned to key words throughout the Act.

The key words seem to be the terms "election," "candidate," and "contributions." The terms "candidate" and "contributions" undoubtedly refer to federal elections. The term "election" is not so patently clear, but is used generally in conjunction with "candidate," "contributions," or other terms clearly referring to election for federal offices.

In addition to the foregoing references to federal elections, evidence that Congress concerned itself only with

Federal elections is the fact that, if state elections were of concern to Congress, it could have so stated as it did in Section 431(8)(B)(xi) of the Act. The absence of any reference to state or municipal elections by Congress, in enacting the Act or in amending the Act in 1976, except where specific references are made can only reinforce the argument that only elections for federal offices were the subject matter of the Act. It can be concluded that Congress had the opportunity to include state and municipal elections in the sweep of the Act, but chose not to.

Section 441e which appears to be the Section of the Act deemed violated by KIE, when read with the prescribed definitions of the terms "contributions," "election" and "candidate," is patently inapplicable to the action of KIE in that the tickets purchased related to a political office which did not involve a federal office.

Moreover KIE is a domestic corporation with principal offices in the United States and as such is not a foreign corporation as the term is defined by Section 611(b) of Title 22. The purchase of tickets was a decision made in Honolulu by the branch manager in Honolulu and was not in any way the result of direction by a foreign national. Thus, it can be said that KIE is excluded from the sweep of Section 441(e) of the Act.

CONCLUSION

The Act does not contain any prohibition against a domestic corporation making cash contributions to the candidacy of the mayoral candidate for the City and County of Honolulu. In view of the foregoing, the Complaint as filed fails to state any

2043570735

Ikazaki
Devens
Lo
Youth
&Nakano

violation by KIE of the Act and therefore, the Complaint should be dismissed.

Very truly yours,

IKAZAKI, DEVENS, LO, YOUTH
& NAKANO

By Herbert T. Ikazaki
Herbert T. Ikazaki

HTI/ck/akk

7404357076

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2892

NAME OF COUNSEL: Ikazaki, Devens, Lo, Youth & Nakano

ADDRESS: 1600 Central Pacific Plaza
220 South King Street
Honolulu, Hawaii 96813

TELEPHONE: (808) 521-1456

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Date

Signature

RESPONDENT'S NAME: Kintestu International Express

ADDRESS: 2270 Kalakaua Avenue, Suite 1402
Honolulu, Hawaii 96813

HOME PHONE:

BUSINESS PHONE: (808) 923-2951

24043570737

698785
ENDORSED
FILED
In the office of the Secretary of State
of the State of California
FEB 14 1974
EDMUND G. BROWN, Secretary of State
By JAMES E. HARRIS
Deputy

ARTICLES OF INCORPORATION

OF

KINTETSU INTERNATIONAL EXPRESS (U.S.A.), INC.

Name

One: The name of this corporation is Kintetsu International Express (U.S.A.), Inc.

Purposes

Two: The purposes for which this corporation is formed, the specific businesses in which the corporation is primarily to engage being set forth in Paragraph (a) below, are:

(a) (1) Travel agency
(2) Sale of domestic and international passenger transportation
(3) Sale of tickets and coupons for any kind of transportation, theaters, entertainments, etc.
(4) Operation of tours
(5) Advertisement and publication of travel and sight-seeing
(6) Insurance agency
(7) Money exchange.

(b) To engage in any one or more businesses or transactions which the board of directors of this corporation may from time to time authorize or approve, whether related or unrelated to the business described above or to any other business then or theretofore done by this corporation.

(c) To exercise any and all rights and powers which a corporation may now or hereafter exercise.

2404357073 8

(d) To act as principal, agent, joint venturer, partner or in any other capacity which may be authorized or approved by the board of directors of this corporation.

(e) To transact business in the State of California or in any other jurisdiction of the United States of America or elsewhere in the world.

The foregoing statement of purposes shall be construed as a statement of both purposes and powers, and the purposes and powers in each clause shall, except where otherwise expressed, be in no wise limited or restricted by reference to or inference from the terms or provisions of any other clause but shall be regarded as independent purposes and powers.

2043570739

Principal Office

Three: The county in the State of California where the principal office for the transaction of the business of this corporation is to be located is the City and County of San Francisco.

Authorized Stock

Four: The corporation is authorized to issue only one class of shares of stock. The total number of shares which the corporation is authorized to issue is 4,000. Each such share is to have a par value of $100.00, and the aggregate par value of the total number of said shares is $400,000.

2404357074.0

Directors

Five: (a) The number of directors of this corporation shall be not less than five nor more than eight. The exact number of directors shall be fixed from time to time, within the limits specified, in these Articles of Incorporation, or a controlling bylaw, by a bylaw or amendment thereof duly adopted by the shareholders or the board of directors.

(b) The names and addresses of the persons who are appointed to act as the first directors of the corporation are:

Name	Address
David Strain	311 California Street San Francisco, California 94104
Alicia Navar Noyola	311 California Street San Francisco, California 94104
Craig E. Epperson	311 California Street San Francisco, California 94104
William F. Broll	311 California Street San Francisco, California 94104
Thomas E. Kimball	311 California Street San Francisco, California 94104
Stephen C. Johnson	311 California Street San Francisco, California 94104

Action Without Meeting

Six: Any action by the board of directors may be taken without a meeting if all members of the board shall individually

or collectively consent in writing to such action. Such written consent or consents shall be filed with the minutes of the proceedings of the board.

IN WITNESS WHEREOF, for the purpose of forming this corporation under the laws of the State of California, the undersigned, constituting the incorporators of this corporation, including the persons named hereinabove as the first directors of this corporation, have executed these Articles of Incorporation this 24thday of January , 1974.

David Strain

Alicia Navar Noyola

Craig E. Epperson

William F. Broll

Thomas E. Kimball

Stephen G. Johnson

2404357074 1

STATE OF CALIFORNIA, CITY)
AND COUNTY OF SAN FRANCISCO) ss.

On this 24th day of January , 1974, before me, Julie A. Hurtado, a Notary Public for said State, residing therein, duly commissioned and sworn, personally appeared DAVID STRAIN, ALICIA NAVAR HOYOLA, CRAIG E. EPPERSON, WILLIAM F. BROLL, THOMAS E. KIMBALL, and STEPHEN C. JOHNSON, known to me to be the persons whose names are subscribed to the foregoing Articles of Incorporation, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year first above written.

JULIE A. HURTADO
NOTARY PUBLIC CALIFORNIA
CITY AND COUNTY OF
SAN FRANCISCO
My Commission Expires Aug. 11, 1975

Julie A. Hurtado

Julie A. Hurtado
Notary Public, in and for
the State of California

My commission expires:
August 11 1975

2404357074 2

STATE OF CALIFORNIA

OFFICE OF THE
SECRETARY OF STATE

I, *EDMUND G. BROWN JR.*, Secretary of State of the State of California, hereby certify:

That the annexed transcript has been compared with the record on file in this office, of which it purports to be a copy, and that same is full, true and correct.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this

FEB 15 1974

Edmund G. Brown Jr.
Secretary of State

OGC3215

TANIGAWA & TANIGAWA
Attorneys at Law
Suite 1550 Pacific Tower
1001 Bishop Street
Honolulu, Hawaii 96813

Herbert H. Tanigawa
Michael K. Tanigawa

Telephone
(808) 531-8564
Fax
(808) 531-8263

RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION
89 JUN 27 AM 8:44

June 21, 1989

Patty Reilly, Esq.
General Counsel's Office
Federal Election Commission
999 E. Street, NW
Washington, D.C. 20463

Re: MUR 2892
Japan Travel Bureau International, Inc.

Dear Ms. Reilly:

I am the attorney representing Japan Travel Bureau International, Inc. in the matter of MUR 2892.

With respect to the complaint attached to the letter addressed to Japan Travel Bureau International, Inc. from Lois G. Lerner of your Office dated June 6, 1989, it is our position that no action should be taken in this matter.

I have enclosed a copy of the certificate of incorporation of Japan Travel Bureau International, Inc. which shows that Japan Travel Bureau International, Inc. is in fact a U.S. corporation organized and created under the laws of the State of New York. As a New York corporation, Japan Travel Bureau International, Inc. is not a "foreign principal" under 22 U.S.C. 611(b)(2) and therefore is not a "foreign national" under 2 U.S.C. 441(e)(b)(1).

Also enclosed for your convenience is a copy of Advisory Opinion 1983-31 which indicates that the Federal Election Commission does not consider U.S. corporations to be foreign nationals or foreign principals even though they are wholly owned subsidiaries of a foreign corporation.

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RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 JUN 27 AM 11:05

If I can provide you with any further information to assist you in your investigation of this matter, please feel free to call me.

Sincerely,

Michael K. Tanigawa

MICHAEL K. TANIGAWA
Attorney for Japan Travel
Bureau International, Inc.

MKT:ctk

Enclosures

3404357074 5

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2892

NAME OF COUNSEL: TANIGAWA & TANIGAWA

ADDRESS: Suite 1550 Pacific Tower
1001 Bishop Street
Honolulu, Hawaii 96813

TELEPHONE: (808) 521-8354

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

JAPAN TRAVEL BUREAU INTERNATIONAL, INC.

June 15, 1989
Date

By [signature]
Signature VICE PRESIDENT

RESPONDENT'S NAME: JAPAN TRAVEL BUREAU INTERNATIONAL, INC.

ADDRESS: Suite 1201
2270 Kalakaua Avenue
Honolulu, Hawaii 96815

HOME PHONE:

BUSINESS PHONE: (808) 922-0220

2404357507746

CERTIFICATE OF INCORPORATION

OF

JAPAN TRAVEL BUREAU INTERNATIONAL INC.

Under Section 402 of the
Business Corporation Law

The undersigned, being natural persons of at least 21 years of age and acting as the incorporators of the corporation, hereby being formed under the Business Corporation Law, certify that:

FIRST: The name of the corporation is

JAPAN TRAVEL BUREAU INTERNATIONAL INC.

SECOND: The corporation is formed for the following purposes:

To maintain office or offices for the purpose of collecting and furnishing information in reference to travels and tours on railroads, steamships, airplanes, automobiles and other means of travel or transportation, to collect and furnish information of all sorts in connection with, but not limited to, [illegible], and travels in all parts of the world, to receive and furnish information regarding hotels, inns, boarding houses, and other places for the accommodation of travelers in all parts of the world, to organize and conduct tours, furnish guides and personal attendants to the patrons, and in connection therewith to print, publish and issue from time to time, travel booklets, pamphlets, bulletins, [illegible] and other publications.

To buy and sell and generally deal in tickets for transportation on railroads, steamships, airplanes and all other means of transportation and to arrange for the transportation of persons and baggage thereon, to act as agents and representatives of railroads, airplane, steamship and bus companies in the sale of transportation on railroads, airplanes, steamships, buses and generally to do every act and thing that may be necessary, proper, convenient or useful for the carrying on of the general business of travel service.

To secure and furnish accommodations in hotels, inns, boarding houses and other places for the accommodation of travelers in all parts of the world.

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To arrange for transportation of passengers, goods, wares and merchandise, and personal property of every kind and description from and to any point or place in the United States or elsewhere by means of transportation and to make all necessary arrangements for that purpose with railroad, shipping, airline, express or other companies and with individuals.

To act for insurance companies in soliciting and receiving applications for accident, health, baggage, and life insurance, the collection of premiums and doing such other business as may be delegated to agents by such companies and in general to act as insurance agents in reference to the issuance of baggage and, or accident insurance tickets primarily for the purpose of covering risks of travel).

To act as forwarding, shipping, freight, and passenger agent, clearance and custom house broker; to do any and all lawful things as agent for or intermediary between shippers or passengers and carriers which may seem calculated to promote their interests.

To engage in, conduct and operate the business of general exporters, importers, jobbers and traders, as principals, factors, brokers, agents or commission merchants with respect to goods, wares, merchandise and commodities of any kind and nature whatsoever; to buy and sell at wholesale and retail, receive, export, import, ship, trade and otherwise deal in goods, wares, merchandise and commodities of any kind and nature whatsoever.

To apply for, obtain, register, purchase, lease or otherwise acquire, and to hold, use, exercise, sell, assign or otherwise dispose of, any trade-mark, trade-name, patent, invention, improvement, license, concession and process used in connection with or secured under letters patent of the United States or any other country or otherwise, and to use, exercise, receive, operate under, develop, and grant any and all trade-marks, trade-names, patents, inventions, improvements, licenses, concessions and processes.

To acquire the stock and trade, good will, franchises, assets and property of any person or persons, partners, or corporations domestic or foreign engaged in business of the same general nature as that for which this corporation is formed and, in connection therewith to pay for the same in cash, stocks or bonds of this corporation or otherwise, and to assume all or part of the liabilities of any such person or persons, partner or corporation.

THIRD: The city, incorporated village or town [illegible] the county within the State of New York in which the office of the corporation is to be located are as follows:

City
New York,

County
New York

FOURTH: The aggregate number of shares which the corporation shall have authority to issue is two hundred (200), all of which are without par value, and all of which are of the [illegible] class.

FIFTH: The Secretary of State is designated as the agent of the corporation upon whom process against the corporation may be served. The post office address to which the Secretary of State shall mail a copy of any process against the corporation served upon him is [illegible]

[illegible]

[illegible]

[

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:

On the date hereinafter set forth, before me came KAZUO IWATA, KAZUO KIKO and THOMAS T. HAYASHI to me known to be the individuals who are described in, and who signed the foregoing certificate of incorporation and they acknowledged to me that they signed the same.

Dated: December 17, 1963

Notary Public

ARLENE MIKOLAJCZYK
Notary Public, State of New York
No. 24-0013615 Qual. in Nassau County
Cert. Filed in New York County
Commission Expires March 30, 1965

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4

CERTIFICATE OF INCORPORATION

OF

JAPAN TRAVEL BUREAU

INTERNATIONAL INC.

111827

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED DEC 24 1963
TAX $ 10
FILING FEE $ 30

John P. Lomenzo
Secretary of State

By

Thomas T. Hayashi
522 Fifth Ave.
New York, New York

State of New York
DEPARTMENT OF STATE } ss.:

17379

I CERTIFY That I have compared the preceding copy with the original Certificate of Incorporation of

JAPAN TRAVEL BUREAU INTERNATIONAL INC.,

filed in this department on the 24th day of December, 1963, and that such copy is a correct transcript therefrom and of the whole of such original.

WITNESS my hand and the official seal of the Department of State at the City of Albany, this sixteenth day of September, one thousand nine hundred sixty-four.

John P. Lomenzo
Secretary of State

Form CO-504

?40435707552

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463 999 E Street, NW

November 10, 1983

21 4:41 PM '83

CERTIFIED MAIL
[redacted]

ADVISORY OPINION 1983-31

Mr. Jim C. Curlett
Holtzmann, Wise & Shepard
755 Page Mill Road,
Suite A-230
Palo Alto, California 94304

Dear Mr. Curlett:

This responds to your letter of September 27, 1983, requesting an advisory opinion on behalf of Syntex Laboratories, Inc., Syva Company, and Syntex Chemical, Inc., ("the companies") concerning application of the Federal Election Campaign Act of 1971, as amended ("the Act"), and Commission regulations, to proposed contributions and expenditures in connection with state and local campaigns for political office and with respect to state and local ballot measures.

You state that the companies are domestic subsidiary corporations of Syntex-U.S.A., a Delaware corporation that is itself a wholly-owned subsidiary of Syntex Corporation, a Panamanian corporation. You further state that the companies have adopted articles of organization for the creation of a committee known as the "Syntex Good Government Committee" ("the Committee") for the purpose of making contributions and expenditures in connection with state and local campaigns for political office and with respect to state and local ballot measures. You note that other corporations may be admitted to membership on the Committee, and that no corporation will be eligible to be represented on the Committee if it is a foreign national within the meaning of 2 U.S.C. §441b.

According to the Articles of Organization ("the Articles") enclosed with your request, the activities of the Committee will be managed by three individuals appointed from time to time by the Boards of Directors of the companies, with one member being appointed by each such Board of Directors. You note that these individuals, who are solely responsible for exercising the decision-making authority of the Committee, must all be citizens

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of the United States or persons lawfully admitted for permanent residence in the United States (i.e., not foreign nationals within the meaning of 2 U.S.C. § 441e). In addition, the Articles state that no individual who is a foreign national will participate in any way in the decision-making processes of the Committee with regard to political contributions or expenditures and that the Committee will not solicit or accept any recommendations from any foreign nationals with respect thereto. The Articles also state that members of the Boards of Directors of the companies who are foreign nationals will abstain from voting on matters concerning the Committee or its activities.

In light of these facts, you ask whether the Committee is permitted to make the proposed contributions and expenditures in connection with state and local campaigns for political office and with respect to state and local ballot measures in California and possibly other states.

The Commission notes initially that under the Act, foreign nationals are prohibited from making contributions, directly or through any other person, in connection with any election to any political office. See 2 U.S.C. §441e. The term "foreign national" is defined by 2 U.S.C. §441e(b)(1) to mean a "foreign principal" as such term is defined specifically by 22 U.S.C. § 611(b). Section 611(b) defines "foreign principal" as including:

> (1) a government of a foreign country and a foreign political party;
>
> (2) a person outside of the United States, unless it is established that such person is an individual and a citizen of and domiciled within the United States, or that such person is not an individual and is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States; and
>
> (3) a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.

The Commission concludes that since none of the corporations involved in establishing the Committee is a foreign principal as that term is defined in 22 U.S.C. § 611(b), the Act would not prohibit the Committee from using funds contributed to it by the companies in connection with campaigns for state or local political office and state or local ballot measures in California and other states. See Advisory Opinion 1982-10. The Commission

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views the Committee's Articles of Organization as offering sufficient assurances that no individual who is a foreign national will participate in any manner in the decision-making processes of the Committee with regard to the proposed spending for political activities. See Advisory Opinions 1983-19, 1982-34, 1982-10, 1981-36, and 1980-111, copies enclosed.

The Commission expresses no opinion regarding application of any other Federal statute or state statute to the described activity since any issues thereunder are not within the Commission's jurisdiction.

This response constitutes an advisory opinion concerning application of the Act, or regulations prescribed by the Commission, to the specific transaction or activity set forth in your request. See 2 U.S.C. § 437f.

Sincerely yours,

Danny L. McDonald
Chairman for the
Federal Election Commission

Enclosures (AOs 1983-19, 1982-34, 1982-10, 1981-36 and 1980-111)

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RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION
89 JUN 27 AM 8:43

MORIO OMORI
ATTORNEY-AT-LAW
PACIFIC TOWER, SUITE 1030
1001 BISHOP STREET
HONOLULU, HAWAII 96813
(808) 533-4238

TRANSMITTAL LETTER

TO: Office of General Counsel
Federal Elections Commissions
999 E St. N. W.
Washington, D.C. 20463

DATE: June 21, 1989

RE: MUR 2892
Halekulani Corporation

Transmitted Herewith or Under Separate Cover:

Copies	Date	
1	6-21-89	Statement of Designation of Counsel
1	6-21-89	Affidavit of Senior Vice President/Administration, Halekulani Corporation

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(X) Per Your Request
( ) Your Information & Files
( ) Signature & Return
( ) Signature & Forwarding
( ) Review, Comments & Return
( ) Approved
( ) Disapproved
( ) Distribution
( ) Recordation
( ) Payment
( ) Per Remarks Below

REMARKS:

FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

MORIO OMORI

STATE OF HAWAII)
: SS.
CITY AND COUNTY OF HONOLULU)

LAWRENCE W. L. CHANG, upon oath first duly sworn, deposes and says:

1. He is the senior vice president/administration of Halekulani Corporation ("Respondent").

2. Respondent is named in the Second Count and Count Twenty-Ninth of MUR 2892 and this response is pertinent and applicable to both counts.

3. Respondent was incorporated in the State of Hawaii as a Hawaii corporation on October 31, 1980. The sole stockholder at incorporation was Mitsui Fudosan (U.S.A.), Inc., a California corporation. (See Articles of Incorporation of Halekulani Corporation, Exhibit A attached.)

4. All of the outstanding capital stock of Respondent, which was increased to 1,000,000 shares on January 11, 1985, is presently owned by Mitsui Fudosan (Hawaii), Inc. Mitsui Fudosan (Hawaii), Inc. was incorporated as a Hawaii corporation on December 15, 1987 and its sole stockholder at incorporation was Mitsui Fudosan (U.S.A.), Inc., a California corporation. (See Certificate Re: Increase of Authorized Capital Stock, Exhibit B attached. See Articles of Incorporation of Mitsui Fudosan (Hawaii), Inc., Exhibit C attached.)

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5. As of this date, therefore, the Respondent is solely owned by a Hawaii corporation (Mitsui Fudosan (Hawaii), Inc.) which is solely owned by a California corporation (Mitsui Fudosan (U.S.A.), Inc.). Mitsui Fudosan (U.S.A.), Inc. is solely owned by Mitsui Real Estate Development Company, Limited, a Japan corporation.

6. The Respondent owns and operates the Halekulani Hotel in Waikiki and partially owns and manages the Waikiki Parc Hotel in Waikiki. The President and Secretary/Treasurer of the Respondent are the only Japanese nationals involved in the management of the Halekulani Hotel and the Waikiki Parc Hotel. All other executives in the corporate management office in Amfac Center and the hotel operations office in Halekulani Hotel are American citizens and/or residents of Hawaii. All such executives and employees are employees of Respondent or Mitsui Fudosan (Hawaii), Inc. or its Hawaii subsidiaries.

7. It is established that corporations are not permitted to make contributions to Federal election campaigns under the Federal Election Campaign Act of 1971. There is no such restriction against corporate contributions to municipal and State election campaigns in Hawaii. (Chapter 11, Hawaii Revised Statutes).

8. Under the provisions of 22 U.S.C. 441 e.(a), foreign nationals are specifically prohibited from making

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contributions "in connection with an election to any political office or in connection with any primary election...held to select candidates for any political office."

9. "Foreign national" is defined in 22 U.S.C. 441e.(b) as a foreign principal as defined by Section 611(b) of title 22. Section 611(b)(2) of title 22 defines "foreign principal" to include, inter alia, "a person outside of the United States, unless it is established...that such person is not an individual and is organized under or created by the laws of the United States or of any State...and has its principal place of business within the United States." A corporation is included as a "person" under 22 U.S.C. 611(a).

10. Assuming arguendo that the Federal Election Campaign Act of 1971 is applicable herein, the basic criteria to determine whether or not the Respondent is a "foreign national" who made a prohibited contribution in the Mayoral campaign in the City and County of Honolulu are set forth in the definition of "foreign principal". The Respondent would be deemed to have violated the Federal Election Campaign Act of 1971 as a foreign national under 22 U.S.C. 611(b)(2) unless Respondent can establish the following:

(a) That it is not an individual.

(b) That it is organized under or created by the laws of the United States or of any State.

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(c) That its principal place of business is within the United States.

11. The relevant facts concerning the Respondent establish the following:

(a) That it is a corporation, not an individual.

(b) That it is incorporated and licensed to do business as a Hawaii corporation pursuant to Chapter 416, Hawaii Revised Statutes, as of October 31, 1980.

(c) That its principal place of business is within the State of Hawaii at Amfac Center, Suite 1115, 700 Bishop Street, in downtown Honolulu, Hawaii 96813 (corporate office) and at 2199 Kalia Road, in Waikiki, Honolulu, Hawaii 96815 (Halekulani Hotel).

12. Other relevant facts and pertinent laws further establish that the Respondent has not violated the Federal Election Campaign Act of 1971.

(a) The Mayoral election was a municipal election held under Hawaii state statutes, not a federal election. The prohibition against corporate contributions does not apply to such local and State elections under both State and Federal laws.

(b) The Respondent is not a corporation organized under the laws of a foreign country and does not have its principal place of business in a foreign country to make it a "foreign principal" under 22 U.S.C. 611(3).

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(c) Any federal rule or regulation which seeks to give jurisdiction to the Federal Election Commission in municipal and State elections based upon the statutory provisions of the Federal Election Campaign Act of 1971 relied upon in the complaint is void.

13. Based upon the foregoing, it is respectfully submitted that the complaint in MUR 2892 against the Respondent as set forth in Count 2 and Count 29 should be dismissed, with costs and reasonable attorney's fees.

Further Affiant sayeth not.

Lawrence W. L. Chang
LAWRENCE W. L. CHANG

Subscribed and sworn to before me
this 21st day of June, 1989.

Notary Public, State of Hawaii

My commission expires: 6/8/93

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STATEMENT OF DESIGNATION OF COUNSEL

MDR 2892

NAME OF COUNSEL: MORIO OMORI, ESQ

ADDRESS: Pacific Tower, Suite 1030
1001 Bishop Street
Honolulu, Hawaii 96813

TELEPHONE: (808) 533-4238

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

HALEKULANI CORPORATION

6/21/89
Date

By Lawrence W. L. Chang
Signature LAWRENCE W. L. CHANG
Senior Vice President/Administration

RESPONDENT'S NAME: HALEKULANI CORPORATION

ADDRESS: Suite 1115
700 Bishop Street
Honolulu, Hawaii 96813

HOME PHONE: ----------

BUSINESS PHONE: (808) 526-1186

7404357076 2

IN THE DEPARTMENT OF REGULATORY AGENCIES OF THE

STATE OF HAWAII

In the Matter of the Incorporation
of
HALEKULANI CORPORATION

OCT 3

ARTICLES OF INCORPORATION

MORIO OMORI
602 Capital Investment Bldg.
850 Richards Street
Honolulu, Hawaii 96813
Tel. No. 533-4238

Attorney

EXHIBIT A

24043570763

IN THE DEPARTMENT OF REGULATORY AGENCIES OF THE

STATE OF HAWAII

In the Matter of the Incorporation
of
HALEKULANI CORPORATION

ARTICLES OF INCORPORATION

KNOW ALL MEN BY THESE PRESENTS:

That we, the undersigned, desiring to become incorporated as a corporation under and in accordance with Chapter 416, Hawaii Revised Statutes, as amended, and the other laws of the State of Hawaii, and to obtain the benefits conferred by said laws upon incorporation, do hereby file with the Director of Regulatory Agencies of the State of Hawaii, these Articles of Incorporation, the terms whereof shall be equally obligatory upon the parties hereto as well as upon all other persons who, from time to time, may be stockholders in the corporation.

ARTICLE I

The name of the corporation shall be HALEKULANI CORPORATION.

ARTICLE II

The place of the principal office of the corporation shall be in Honolulu, City and County of Honolulu, State of Hawaii, or such other place within the State as shall be

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determined by the Board of Directors. Until otherwise determined by the Board of Directors, the post office address of the corporation shall be 700 Richards Street, Suite 2109, Honolulu, Hawaii 96813.

ARTICLE III

There may be such subordinate or branch offices in such place or places within said State or elsewhere as may be deemed necessary or requisite by the Board of Directors to transact the business of the corporation, such branch or subordinate offices to be in charge of such person or persons as may be appointed by the Board of Directors.

ARTICLE IV

Section 1. The primary purposes for which this corporation is organized are the following:

(a) To engage in the business of investing in, developing and otherwise dealing with real estate and other property.

(b) To undertake and carry on any business, investment, transaction, venture or enterprise which may be lawfully undertaken or carried on by a corporation.

Section 2. And in furtherance of said purposes, the corporation shall have all powers, rights, privileges and immunities, and shall be subject to all of the liabilities conferred or imposed by law upon corporations of this nature, and shall be subject to and have all the benefits of all general laws with respect to corporations.

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ARTICLE V

The authorized capital stock of the corporation shall be ONE HUNDRED THOUSAND DOLLARS ($100,000.00), divided into TEN THOUSAND (10,000) shares of common stock of the par value of TEN DOLLARS ($10.00) per share. The corporation shall have the privilege of subsequent extension of its capital stock from time to time in the manner provided by law by the issuance of either common or preferred stock to an amount not exceeding TEN MILLION DOLLARS ($10,000,000.00) in the aggregate.

ARTICLE VI

Section 1. The officers of the corporation shall be a president, one or more vice presidents, a secretary and a treasurer, who shall be appointed by the Board of Directors as shall be prescribed by the By-Laws.

Section 2. There shall be a Board of Directors not less than three (3) members, who need not be stockholders, except as may otherwise be provided by the By-Laws.

Section 3. All the powers and authority of the corporation shall be vested in and may be exercised by the Board of Directors except as otherwise provided by law, these Articles of Incorporation or the By-Laws of the corporation.

ARTICLE VII

The following persons are the first officers and directors of the corporation:

7404357076 6

NAME	OFFICE	RESIDENCE ADDRESS
MASATOSHI KAKIAGE	President Director	2633 Lightfoot Place Rancho Palos Verdes, CA 90274
MASATOSHI HEZUMIYA	Vice President Director	51 Aspen Way Rolling Hills Estates, CA 90274
MITOSHI SAITO	Secretary- Treasurer Director	51 Aspen Way Rolling Hills Estates, CA 90274
KENNETH K. FUJII	Director	1318 Maalahi Street Honolulu, HI 96819

ARTICLE VIII

NAME	NUMBER OF SHARES SUBSCRIBED	SUBSCRIPTION PRICE	AMOUNT OF CAPITAL PAID IN CASH
MITSUI FUDOSAN (U.S.A.), INC.	10,000	$100,000.00	$100,000.00

ARTICLE IX

The corporation shall have succession by its corporate name in perpetuity.

ARTICLE X

No stockholder shall be liable for the debts of the corporation beyond the amount which may be due or unpaid upon any share or shares of stock of the corporation owned by him.

IN WITNESS WHEREOF, the parties to these Articles of Incorporation have hereunto set their hands on the 30 day of October, 1980.

KENNETH K. FUJII

MASATOSHI KAKIAGE

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STATE OF HAWAII)
: SS.
CITY AND COUNTY OF HONOLULU)

On this 30 day of October, 1980, before me personally appeared KENNETH K. FUJII and MASATOSHI KARIAGE, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

Notary Public, State of Hawaii
My commission expires: 6/3/83

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Filing fee is 30 cents per $1,000 [illegible], minimum fee $30, maximum fee $1,000. Delinquent Check--$7.50

In the matter of the increase of the authorized capital stock of

HALEKULAKI CORPORATION

(Corporate Name)

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CERTIFICATE RE INCREASE OF AUTHORIZED CAPITAL STOCK

The undersigned duly authorized officers of the captioned Hawaii corporation, being first duly sworn under oath, depose and affirm as follows:

(Use and initial/date appropriate statement)

A. That at a special meeting of the stockholders of said corporation duly called for the purpose of increasing the authorized capital stock and held on ..... at ..... o'clock ..... M., a quorum was present in person or by proxy, to wit, ... holders of ..... shares out of ..... shares outstanding and having voting power to increase the authorized capital stock as set forth in paragraph C.

B. That all of the stockholders of the corporation entitled to vote have consented in writing, in lieu of a meeting, to increase the authorized capital stock as set forth in paragraph C.

C. The shareholders have approved the increase of the authorized capital stock of said corporation from $5,000,000.00 to $10,000,000.00 common by authorizing the issuance of 500,000 new shares of the par value of $10.00 each, and/or from $ ..... to $ ..... preferred by authorizing the issuance of ..... new shares of the par value of $ ..... each.

And in compliance with the requirements of law, the undersigned officers further depose and affirm:

D. That the present authorized capital stock of said corporation is $ 5,000,000.00 common and $ ..... preferred;

E. That the amount to which the capital stock of said corporation may be increased under its articles of incorporation is $10,000,000.00 common and $ ..... preferred, being $10,000,000.00 in the aggregate;

F. Please check applicable blank:

[ ] That not less than ten per cent of the total authorized capital stock as increased has been paid in, in cash or property.

[x] That the corporation holds cash or property of a value equal to ten per cent of the total authorized capital stock as increased.

Office Held: Executive Vice President
Shuhei Otsuka

Office Held: Treasurer
Yuri Giga

Subscribed and sworn to before me this 10th day of January, 19 95.

Notary Public, State of Hawaii
My commission expires: June 3, 1995

EXHIBIT B

(Representations on reverse side)

Rev. 12/92

7404357079

IN THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS OF THE STATE OF HAWAII

In the Matter of the Incorporation of MITSUI FUDOSAN (HAWAII), INC.

ARTICLES OF INCORPORATION

9404357077 0

MORIO OMORI
1001 Bishop Street
Suite 1030, Pacific Tower
Honolulu, Hawaii 96813
Tel. No. 533-4238

Attorney

EXHIBIT C

IN THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS OF THE STATE OF HAWAII

In the Matter of the Incorporation)
of)
MITSUI FUDOSAN (HAWAII), INC.)

ARTICLES OF INCORPORATION

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, desiring to become incorporated as a corporation under the laws of the State of Hawaii, does hereby execute these Articles of Incorporation.

ARTICLE I

NAME

The name of the corporation shall be MITSUI FUDOSAN (HAWAII), INC.

ARTICLE II

ADDRESS

The place of the principal office of the corporation shall be in Honolulu, City and County of Honolulu, State of Hawaii, or such other place within the State as shall be determined by the Board of Directors. Until otherwise determined by the Board of Directors, the

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mailing address of its principal office shall be 700 Bishop Street, Suite 1115, Amfac Building, Honolulu, Hawaii 96813.

ARTICLE III

BRANCH OFFICES

There may be such subordinate or branch offices in such place or places within said State or elsewhere as may be deemed necessary or requisite by the Board of Directors to transact the business of the corporation, such branch or subordinate offices to be in charge of such person or persons as may be appointed by the Board of Directors.

ARTICLE IV

PURPOSES

Section 1. The primary purposes for which this corporation is organized are the following:

(a) To engage in the business of real estate development and management and in activities incidental to and in furtherance of said business.

(b) To undertake and carry on any business, investment, transaction, venture or enterprise which may be lawfully undertaken or carried on by a corporation under Chapter 415, Hawaii Revised Statutes.

Section 2. And in furtherance of said purposes, the corporation shall have all powers, rights, privileges and immunities, and shall be subject to all of the liabilities

> 2 4 0 4 3 5 7 0 7 / 2

conferred or imposed by law upon corporations of this nature, and shall be subject to and have all the benefits of all general laws with respect to corporations.

ARTICLE V

SHARES OF STOCK

Section 1. The aggregate number of shares which the corporation shall have authority to issue shall be ONE HUNDRED (100) shares of common stock of a par value of TEN DOLLARS ($10.00) per share.

Section 2. The common stock of the corporation shall be the only class of stock with voting rights.

ARTICLE VI

PRE-EMPTIVE RIGHTS

Section 1. In case of the issuance or reissuance of any shares of any class, such shares shall be first offered to the holders of the common stock of the corporation, before being sold to others, upon such terms (which term shall not be less favorable than the terms upon which such said shares are thereafter sold to others) on a pro-rata basis of the shares of common stock respectively held by such stockholders at such date.

Section 2. This pre-emptive right may be waived or otherwise amended by the vote of the holders of not less than a majority of the common stock issued and outstanding and

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having voting power and shall be inapplicable in case such stocks shall be issued in connection with the acquisition of the property or of substantially the entire assets of a going business or in connection with a merger or consolidation.

ARTICLE VII

OFFICERS AND DIRECTORS

Section 1. The officers of the corporation shall be a President, one or more Vice-Presidents, a Secretary and a Treasurer, who shall be appointed by the Board of Directors as shall be prescribed by the By-Laws. The corporation may have such additional officers as may be determined in accordance with the By-Laws from time to time, including honorary, non-statutory officers with specific functions designated by the Board of Directors not inconsistent with law. The officers shall have the power, perform the duties and be appointed as may be determined in accordance with the By-Laws. The same person may hold two or more offices of the corporation, provided that there shall be not less than two persons serving as officers of the corporation.

Section 2. The Board of Directors shall consist of one or more directors if the corporation has only one stockholder; two or more directors if the corporation has two stockholders; and three or more directors if the corporation has three or more stockholders. There shall, in any event, be no more than twenty directors. The number of directors

7404357077 4

shall be fixed by or in the manner provided in the By-Laws. The number of directors may be increased or decreased from time to time in the manner provided in the By-Laws, but no decrease shall have the effect of shortening the term of any incumbent director. At least one director shall be a resident of the State of Hawaii. The directors need not be stockholders. The directors shall be elected or appointed in the manner provided in the By-Laws. All vacancies on the Board of Directors shall be filled by the stockholders or the directors in the manner provided in the By-Laws.

Section 3. The Board of Directors, except as limited by law or in the By-Laws, shall have all powers necessary to carry out all the business of the corporation and may delegate such powers which are not prohibited by law or in the By-Laws.

ARTICLE VIII

INITIAL OFFICERS AND DIRECTORS

There shall be two (2) directors constituting the initial Board of Directors. The following named persons shall be the initial officers and directors. The initial directors shall hold office until the first annual meeting of the stockholders and until their successors shall have been elected and qualified. The initial officers shall serve until their successors are appointed by the Board of Directors.

240435707715

NAME	OFFICE	RESIDENCE ADDRESS
SHUHEI OKUDA	President Treasurer Director	Hilton Lagoon, Apt. 16G 2003 Kalia Road Honolulu, Hawaii 96815
HIDEKI TAMURA	Vice President Secretary	934 Hunakai Street Honolulu, Hawaii 96816
MORIO ONORI	Director	1031 Waiiki Street Honolulu, Hawaii 96821

ARTICLE IX

INITIAL SUBSCRIBERS

The initial subscriber for shares of common stock in the corporation, the number of shares subscribed for, the subscription price for the shares and the consideration paid therefor are as follows:

NAME	NUMBER OF SHARES SUBSCRIBED	SUBSCRIPTION PRICE	AMOUNT OF CAPITAL PAID IN CASH
MITSUI FUDOSAN (U.S.A.), Inc., a California corp.	100	$1,000	$1,000

ARTICLE X

DURATION

The corporation shall have perpetual duration.

ARTICLE XI

AMENDMENTS

These Articles may be amended by the affirmative vote of stockholders holding not less than the majority of

7404357077/6

all the stock of the corporation issued and outstanding and having voting power at any annual meeting or at a meeting duly called for such purpose.

CERTIFICATION

The undersigned hereby certifies under the penalties of Section 415-136, Hawaii Revised Statutes, that he has read the above statements and that the same are true and correct.

Witness my hand this 15th day of December, 1987.

SHUBEI OKUDA

A404357077

06C 3217

RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION

89 JUN 27 AM 10:30

LAW OFFICES OF
JASON G.F. WONG
SUITE 1270 PIONEER PLAZA
900 FORT STREET MALL
HONOLULU, HAWAII 96813
TELEPHONE (808) 526-3033

TELEX
74-3471 INTLW
FAX
(808) 526-3035

June 23, 1989

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

General Counsels Office
FEDERAL ELECTION COMMISSION
1325 K Street, N. W.
Washington, DC 20463

Attn: Lawrence M. Noble, Esq.
Lois G. Lerner, Esq.

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 JUN 27 PM 4:12

Re: MUR 2892
New Tokyo-Hawaii Restaurant Co., Ltd.

Dear Mr. Noble & Ms. Lerner:

This office has been retained by New Tokyo-Hawaii Restaurant Co., Ltd. ("New Tokyo") to respond to your June 6, 1989 letter received by New Tokyo on June 12, 1989. Enclosed with and as part of this response is an affidavit executed by Bert Shimabuku and a duly executed Statement of Designation of Counsel. Based upon the facts and law in this matter it is our view that there has been no violation by New Tokyo of the Federal Election Campaign Act of 1971 ("Act") as alleged in the Complaint. Accordingly, it is requested that this matter and file be closed.

New Tokyo is a Hawaii corporation formed in 1972 with its principal place of business in the State of Hawaii. Since its incorporation, it has been and continues to provide food, beverage and entertainment from its location in Waikiki, Honolulu, Hawaii. Although the stock of New

2404357077/8

Tokyo is owned by two foreign (Japan) corporations, New Tokyo owns substantial assets and operates as its own profit center separate and apart from them. Management of New Tokyo lies with Dr. Kathleen Kagawa, Bert Shimabuku and Ken Takahashi. Dr. Kagawa and Mr. Shimabuku are U.S. citizens, born and raised in Hawaii. Mr. Takahashi is a permanent resident of the United States, residing in Hawaii.

In August, 1987, New Tokyo made a contribution of Five Hundred & 00/100 Dollars ($500.00) to a local (Friends For Fasi) election. The decision to contribute was made solely by Mr. Shimabuku which was and is in his management discretion. No approval or decision was made, sought, obtained or necessary from the foreign stockholders. Neither New Tokyo nor Mr. Shimabuku were aware that the contribution could or arguably would violate the Act. If they were aware of this, no contribution would have been made.

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I. The Federal Election Campaign Act Does Not Prohibit Contributions by Domestic Corporations.

The Federal Election Campaign Act of 1971 (2 U.S.C. Section 431 et. seq.) was amended in 1976 by inter alia adding a section prohibiting foreign nationals from making political contributions. 2 U.S.C. Section 441(e) provides:

> (a) It shall be unlawful for a foreign national directly or through any other person to make any contribution or money or other thing of value, or to promise expressly or impliedly to make any such contribution, in connection with an election to any political office or in connection with any primary election, convention, or caucus held to select

candidates for any political office; or for any person to solicit, accept, or receive any such contribution from a foreign national. (underscoring added)

(b) As used in this section, the term "foreign national" means -

(1) a foreign principal, as such term is defined by Section 611(b) of Title 22, except that the term "foreign national" shall not include any individual who is a citizen of the United States; or

(2) an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by Section 1101(a)(20) of title 8. (Emphasis added)

In defining a "foreign national" the federal regulations generally track the language of the statute. See 11 C.F.R. Section 110.4 (a)(2)-(3).

A "Foreign principal" is defined in 22 U.S.C. Section 611(b) as follows:

(1) a government of a foreign country and a foreign political party;

(2) a person outside the United States, unless it is established that such person is an individual and a citizen of and domiciled within the United States, or that such person is not an individual and is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States; and

(3) a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country. (underscoring added)

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Since New Tokyo is not a corporation organized under foreign law nor with its principal place of business in a foreign country, it is not a foreign national which is prohibited from making such contributions. Indeed, in a 1985 advisory opinion, the F.E.C. interpreted the Act as excluding domestic corporations from Section 441(e) of the Act (U.S. subsidiary of Canadian corporation) A.O. 1985-3, Fed. Election Camp. Fin. Guide (CCH) Section 5809, March 4, 1985.

Similarly, New Tokyo - a Hawaii corporations with its principal place of business in Hawaii and its operations separate and apart from its foreign stockholders does not come within the ambit and prohibitions of the Act. The contribution did not involve any foreign money since it was sourced from New Tokyo and the decision was made by domestic management (Bert Shimabuku) without consultation or approval by the foreign stockholders. Accordingly and without more, no violation of the Act occurred.

II. The Federal Election Act Does Not Apply To Local/State Elections.

Even assuming that New Tokyo is a foreign national within the Act, it is questionable whether the Act prohibits contributions to State or local elections. 2 U.S.C. Section 441(e) does not expressly apply to state and local elections. However, the Act does define the terms "candidate" and "contribution" which appear to refer only to elections for Federal office. (2 U.S.C. Section 431(2) and (8)(A)) 2 U.S.C. Section 431(2) defines "candidate"as an "individual who seeks nomination for election to Federal office..." (underscoring added)

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Subparagraph 8(a) defines "contribution" as inter alia:

> any gift, subscription, loan, advance, or deposit of money or anything of value made by any purpose for the purpose of influencing any election for Federal office... (underscoring added).

The fact that state and/or local office is not expressed in the definition suggests that it was not intended to be included. In general, when a word is defined by statute, any other meaning not expressed is excluded. National Wild Life Federation vs. Gorsuch, 693 F2d 156, 172 (D.C. Circuit, 1982). Additionally, the fact that state/local offices-committee is expressed in other parts of that section (431(a)(xi)/(xii)) is persuasive that Congress would have expressly included it in its definition of "candidate" and "contribution" if it had intended so.

The legislative history of the Act does not suggest that the 1976 Amendment (adding the current section 441(e) would apply to state or local elections. Although the legislative history of the Amendment expresses an intent to protect the interest of the United States by requiring additional public disclosure by persons acting for or in the interest of foreign principals, there is no language that mentions it being applicable to state or local elections.

Despite the foregoing and overall purpose of the Act to regulate federal elections, the federal regulations specifically interprets Section 441(e) to apply to local and state elections:

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> A foreign national shall not directly or through any other person make a contribution, or expressly or impliedly promise to make a contribution, in connection with a convention caucus, primary, general, special, or run-off election in connection with any local, state or federal public office. 11 C.F.R. 110.4(a)(1). (underscoring added)

While it is true that the regulations and F.E.C. interpretations thereof are entitled to deference (F.E.C. vs. Democratic Senatorial Campaign Committee, 454 U.S.27 [1981]) Federal legislative power resides in Congress and regulations that exceed the intent and/or scope of the statute are invalid. As such, it is unclear at best, whether the Act and Section 441(e) prohibits the contribution by New Tokyo to a local election.

Based upon the above facts and law, New Tokyo respectfully requests that you recommend the Commission find no reason to believe that the Complaint sets forth a possible violation of the Act and that the Commission close the file in this matter. Please do not hesitate to contact the undersigned concerning this matter.

Very truly yours,

Jason G. F. Wong

JGFW:vy

cc: New Tokyo-Hawaii Restaurant Co., Ltd.

Enclosures: Affidavit of Bert Shimabuku
Designation of Counsel

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AFFIDAVIT OF BERT SHIMABUKU

STATE OF HAWAII)
) SS.
CITY & COUNTY OF HONOLULU)

Bert Shimabuku, being first duly sworn on oath deposes and says:

1. That Affiant is the Executive Director of New Tokyo-Hawaii Restaurant Co., Ltd. ("New Tokyo-Hawaii") and has been employed by New Tokyo for sixteen (16) years.

2. That he has reviewed the letter from the Federal Election Commission and Complaint identified as MUR 2892 and the accompanying documents.

3. That New Tokyo-Hawaii is a Hawaii corporation formed in December 19, 1972 with its principal place of business in the State of Hawaii.

4. That the stockholders of New Tokyo-Hawaii are two Japan corporations.

5. That since its formation in 1972, New Tokyo-Hawaii has been and continues to be engaged in the business of providing food, beverage and entertainment services in the State of Hawaii and operates as a distinct and separate profit center from its stockholders.

6. That in August of 1987, New Tokyo-Hawaii purchased tickets to a campaign dinner for Mr. Frank Fasi.

7. Affiant, in his discretion and capacity as executive director of New Tokyo-Hawaii, made the decision to purchase said tickets and authorized the issuance of a check to Friends For Fasi in the amount of FIVE HUNDRED & 00/100 DOLLARS ($500.00).

8. That the contribution was made from funds from New Tokyo-Hawaii and not directly or indirectly from any foreign stockholder.

2404357073 4

9. That the foreign stockholders of New Tokyo-Hawaii did not have any part in said decision nor did the contribution require any approval or decision by them.

10. That Affiant and New Tokyo-Hawaii, at the time of the contribution, was not aware that such a contribution was or might be considered impermissible under Federal or State law.

11. That if Affiant or New Tokyo-Hawaii was aware that such contribution was and or might be prohibited under Federal and/or State law, they would not have made the decision to contribute such funds.

Further Affiant Sayeth Naught.

Bert Shimabuku

BERT SHIMABUKU

Subscribed and sworn to before me
this 23rd day of June, 1989.

Notary Public, State of Hawaii

My Commission Expires: 8-2-91

2435705

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2892

NAME OF COUNSEL: JASON G. F. WONG, ESQ.

ADDRESS: 900 Fort Street
Suite 1270
Honolulu, Hawaii 96813

TELEPHONE: (808) 526-3033

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

NEW TOKYO-HAWAII RESTAURANT CO., LTD.

June 23, 1989
Date

By Bert Shimabuku
Signature
Its Executive Director

RESPONDENT'S NAME: NEW TOKYO-HAWAII RESTAURANT CO., LTD.

ADDRESS: 286 Beach Walk
Honolulu, Hawaii 96815

HOME PHONE:

BUSINESS PHONE: (808) 923-8411

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SAAB-SCANIA

Saab-Scania of America, Inc.

HAND DELIVERED

RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION

89 JUN 28 PM 1:05

OGC 3237

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 JUN 28 PM 3:27

June 27, 1989

Patty Reilly, Esq.
Federal Election Commission
Washington, D.C. 20463

Re: MVR 2892
Saab-Scania of America, Inc.

Dear Ms. Reilly:

Enclosed please find Saab-Scania of America, Inc.'s Statement of Designation of Counsel together with a copy of all correspondence from our files relating to a campaign contribution to the "Friends for Fasi" in the amount of $2,500. It is my recollection that this contribution was made with advice of local counsel in Honolulu, although he might not have considered applicable provisions of Federal Election law. I do not recall considering any such matters as general counsel for Saab-Scania of America, Inc. or as general manager of our bus manufacturing operation at that time.

Saab-Scania of America, Inc. is a Connecticut corporation, all of the stock of which is held by Saab-Scania Holdings Corp., a Delaware corporation. All of the shares of various classes of Saab-Scania Holdings Corp. stock are held by Saab-Scania AB or its divisions or wholly-owned subsidiaries, all of which are Swedish corporations.

I do not believe that any of this material need be supplied under oath, but would be happy to do so, if you so desire.

Very truly yours,

John Phelps Clark
Vice President and
General Counsel

JPC:kr
Enclosures

2 4 0 4 3 5 7 0 7 8 3 7

Saab Drive
P.O. Box 697
Orange, CT 06477

Telephone
203 795-5671

Telex
221 018

Facsimile
203 795-6451

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2892

NAME OF COUNSEL: JOHN PHELPS CLARK

ADDRESS: BOX 697, SAAB DRIVE
ORANGE, CT. 06477

TELEPHONE: 203-795-2034 (OFFICE)
203-453-4498 (HOME)

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

6/27/89
Date

Signature
Vice Pres. & Gen. Counsel

RESPONDENT'S NAME: SAAB-SCANIA OF AMERICA, INC

ADDRESS: BOX 697, SAAB DR.
ORANGE, CT. 06477

HOME PHONE:

BUSINESS PHONE: 203-795-2034

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SAAB-SCANIA

Saab-Scania of America, Inc.

April 18, 1988

Campaign Spending Commission
335 Merchant Street, Room 215
Honolulu, Hawaii 96813

Re: Statement of Contributions

Gentlemen:

Please be advised that our Company, Saab-Scania of America, Inc. made a contribution to the "Friends for Fasi" in the amount of $2,000.00 by check dated August 25, 1987. Complete documentation for this transaction is enclosed.

Please accept my apologies for missing your April 4, 1988 filing date, but the request for information got mislaid in our inter-office mail. If there are any penalties for this late filing, please get in touch with me as soon as possible.

Very truly yours,

John Phelps Clark
Vice President and
General Counsel

JPC:kr
Enclosures

2404357078 9

Saab Drive
PO Box 697
Orange, CT 06477

Telephone
203 795-5671

Telex
221 016

Facsimile
203 795-4451

RECEIPT 4043350 Date 6-5 1987

Received From Jaycees - Kaneohe Chamber of Commerce

Address 45-480 Keaahala Rd. Kaneohe, HI 96744

Dollars $ 20.00

For Tickets - Mayor's Dinner

FRIENDS FOR FASI

By

CASH

CHECK

MONEY ORDER

HOW PAID

AMOUNT

To You, Friend, Aloha.

This is to say thanks. Thanks for your contribution in helping to make my recent fundraiser the most successful and the most satisfying ever. It gave me the chance to see and shake hands with so many friends. Words of encouragement, support and praise made me feel that the 37 years I've given to politics were and still are a privilege.

I will continue to justify your faith in me.
I will act to help meet the needs of our people and help make our Community the best in the world.
Warm personal regards.

Sincerely,

Frank F. Fasi

An Evening with the Mayor

SAAB-SCANIA OF AMERICA, INC.

CHECK REQUEST

TO: Accounts Payable Department

FROM: Rolf Sundeman

DATE: August 24, 1987

PAYEE: "Friends For Fasi"
c/o John E. Hirten
2999 Kalakaua Avenue, Apt. 702
Honolulu, Hawaii 96815

AMOUNT: $ 2,000.00

A/C # 3285-02-900-61

APPROVED BY: R Sundeman
(Rolf Sundeman)

EXPLANATION

Contribution to "Friends For Fasi" ...

Frank F. Fasi, Mayor, City & County of Honolulu

ACCOUNTS PAYABLE: PLEASE RUSH

CHECK AND LETTER WILL BE SENT
FEDERAL EXPRESS ON AUGUST 25

Thanks
Roy.

?40435707?91

SAAB-SCANIA
Saab-Scania of America, Inc.

VENDOR NUMBER	MO. DA. YR.	CHECK NUMBER
02-0FR1003726	08 25 87	029246

INVOICE DATE MO. DA. YR.	INVOICE NUMBER	BATCH VOUCHER NUMBER	GROSS AMOUNT	DISCOUNT AMOUNT	NET AMOUNT
08 24 87	CONTRIBUTION	08442 - 04591	2,000.00		2,000.00
			$2,000.00¢		
			2,000.00		2,000.00

SAAB-SCANIA
Saab-Scania of America, Inc.
Saab Drive Orange, CT 06477

No. 029246
$1-10
111

$2,000.00¢

MO. DA. YR.	CHECK NUMBER
08 25 87	029246

UNION TRUST COMPANY
NEW HAVEN, CONNECTICUT

PAY TO THE ORDER OF:
"Friends For Fasi"
c/o John E. Hirten
2999 Kalakaua Avenue, Apt. 702
Honolulu, Hawaii 96815

AMOUNT IN CHECK
**********2,000.00

THIS SIGNATURE REQUIRED FOR AMOUNTS IN EXCESS OF $100.00

⑈029246⑈ ⑆011100106⑆ 00 745 236 5⑈

⑆043577922

[redacted]

7821GN • 1039-0430-0 8/25/97

[redacted] 9834 [redacted]

Your Name (Please Print) Rolf Gustavson

Your Phone Number (Very Important) (203) 799-1336

Company SAAB-SCANIA (Scandia Bus Division)

Department/Floor No.

Street Address SAAB DRIVE

City ORANGE State CT ZIP Required For Correct Invoicing 0 6 4 7 7

To (Recipient's Name) Mr. John E. Hirten

Recipient's Phone Number (Very Important) ( )

Company

Department/Floor No.

Exact Street Address (Box or P.O. Number or I.D. # Or Similar Will Delay Delivery And Result in Extra Charges) 2000 Kalakaua Avenue, Apt. 306

City Honolulu State Hawaii ZIP Exact Address Zip Required 96815

YOUR BILLING REFERENCE INFORMATION (FIRST 24 CHARACTERS WILL APPEAR ON INVOICE)

PAYMENT 1 Bill Sender 2 Bill Recipient's FedEx Acct. No. 3 Bill 3rd Party FedEx Acct. No. 4 Bill Credit Card 5 Cash

Federal Express Use

Basic Charges

Declared Value Charge

Origin Agent Charge

Other

Total Charges

1 SENDER CHECK ONLY ONE BOX

1 PRIORITY 1 Overnight Envelope Using Your Packaging — Next Business Afternoon* Next Business Morning* Letter, Your Packaging

2 Overnight Box Express Pak Overnight Envelope* Next Business Afternoon* Letter, Your Packaging

3 Overnight Box Next Business Afternoon* Letter, Your Packaging

4 Overnight Tube Next Business Afternoon* Letter, Your Packaging

*Declared Value Limit $100

5 STANDARD AIR Delivery Not Later Than Next Business Afternoon* Letter, Your Packaging

SERVICE COMMITMENT

DELIVERY AND SPECIAL HANDLING CHECK SERVICES REQUIRED

1 HOLD FOR PICK-UP (Not Available to All Areas)

2 DELIVER WEEKDAY

3 DELIVER SATURDAY (Extra charge)

4 DANGEROUS GOODS (Not Available for Packages Any Extra Charge)

5 DRY ICE ____ kgs

6 OTHER SPECIAL SERVICE

7 AUTHORIZATION

8 AUTOMATED PICK-UP (Extra Charge)

9

10

PACKAGES	WEIGHT	VALUE (For Insurance)	USE ONLY
1	LBS		
	LBS		
	LBS		
	LBS		
Total 1	Total —	Total	

Received At: 1 Regular Stop 2 On-Call Stop 3 Drop Box 4 B.S.C. 5 Station

Federal Express Corp. Employee No.

Date/Time For Federal Express Use

Sender authorizes Federal Express to deliver this shipment without obtaining a delivery signature and shall indemnify and hold harmless Federal Express from any claims resulting therefrom.

Release Signature

YOUR DECLARED VALUE

DAMAGE OR LOSS

You are liable for any more than $100 per package or the amount of physical loss or damage unless you file a higher Declared Value. In the US and documents higher value, or the extra of a claim. We charge 30¢ for each additional $100 of declared value up to the maximum shown in our Service Guide. Declared value restrictions are shown on the back of the Sender's Copy of the airbill. No notice required or implied restrictions.

DELAY

There is always a risk of late delivery or non-delivery. In the event of a late delivery Federal Express will, if you request and with some exceptions, refund all the applicable charges paid. See back of Sender's Copy of the airbill for further information.

CONSEQUENTIAL DAMAGES

We will not be responsible or liable for any loss or damage resulting from delay, non-delivery or misdelivery of a package except as noted above. This includes loss of profit, income, interest, profits, attorney fees and other costs, but is not limited to these items. Such damages are called consequential damages.

DO NOT SEND CASH OR CURRENCY

PART # 158833 FEC-S-751-1000 REVISION DATE 10/96 PRINTED U.S.A. GBF6

SENDER'S COPY/RETAIN FOR TRACE PURPOSES

/ 4 0 4 3 7 0 /

CAMPAIGN SPENDING COMMISSION
335 MERCHANT STREET, ROOM 218
HONOLULU, HAWAII 96813

JACK M. K. GONZALES
EXECUTIVE DIRECTOR

March 15, 1988

MEMORANDUM

TO: ALL CORPORATIONS, COMPANIES, & ORGANIZATIONS WHO HAVE MADE CONTRIBUTIONS TO CANDIDATES

FROM: THE CAMPAIGN SPENDING COMMISSION

RE: THE FILING OF STATEMENT OF CONTRIBUTIONS WITH THE COMMISSION

According to our records, your corporation or organization has contributed an aggregate of more than $1,000.00 to candidate committees. Pursuant to the Hawaii State Campaign Spending Law, any company or organization who make direct contributions in aggregate of more than $1,000.00 per election to candidate committees shall submit a STATEMENT OF CONTRIBUTIONS to the Campaign Spending Commission. This statement of contributions is a list of candidates your organization donated to. The list may be submitted on company stationary and shall consist of the date, the name of the candidate and the amount of each contribution.

This statement shall cover the period from January 1, 1987 through December 31, 1987 and shall be submitted to the Campaign Spending Commission office by April 4, 1988 by 4:30pm. If you are on the outer islands you may file the report at your county clerk's office.

Enclosed is a copy of the due dates for the election year 1988. If you make contributions during a reporting period, (PrePrimary, PostPrimary, PreGeneral, PostGeneral) the statement of contributions is due on the reporting deadline date for that period. If you do not make contributions during a specific reporting period no statement is due until you make subsequent contributions during the next reporting period.

If you have any questions please contact our office at 548-5411 or if you are on the outer islands please use our toll free number by dialing the operator and asking for Enterprise 5406.

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John E. Hirten
2999 Kalakaua Avenue, Apt. 702
Honolulu, Hawaii 96815

Copy John Clark.
O.K. CHS 9.22.87

September 1, 1987

Mr. Rolf Sundeman
Vice President & General Manager
Scania Bus Division
Saab-Scania of America, Inc.
Saab Drive
P. O. Box 697
Orange, Connecticut 06477

Dear Rolf:

The Mayor and I are deeply appreciative of your support and thank you for purchasing tickets for his fundraiser held on August 29, even though you were not able to make the event. For your information, it was a very successful evening.

Sincerely,

JOHN E. HIRTEN

cc: Mayor Frank F. Fasi

RECEIVED
SEP 04 1987
SCANIA
DIVISION

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REPORTING DEADLINES FOR PACS, POLITICAL PARTIES & UNIONS FOR THE 1988 ELECTIONS

M.R.S.	DATE	REPORTS
Sec. 11-194		Organizational Report This report must be filed within ten days from the date the committee receives any contribution in the aggregate of more than $100 or makes any expenditure.
Sec. 11-212(a)	September 2, 1988	Close books for the Pre-Primary Disclosure Report.
Sec. 11-212(a)	September 2, 1988	Pre-Primary Disclosure Report due. This report covers the period from January 1, 1987 or if you are a continuing committee from January 1, 1988 through September 2, 1988.
	September 17, 1988	***** PRIMARY ELECTION*** (Close books for the Post-Primary Disclosure Report)**
Sec. 11-213(a)	October 7, 1988	Post-Primary Disclosure Report due. This report covers the period from September 3, 1988 through September 17, 1988.
Sec. 11-212(a)	October 24, 1988	Close books for the Pre-General Disclosure Report.
Sec. 11-212(a)	October 25, 1988	Pre-General Disclosure Report due. This report covers the period from September 18, 1988 through October 24, 1988.
	November 8, 1988	*** GENERAL ELECTION *** (Close books for the Post-General Disclosure Report)
Sec. 11-213(b)	December 8, 1988	Post-General Disclosure Report due. This report covers the period from October 25, 1988 through November 8, 1988.

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R.R.S.	DATE	REPORTS
Sec. 11-213	December 31, 1988	Close books for the Supplemental Disclosure Report.
Sec. 11-213	January 30, 1989	Supplemental Disclosure Report due. This report covers the period from November 9, 1988 through December 31, 1988.
Sec. 11-213	June 30, 1989	Close books for Supplemental Disclosure Report.
Sec. 11-213	July 31, 1989	Supplemental Disclosure Report due. This report covers the period from January 1, 1989 through June 30, 1989.
Sec. 11-213	December 31, 1989	Close books for Supplemental Disclosure Report.
Sec. 11-213	January 30, 1990	Supplemental Disclosure Report due. This report covers the period from July 1, 1989 through December 31, 1989.

2404357097

SCANIA

Saab-Scania of America, Inc.

August 24, 1987

Mr. John E. Hirten
2999 Kalakaua Avenue, Apt. 702
Honolulu, Hawaii 96815

Dear John:

Thank you very much for your letter dated July 29, 1987. Sorry that this answer comes a bit late due to some important people being out of the office.

Enclosed please find a check in the amount of $2,000.00 payable to "Friends For Fasi."

We are, unfortunately, only able to support your program with $2,000.00 due to constraints mandated by Hawaiian law which was recently found out through our law firm in Honolulu. We are sure you understand that this check, therefore, is the only contribution we are able to make.

As I am not able to participate myself, please use the tickets at your discretion.

Sincerely,

Rolf Sundemen
Vice President & General Manager

/cb

Enclosures

ucc: J. Clark
R. Sinclair
G. Agres
K. Adams
B. Shipman

2043570798

John E. Hirten
2999 Kalakaua Avenue, Apt. 702
Honolulu, Hawaii 96815

July 29, 1987

Mr. Rolf Sundeman
Vice President & General Manager
Scania Bus Division
Saab-Scania of America, Inc.
Saab Drive
P. O. Box 697
Orange, Connecticut 06477

Dear Rolf:

It was good talking to you last week. As I mentioned, the major fundraiser for the re-election of Frank F. Fasi as Mayor of the City and County of Honolulu will be held on Saturday, August 29, 1987, from 6:00 to 8:00 p.m. at the Blaisdell Center Exhibition Hall here in Honolulu. It will be an aloha (casual) attire event with entertainment, beverages, heavy pupus, and an opportunity to meet the Mayor.

As you know, I strongly believe in the programs and projects that we have developed and implemented under Mayor Fasi's administration. Therefore, I am particularly anxious to see our team remain intact another four years so that we can continue on our progressive course. The purchase of your quiet buses are a major part of his many accomplishments.

I am enclosing 10 books of tickets at $250 per ticket. Please make your check payable to "Friends For Fasi" and send it to me along with the ticket stubs in the enclosed envelope. If you are able to attend yourself, it would give us great pleasure to see you again. Also, if you wish to have me distribute your tickets to potential Saab-Scania customers, I would be pleased to do so.

I appreciate your understanding and thank you for your support in this matter. If you have any questions, give me or Joe a call.

Sincerely,

JOHN E. HIRTEN

Enclosures

?40435707999

CAMPAIGN SPENDING COMMISSION
335 MERCHANT STREET, ROOM 215
HONOLULU, HAWAII 96813

JACK M. K. GONZALES
EXECUTIVE DIRECTOR

April 15, 1988

MEMORANDUM

TO: CORPORATIONS, COMPANIES & ORGANIZATIONS
FROM: CAMPAIGN SPENDING COMMISSION
RE: VERIFICATION OF POLITICAL CONTRIBUTIONS

Pursuant to Hawaii Revised Statutes 11-191(6)(E) any corporation, company or organization who contributes more than $1,000 in aggregate contributions per election shall file a statement of contributions with the Commission. A letter of request for this statement was sent out March 15, 1988 and as of this date the Commission has not received a response from your corporation. Therefore, to help facilitate complience with this law, a statement of verification is attached for your acknowledgment. According to our records the following candidates have received contributions from you. If this is in accordance with your records, please sign and date the verification statement attached and return it to our office. If our records are incomplete or inaccurate please file a statement of contributions indicating the correct information.

If you have any questions please contact Dick Belding at our office at your convenience at 548-5411 or if you are on the outer islands please use our toll free number by dialing the operator and asking for Enterprise 5406.

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VERIFICATION OF CONTRIBUTIONS

I verify that to the best of my knowledge, our corporation, company or organization has made no other candidate contributions accept to the following candidates in the amounts indicated on the attached records.

V-Pres + Sec April 22, 88

Authorized Signature, Title Date

24043570801

Caps

Campaign Spending Commission
AGGREGATE CONTRIBUTIONS OVER $100
File Display

Candidate:FRANK F. FASI

Name: SAAB-SCANIA OF AMERICA, INC.

CODE:2

DATE	AMOUNT	CASH	DESCRIPTION
09/08/87	2000.00	Y	
/ /	0.00		
/ /	0.00		
/ /	0.00		
/ /	0.00		

CUM. TOTAL TO DATE: 2000.00
PRIMARY ELECTION TOTAL: 2000.00
GENERAL ELECTION TOTAL: 0.00

Continue (Y/N?) N

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OGC 3236

HAND DELIVERED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION

89 JUN 28 PM 1:03

GRAHAM & JAMES
ONE MARITIME PLAZA
THIRD FLOOR
SAN FRANCISCO, CALIFORNIA 94111
TELEPHONE (415) 954-0200

OTHER OFFICES
LOS ANGELES, CA
LONG BEACH, CA
NEWPORT BEACH, CA
PALO ALTO, CA
NEW YORK, NY
WASHINGTON, DC
RALEIGH, NC
MILAN
HONG KONG
BEIJING
TOKYO

AFFILIATED OFFICE
KUWAIT

TELEX
W. U. 340143 CHALGRAY SFO
M. C. I. 275666 GJ SFO

FACSIMILE
(415) 391-8493
(415) 391-8906

CABLE
CHALGRAY, SAN FRANCISCO, CA

WRITER'S DIRECT DIAL NUMBER
(415) 954-0220

June 27, 1989

BY FEDERAL EXPRESS

Federal Election Commission
Attn.: Lois G. Lerner
Associate General Counsel
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 2892
American Hawaii Cruises, Inc.
Our File: AHC 1.1

Ladies and Gentlemen:

On behalf of American Hawaii Cruises, Inc. ("AHC"), a Delaware corporation, we respond to your letter of June 6, 1989, with enclosures, received by AHC on June 12, 1989. We enclose a Statement of Designation of Counsel of the undersigned for AHC.

Although Exhibit V of the written complaint submitted by Anthony P. Locricchio, Maunawili Community Association, Karin L. Koeoc, Victoria S. Creed and Donna Wong, by Mr. Locricchio's letter dated May 3, 1989, indicates that AHC contributed $2,000 on August 4, 1987, to the Friends for Fasi, there are no charging allegations in the complaint regarding AHC or the contents of Exhibit V. Nevertheless, to resolve this matter expeditiously, we enclose an Affidavit of Arthur P. Herman, Secretary of AHC, to demonstrate that AHC is not owned or controlled by foreign nationals.

AHC is a wholly-owned subsidiary of American Global Line Inc. ("AGL"), a Delaware corporation. AHC and AGL are joint venturers in an Hawaiian partnership, American Hawaii Cruises Joint Venture ("AHCJV"). AHCJV has operated the SS INDEPENDENCE and SS CONSTITUTION, United States flag vessels owned by AGL and engaged in a coastwise trade in the Hawaiian Islands, since 1980 and 1982, respectively.

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Under the Jones Act, 46 U.S.C. §§ 883 and 298, only United States flag vessels can engage in coastwise trade and the ownership and control of such vessels must be at least 75% vested in United States citizens under 46 U.S.C. § 802.

AGL, in compliance with 46 U.S.C. § 802, has at all relevant times:

(1) Had at least 75% of its outstanding stock owned by citizens of the United States, which stock was at all times and is free from any trust or fiduciary obligation in favor or any person who is not a citizen of the United States; and

(2) Had at least 75% of the corporation's voting power and control vested in citizens of the United States.

Further, there have been no other means whatsoever whereby control of any interest in the corporation in excess of 25% is conferred upon or permitted to be exercised by any person who is not a citizen of the United States.

At all relevant times, the President or other Chief Executive Officers and the Chairman of the Board of Directors of AGL have been citizens of the United States as required by 46 U.S.C. § 802, and the United States citizenship of its directors meet the requirement of 46 U.S.C. § 802. AHC has at all times adhered to the same United States citizenship standards with respect to its Board of Directors and officers.

Thus, under 46 U.S.C. § 802 and the applicable regulations, AGL has at all times, and is, deemed a citizen of the United States by 46 U.S.C. § 802. AHC, as a wholly-owned subsidiary of AGL, is likewise a United States citizen as is AHCJV, a joint venture of these two corporations.

In support of the above facts, we submit the enclosed Affidavit of Arthur P. Herman, to which are attached copies of the requisite Articles of Incorporation and pertinent amendments of AGL and AHC, and other relevant documents which evidence the above facts. Thus, it is clear that AHC should not be named in the complaint, and AHC hereby requests that no action be taken against AHC and that it be dismissed with prejudice from the complaint.

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Should the Federal Election Commission require more information or have questions, we would be pleased to respond to the same.

We thank you for your time and consideration.

Very truly yours,

Sam D. Delich
of
GRAHAM & JAMES

SDD:lr
Enclosures

cc: American Hawaii Cruises, Inc./SF
Attn: Arthur P. Herman, Secretary

Federal Election Commission
Attn: Patty Reilly
Office of General Counsel

24043570805

STATEMENT OF DESIGNATION OF COUNSEL

NOR 2892

NAME OF COUNSEL: Sam D. Delich

ADDRESS: Graham & James

One Maritime Plaza, Suite 300

San Francisco, CA 94111

TELEPHONE: (415) 954-0200

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

June 14, 1989
Date

Arthur P. Herman
Signature

Arthur P. Herman
Secretary of American Global Line, Inc.
American Hawaii Cruises, Inc. and
American Hawaii Cruises Joint Venture

RESPONDENT'S NAME: American Hawaii Cruises, Inc.

ADDRESS: 550 Kearny Street

San Francisco, CA 94108

HOME PHONE:

BUSINESS PHONE: (415) 392-9400

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AFFIDAVIT OF ARTHUR P. HERMAN

ARTHUR P. HERMAN, the undersigned, being duly sworn, deposes and states as follows:

1. I am the Secretary of American Global Line Inc. and American Hawaii Cruises, Inc. and in that position, make the following statements based upon my personal knowledge, information and belief based upon the business records of American Global Line Inc. and American Hawaii Cruises, Inc. and American Hawaii Cruises and the information provided me by Graham & James, attorneys for the above-entities since the inception of each entity.

2. American Hawaii Cruises is a joint venture of American Global Line Inc., a shipowner, and American Hawaii Cruises, Inc., an operating company, and at all times had operated the SS INDEPENDENCE and the SS CONSTITUTION in the Hawaiian coastwise trade since each of those two vessels were placed in the Hawaiian coastwise trade. The SS INDEPENDENCE commenced the Hawaiian coastwise trade as a passenger cruise vessel enrolled as United States flag vessel in 1980. The SS CONSTITUTION entered the same trade enrolled as a United States flag vessel in 1982.

3. American Global Line Inc. was originally incorporated in and is still incorporated in the State of Delaware, the United States of America. Attached to my Affidavit as Exhibit A are genuine copies of the Articles of Incorporation and pertinent Amendments thereof of American Global Line Inc. filed with the Secretary of State of Delaware, together with the most current Certificate of Good Standing of that corporation in the company's records. American Global Line Inc. is still in good standing with the State of Delaware.

4. American Global Line Inc. has been and is the owner of the SS INDEPENDENCE and SS CONSTITUTION, since each vessel was placed in the Hawaiian coastwise trade. A genuine copy of the Certificate of Ownership and abstract of title of each vessel as filed with the United States Coast Guard in Honolulu, Hawaii, is attached hereto as Exhibits B and C.

5. American Hawaii Cruises, Inc. was originally incorporated in the State of Delaware and still is incorporated in Delaware. A copy of the Articles of Incorporation and pertinent Amendments, together with the most current available Certificate of Good Standing of American Hawaii Cruises, Inc. as filed with and issued by the Secretary of State of Delaware is attached hereto as Exhibit D. American Hawaii Cruises, Inc. is still in good standing with the State of Delaware.

6. Since their respective dates of incorporation, 75% or more of the outstanding stock of American Global Line Inc. and American Hawaii Cruises, Inc. has been and is owned by United States citizens; and 75% or more of the stock ownership and control of each such corporation has been and presently does reside in United States in compliance with the requirements of 46 U.S.C. §802 and applicable regulations, 46 C.F.R. Subpart 67.03 - Ship Requirements for Vessel Documentation. A copy of the Declaration of Citizenship of American Global Line Inc., as owner of the two above identified vessels and filed with the United States Coast Guard on June 1, 1987, is attached hereto as Exhibit E. Prior such Declarations filed since 1980 are of public record with the United States Coast Guard, Honolulu, Hawaii.

7. The citizenship of the Directors and Officers of American Global Line Inc. and American Hawaii Cruises, Inc. has, since the date of incorporation, and presently does comply with the United States citizenship requirements of 46 U.S.C. §802.

Further, affiant saith not.

Arthur P. Herman

Arthur P. Herman

STATE OF CALIFORNIA)
) ss
CITY AND COUNTY OF SAN FRANCISCO)

On this 27th day of June, 1989, before me, Desiree Duncan, Notary Public, State of California, duly licensed and sworn, personally appeared ARTHUR P. HERMAN, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed the within instrument as Secretary on behalf of the corporations therein named and acknowledged to me that he executed the within instrument pursuant to its by-laws or a Resolution of its Board of Directors.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in San Francisco, State of California, on the date set forth above in this Affidavit.

Desiree Duncan

Notary Public

OFFICIAL SEAL
DESIREE DUNCAN
NOTARY PUBLIC - CALIFORNIA
SAN FRANCISCO COUNTY
My comm. expires AUG 21, 1992

My commission expires: 8/21/92

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EXHIBIT A

State of Delaware

Office of Secretary of State

I, MICHAEL HARKINS, SECRETARY OF STATE OF THE STATE OF DELAWARE DO HEREBY CERTIFY AMERICAN GLOBAL LINE INC. IS DULY INCORPORATED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL CORPORATE EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE DATE SHOWN BELOW.

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Michael Harkins, Secretary of State

AUTHENTICATION: 1511304

DATE: 12/22/1987

CERTIFICATE OF INCORPORATION

of

AMERICAN HAWAIIAN CRUISING LINE INC.

THE UNDERSIGNED, in order to form a corporation for the purposes hereinafter stated, under and pursuant to the provisions of the General Corporation Law of the State of Delaware, does hereby certify as follows:

FIRST: The name of the corporation is AMERICAN HAWAIIAN CRUISING LINE INC. (hereinafter sometimes called the "Corporation").

SECOND: The address of the Corporation's registered office in the State of Delaware is 100 West Tenth Street, City of Wilmington, County of New Castle, State of Delaware. The name of its registered agent at such address is The Corporation Trust Company.

THIRD: The purpose of the Corporation is to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of Delaware, including, but in no manner whatsoever limited

2404357081 1

to, the ownership, operation and chartering of ocean-going passenger and cargo vessels in the foreign and coasting trades of the United States of America.

FOURTH: The Corporation shall have all of the powers from time to time specifically set forth in the General Corporation Law of Delaware and, in addition thereto, any and all powers incidental to the powers and privileges granted by said Law or by any other law of the State of Delaware or by this Certificate of Incorporation, as any of the same may be amended from time to time, so far as such powers and privileges are necessary or convenient to the conduct, promotion or attainment of the business or purpose of the Corporation set forth at Article THIRD hereof.

FIFTH: The total number of shares of stock which the Corporation is authorized to issue is 100,000, each having a par value of One Dollar ($1.00).

SIXTH: The name and mailing address of the incorporator is as follows:

Joseph Peter Flemming
71 Broadway
New York, New York 10005

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SEVENTH: The following provisions are inserted for the management of the business and for the conduct of the affairs of the Corporation, and for the creation, definition, limitation and regulation of the powers of the Corporation, its directors and stockholders:

1. The number of directors of the Corporation shall be such as from time to time shall be fixed by, or in the manner provided in the by-laws. Election of directors need not be by ballot unless the by-laws so provide.

2. The Board of Directors shall have the power to adopt, amend or repeal by-laws of the Corporation, but such power shall not divest the stockholders of, nor limit, their power to adopt, amend or repeal by-laws.

3. At all elections of directors of the Corporation, each holder of stock or of any class or classes or of a series thereof shall be entitled to as many votes as shall equal the number of votes which (except for such provision as to cumulative voting) he would be entitled to cast for the election of directors with respect to his shares of stock multiplied by the number of directors to be elected by him, and he may cast all of such votes for a single director or may distribute them among the number to be voted for, or for any two or more of them as he may see fit.

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4. Any director or the entire Board of Directors may be removed, with or without cause, by the holders of a majority of the shares then entitled to vote at an election of directors, except that if less than the entire board is to be removed, no director may be removed without cause if the votes cast against his removal would be sufficient to elect him if then cumulatively voted at an election of the entire board of directors, or, if there be classes of directors, at an election of the class of directors of which he is a part.

5. The number of directors necessary to constitute a quorum for the transaction of business shall be as established by the by-laws of the Corporation.

6. So long as the Corporation may own, operate, charter or otherwise hold any interest in any vessel of the United States as such term is defined in Title 46 of the United States Code as the same may be

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amended from time to time, the chairman, if any, of the Board of Directors and the president or other chief executive officer of the Corporation shall be citizens of the United States.

EIGHTH: The Corporation shall, to the full extent permitted by Section 145 of the Delaware General Corporation Law, as amended from time to time, indemnify all persons whom it may indemnify pursuant thereto.

NINTH: Whenever a compromise or arrangement is proposed between this Corporation and its creditors or any class of them and/or between this Corporation and its stockholders or any class of them, any court of equitable jurisdiction within the State of Delaware may, on the application in a summary way of this Corporation or of any creditor or stockholder thereof or on the application of any receiver or receivers appointed for this Corporation under the provisions of section 291 of Title 8 of the Delaware Code or on the application of trustees in dissolution or of any receiver or receivers appointed for this Corporation under the provisions of section 279 of Title 8 of the Delaware Code order a meeting of the creditors or class of creditors, and/or of the stockholders or class of stockholders of this Corporation, as the

2404357081 5

case may be, to be summoned in such manner as the said court directs. If a majority in number representing three-fourths in value of the creditors or class of creditors, and/or of the stockholders or class of stockholders of this Corporation, as the case may be, agree to any compromise or arrangement and to any reorganization of this Corporation as consequence of such compromise or arrangement, the said compromise or arrangement and the said reorganization shall, if sanctioned by the court to which the said application has been made, be binding on all the creditors or class of creditors, and/or on all the stockholders or class of stockholders, of this Corporation, as the case may be, and also on this Corporation.

IN WITNESS WHEREOF, I, the undersigned, being the incorporator named above, have hereunto set my hand and seal this 4th day of December, 1978.

(L.S.)

2043570816

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

BE IT REMEMBERED that on this 4th day of December, 1978, personally came before me, Nancy Stevens, a Notary Public in and for the County and State aforesaid,

JOSEPH PETER FLEMMING

party to the foregoing Certificate of Incorporation, known to me personally to be such, and acknowledged the said Certificate to be his act and deed, and that the facts therein stated are true.

GIVEN under my hand and seal of office the day and year aforesaid.

Nancy Gallo

NOTARIAL SEAL

NANCY GALLO
Notary Public, State of New York
No. 24-4657150
Qualified in Kings County
Certificate Filed in New York County
Commission Expires March 30, 1979

24043570817

CERTIFICATE OF AMENDMENT
TO
CERTIFICATE OF INCORPORATION
OF
AMERICAN HAWAIIAN CRUISING LINE INC.
Pursuant to Section 242 of the Delaware Corporation Law

The undersigned, CONRAD EVERHARD and DAISY WOO, being the Chairman of the Board of Directors and Secretary, respectively, of AMERICAN HAWAIIAN CRUISING LINE INC., a Delaware corporation, for the purposes of amending the Certificate of Incorporation of said corporation pursuant to Section 242 of the Delaware Corporation Law, do hereby execute, acknowledge and file this Certificate of Amendment as follows:

1. The name of the corporation is, and has at all times since original incorporation been:

AMERICAN HAWAIIAN CRUISING LINE INC.

2. The Certificate of Incorporation of the corporation was filed with the Secretary of State of the State of Delaware on December 5, 1978.

3. The provision of the Certificate of Incorporation which is to be amended is Article FIRST, which is hereby

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amended to read as follows:

"FIRST: The name of the corporation is AMERICAN GLOBAL LINE INC. (hereinafter sometimes called the 'Corporation')."

4. The board of directors of the corporation has, by unanimous written consent given in accordance with the provisions of Section 141(f) of the Delaware Corporation Law, adopted a resolution setting forth the foregoing amendment and declaring its advisability.

5. The foregoing amendment to the Certificate of Incorporation has been duly authorized by unanimous written consent of the stockholders of the corporation given in accordance with the provisions of Section 228 of the Delaware Corporation Law.

6. The foregoing amendment has therefore been duly adopted in accordance with the provisions of Section 242 of the Delaware Corporation Law.

IN WITNESS WHEREOF we have executed this Certificate of Amendment this 6th day of May, 1980.

Conrad Everhard, Chairman of the Board of Directors

ATTEST: Daisy Woo, Secretary

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EXHIBIT B

CERTIFICATE OF OWNERSHIP OF VESSEL

OMB APPROVED 2115-0110

1 VESSEL

A NAME OF VESSEL	B OFFICIAL NUMBER	C HOME PORT
INDEPENDENCE	261 147	Honolulu, Hawaii

2 OWNERSHIP CERTIFICATION

I HEREBY CERTIFY THAT THE ABOVE NAMED VESSEL BEARING THE OFFICIAL NUMBER INDICATED IS OWNED AS FOLLOWS:

AMERICAN GLOBAL LINE INC.
604 Fort Street
Honolulu, Hawaii 96813

3 ENCUMBRANCES

AND THAT THE FOLLOWING MORTGAGES, LIENS, OR OTHER ENCUMBRANCES ARE OF RECORD AT THIS OFFICE:

A KIND OF ENCUMBRANCE: First Preferred Mortgage

(1) GRANTOR	(2) GRANTEE	(3) DATE OF INSTRUMENT	(4) AMOUNT	(5) MATURITY DATE
American Global Line Inc.	Morgan Guaranty Trust Company of New York	14 September 1982	$57,371,568.38	15 September 1992

	(a) DATE	(b) TIME	(c) BOOK	(d) PAGE
4 RECORDATION DATA	15 SEP 1982	10:45 AM	PM 16	116
5 ENDORSEMENT DATA	15 SEP 1982	10:50 AM	Honolulu, Hawaii	

B KIND OF ENCUMBRANCE: Amendment to First Preferred Mortgage

(1) GRANTOR	(2) GRANTEE	(3) DATE OF INSTRUMENT	(4) AMOUNT	(5) MATURITY DATE
American Global Line Inc.	Morgan Guaranty Trust Company of New York	29 December 1982	$57,371,568.38	15 September 1992

	(a) DATE	(b) TIME	(c) BOOK	(d) PAGE
6 RECORDATION DATA	31 DEC 1982	12:25 PM	PM 17	17
7 ENDORSEMENT DATA	31 DEC 1982	12:30 PM	Honolulu, Hawaii	

C KIND OF ENCUMBRANCE: Amendment to First Preferred Mortgage

(1) GRANTOR	(2) GRANTEE	(3) DATE OF INSTRUMENT	(4) AMOUNT	(5) MATURITY DATE
American Global Line Inc.	Morgan Guaranty Trust Company of New York	23 April 1985	$57,371,568.38	15 September 1992

	(a) DATE	(b) TIME	(c) BOOK	(d) PAGE
8 RECORDATION DATA	30 APR 1985	9:30 AM	PM 22	21
9 ENDORSEMENT DATA	4 MAY 1985	1:00 PM	Honolulu, Hawaii	

ISSUED DATE 30 December 1987 TIME

SEAL

SEE ATTACHMENT
DOCUMENTATION OFFICER

7530-00-FB1-1000

SS INDEPENDENCE

P 2 0 4 3 5 7 0 8 2 1

DEPARTMENT OF TRANSPORTATION
U.S. COAST GUARD
CG-1330 (REV.)

CERTIFICATE OF OWNERSHIP OF VESSEL

OMB APPROVED
2115-0110

1. VESSEL

A. NAME OF VESSEL	B. OFFICIAL NUMBER	C. HOME PORT
INDEPENDENCE	261 147	Honolulu, Hawaii

2. OWNERSHIP CERTIFICATION

I HEREBY CERTIFY THAT THE ABOVE-NAMED VESSEL, BEARING THE OFFICIAL NUMBER INDICATED, IS OWNED AS FOLLOWS:

AMERICAN GLOBAL LINE INC.
604 Fort Street
Honolulu, Hawaii 96813

3. ENCUMBRANCES

AND THAT THE FOLLOWING MORTGAGES, LIENS, OR OTHER ENCUMBRANCES ARE OF RECORD AT THIS OFFICE:

A. KIND OF ENCUMBRANCE: Amendment to First Preferred Mortgage

(1) GRANTOR	(2) GRANTEE	(3) DATE OF INSTRUMENT	(4) AMOUNT	(5) MATURITY DATE
American Global Line Inc.	Morgan Guaranty Trust Company of New York	26 May 1987	$117,222,856.00	22 November 1993

6. RECORDATION DATA	(a) DATE	(b) TIME	(c) BOOK	(d) PAGE
	26 MAY 1987	6:30 PM	PM 27	73

7. ENDORSEMENT DATA	(a) DATE	(b) TIME	(c) PORT
	26 MAY 1987	6:35 PM	Honolulu, Hawaii

B. KIND OF ENCUMBRANCE: Second Preferred Fleet Mortgage

(1) GRANTOR	(2) GRANTEE	(3) DATE OF INSTRUMENT	(4) AMOUNT	(5) MATURITY DATE
American Global Line Inc.	Trust Services of America, Inc.	26 May 1987	$12,000,000.00	26 May 1995

6. RECORDATION DATA	(a) DATE	(b) TIME	(c) BOOK	(d) PAGE
	26 MAY 1987	7:00 PM	PM 27	74

7. ENDORSEMENT DATA	(a) DATE	(b) TIME	(c) PORT
	26 MAY 1987	7:05 PM	Honolulu, Hawaii

C. KIND OF ENCUMBRANCE: Amendment to First Preferred Mortgage

(1) GRANTOR	(2) GRANTEE	(3) DATE OF INSTRUMENT	(4) AMOUNT	(5) MATURITY DATE
American Global Line Inc.	Morgan Guaranty Trust Company of New York	30 December 1987	$161,883,688.50	20 November 1993

6. RECORDATION DATA	(a) DATE	(b) TIME	(c) BOOK	(d) PAGE
	30 DEC 1987	7:00 PM	PM 28	111

7. ENDORSEMENT DATA	(a) DATE	(b) TIME	(c) PORT
	30 DEC 1987	7:05 PM	Honolulu, Hawaii

ISSUED DATE 30 December 1987 TIME

SEAL

SEE ATTACHMENT
DOCUMENTATION OFFICER

Previous Edition Obsolete

NSN 00-FM-1600

SS INDEPENDENCE

2404357008222

DEPARTMENT OF TRANSPORTATION
U.S. COAST GUARD
CG-1330 (REV. 9-82)

CERTIFICATE OF OWNERSHIP OF VESSEL

OMB APPROVED
21158110

1. VESSEL

A. NAME OF VESSEL	B. OFFICIAL NUMBER	C. HOME PORT
INDEPENDENCE	261 147	Honolulu, Hawaii

2. OWNERSHIP CERTIFICATION

I HEREBY CERTIFY THAT THE ABOVE NAMED VESSEL BEARING THE OFFICIAL NUMBER INDICATED, IS OWNED AS FOLLOWS:

AMERICAN GLOBAL LINE INC.
604 Fort Street
Honolulu, Hawaii 96813

3. ENCUMBRANCES

AND THAT THE FOLLOWING MORTGAGES, LIENS, OR OTHER ENCUMBRANCES ARE ON RECORD AT THIS OFFICE:

A. KIND OF ENCUMBRANCE: Amendment to Second Preferred Fleet Mortgage

(1) GRANTOR	(2) GRANTEE	(3) DATE OF INSTRUMENT / (4) AMOUNT / (5) MATURITY DATE
American Global Line Inc.	Trust Services of America, Inc.	10 December 1987 / $12,000,000.00 / 26 May 1995

	(a) DATE	(b) TIME	(c) BOOK	(d) PAGE
6 RECORDATION DATA	30 DEC 1987	8:00 PM	PM 28	113
7 ENDORSEMENT DATA	30 DEC 1987	8:05 PM	Honolulu, Hawaii	

B. KIND OF ENCUMBRANCE

(1) GRANTOR	(2) GRANTEE	(3) DATE OF INSTRUMENT / (4) AMOUNT / (5) MATURITY DATE

	(a) DATE	(b) TIME	(c) BOOK	(d) PAGE
6 RECORDATION DATA				
7 ENDORSEMENT DATA				

C. KIND OF ENCUMBRANCE

(1) GRANTOR	(2) GRANTEE	(3) DATE OF INSTRUMENT / (4) AMOUNT / (5) MATURITY DATE

	(a) DATE	(b) TIME	(c) BOOK	(d) PAGE
6 RECORDATION DATA				
7 ENDORSEMENT DATA				

ISSUED DATE 30 December 1987 TIME 9:35 PM

L. MICIA
DOCUMENTATION OFFICER

SEAL

Previous Edition Obsolete

7530-00-F01-1900

SS INDEPENDENCE

2404357008 23

CERTIFICATE OF OWNERSHIP OF VESSEL

DATE APPROVED 11/30/82

1 VESSEL

A NAME OF VESSEL	B OFFICIAL NUMBER	C HOME PORT
CONSTITUTION	262 027	Honolulu, Hawaii

2 OWNERSHIP CERTIFICATION

I HEREBY CERTIFY THAT THE ABOVE NAMED VESSEL BEARING THE OFFICIAL NUMBER INDICATED IS OWNED AS FOLLOWS

AMERICAN GLOBAL LINE INC.
604 Fort Street
Honolulu, Hawaii 96813

3 ENCUMBRANCES

AND THAT THE FOLLOWING MORTGAGES LIENS OR OTHER ENCUMBRANCES ARE OF RECORD AT THIS OFFICE

A KIND OF ENCUMBRANCE: First Preferred Mortgage

(1) GRANTOR	(2) GRANTEE	(3) DATE OF INSTRUMENT / (4) AMOUNT / (5) MATURITY DATE
American Global Line Inc.	Morgan Guaranty Trust Company of New York	15 September 1982 / $57,371,568.38 / 15 September 1992

4	(a) DATE	(b) TIME	(c) BOOK	(d) PAGE
RECORDATION DATA	15 SEP 1982	10:45 AM	PM 16	119
5 ENDORSEMENT DATA	15 SEP 1982	10:50 AM	Honolulu, Hawaii	

B KIND OF ENCUMBRANCE: Amendment to First Preferred Mortgage

(1) GRANTOR	(2) GRANTEE	(3) DATE OF INSTRUMENT / (4) AMOUNT / (5) MATURITY DATE
American Global Line Inc.	Morgan Guaranty Trust Company of New York	29 December 1982 / $57,371,568.38 / 15 September 1992

4	(a) DATE	(b) TIME	(c) BOOK	(d) PAGE
RECORDATION DATA	31 DEC 1982	12:25 PM	PM 17	18
5 ENDORSEMENT DATA	31 DEC 1982	12:30 PM	Honolulu, Hawaii	

C KIND OF ENCUMBRANCE: Amendment to First Preferred Mortgage

(1) GRANTOR	(2) GRANTEE	(3) DATE OF INSTRUMENT / (4) AMOUNT / (5) MATURITY DATE
American Global Line Inc.	Morgan Guaranty Trust Company of New York	23 April 1985 / $57,371,568.38 / 15 September 1992

4	(a) DATE	(b) TIME	(c) BOOK	(d) PAGE
RECORDATION DATA	30 APR 1985	9:40 AM	PM 22	22
5 ENDORSEMENT DATA	4 MAY 1985	1:05 PM	Honolulu, Hawaii	

ISSUED DATE 30 December 1987 TIME

SEE ATTACHMENT
DOCUMENTATION OFFICER

SEAL

Previous Edition Obsolete

SS CONSTITUTION

>40435708 24

DEPARTMENT OF TRANSPORTATION
U.S. COAST GUARD
CG-1330 (REV.)

CERTIFICATE OF OWNERSHIP OF VESSEL

ONB APPROVED
2115-0110

1. VESSEL

A. NAME OF VESSEL	B. OFFICIAL NUMBER	C. HOME PORT
CONSTITUTION	362 027	Honolulu, Hawaii

2. OWNERSHIP CERTIFICATION

I HEREBY CERTIFY THAT THE ABOVE NAMED VESSEL, BEARING THE OFFICIAL NUMBER INDICATED, IS OWNED AS FOLLOWS

AMERICAN GLOBAL LINE INC.
604 Fort Street
Honolulu, Hawaii 96813

3. ENCUMBRANCES

AND THAT THE FOLLOWING MORTGAGES, LIENS, OR OTHER ENCUMBRANCES ARE ON RECORD AT THIS OFFICE

A. KIND OF ENCUMBRANCE
Amendment to First Preferred Mortgage

(1) GRANTOR	(2) GRANTEE	(3) DATE OF INSTRUMENT / (4) AMOUNT / (5) MATURITY DATE
American Global Line Inc.	Morgan Guaranty Trust Company of New York	26 May 1987 / $117,222,856.00 / 22 November 1993

	(a) DATE	(b) TIME	(c) BOOK	(d) PAGE
6. RECORDATION DATA	26 MAY 1987	5:30 PM	PM 27	66
7. ENDORSEMENT DATA	26 MAY 1987	5:35 PM	Honolulu, Hawaii	

B. KIND OF ENCUMBRANCE
Second Preferred Fleet Mortgage

(1) GRANTOR	(2) GRANTEE	(3) DATE OF INSTRUMENT / (4) AMOUNT / (5) MATURITY DATE
American Global Line Inc.	Trust Services of America, Inc.	26 May 1987 / $12,000,000.00 / 26 May 1995

	(a) DATE	(b) TIME	(c) BOOK	(d) PAGE
6. RECORDATION DATA	26 MAY 1987	7:00 PM	PM 27	74
7. ENDORSEMENT DATA	26 MAY 1987	7:05 PM	Honolulu, Hawaii	

C. KIND OF ENCUMBRANCE
Amendment to First Preferred Mortgage

(1) GRANTOR	(2) GRANTEE	(3) DATE OF INSTRUMENT / (4) AMOUNT / (5) MATURITY DATE
American Global Line Inc.	Morgan Guaranty Trust Company of New York	30 December 1987 / $161,883,688.50 / 20 November 1993

	(a) DATE	(b) TIME	(c) BOOK	(d) PAGE
6. RECORDATION DATA	30 DEC 1987	7:40 PM	PM 28	112
7. ENDORSEMENT DATA	30 DEC 1987	7:45 PM	Honolulu, Hawaii	

ISSUED DATE 30 December 1987 TIME

SEAL

SEE ATTACHMENT
DOCUMENTATION OFFICER

Previous Edition Obsolete

7204357082S

SS CONSTITUTION

DEPARTMENT OF TRANSPORTATION
U.S. COAST GUARD
CG-4320 (REV. 2-72)

CERTIFICATE OF OWNERSHIP — VESSEL

OMB APPROVED
21-58110

1. VESSEL

a. NAME OF VESSEL	b. OFFICIAL NUMBER	c. HOME PORT
CONSTITUTION	262 027	Honolulu, Hawaii

2. OWNERSHIP CERTIFICATION

I HEREBY CERTIFY THAT THE ABOVE NAMED VESSEL, BEARING THE OFFICIAL NUMBER INDICATED, IS OWNED AS FOLLOWS:

AMERICAN GLOBAL LINE INC.
604 Fort Street
Honolulu, Hawaii 96813

3. ENCUMBRANCES

AND THAT THE FOLLOWING MORTGAGES, LIENS, OR OTHER ENCUMBRANCES ARE OF RECORD AT THIS OFFICE:

a. KIND OF ENCUMBRANCE: Amendment to Second Preferred Fleet Mortgage

(1) GRANTOR	(2) GRANTEE	(3) DATE OF INSTRUMENT / (4) AMOUNT / (5) MATURITY DATE
Americal Global Line Inc.	Trust Services of America, Inc.	30 December 1987 / $12,000,000.00 / 26 May 1995

	(a) DATE	(b) TIME	(c) BOOK	(d) PAGE
6. RECORDATION DATA	30 DEC 1987	8:00 PM	PM 28	113
7. ENDORSEMENT DATA	30 DEC 1987	8:05 PM	Honolulu, Hawaii	

b. KIND OF ENCUMBRANCE

(1) GRANTOR	(2) GRANTEE	(3) DATE OF INSTRUMENT / (4) AMOUNT / (5) MATURITY DATE

	(a) DATE	(b) TIME	(c) BOOK	(d) PAGE
6. RECORDATION DATA				
7. ENDORSEMENT DATA				

c. KIND OF ENCUMBRANCE

(1) GRANTOR	(2) GRANTEE	(3) DATE OF INSTRUMENT / (4) AMOUNT / (5) MATURITY DATE

	(a) DATE	(b) TIME	(c) BOOK	(d) PAGE
6. RECORDATION DATA				
7. ENDORSEMENT DATA				

ISSUED DATE 30 December 1987 TIME 9:20 PM

L. MIYA
DOCUMENTATION OFFICER

SEAL

Previous Edition Obsolete

CG-1270 (REV. 1-88)

SS CONSTITUTION

9404357008 26

9404357082 7

EXHIBIT C

GENERAL INDEX OR ABSTRACT OF TITLE

Continuation Sheet No. 1

[illegible] at [illegible]

by [illegible]

as appears by [illegible]

[illegible] at INDEPENDENCE 6/3/80

Stage Screw at OCEANIC INDEPENDENCE

New York,N.Y. at INDEPENDENCE

(ex: PAN OCEANIC INDEPENDENCE 6264-PART)

GRANTOR	GRANTEE	Kind of Instrument and part conveyed	Date of Instrument and date of recording	Consideration or amount and rate thereof	Executed or issued	Recorded	Time of endorsement and entry or assignment of Name Plate	Part who retains
Documentation Officer New York,N.Y.	Documentation Officer Wilmington, Delaware	Abstract of Title	5/27/80		June 3, 1980 8:30 A.M.	Book 25 Page 184		
Vessel returned to U. S. Registry in the ownership of AMERICAN GLOBAL LINE INC.					June 3, 1980			
American Global Line Inc.	Morgan Guaranty Trust Company of New York	1st Pref. Mortgage All	6/3/80 6/3/80	$15,000,000 Fifteen Million Dollars Same as total amount.	June 3, 1980 9:40 A.M.	Book 187 Page 22	June 3, 1980 7:45 A.M.	Wilm.,D
						I certify that the foregoing which is issued in accordance with the provisions of Section 27 of the Shipping Act, 1920, and Shipping Regulations, contains no changes in ownership, or any other material fact in the record thereof shown, or appears by the records of this office. Port: Wilmington, DE Date: 18 JUN 1980 By direction of the SCCO, Philadelphia	

9404357 0328

GENERAL INDEX OR ABSTRACT OF TITLE

CONTINUATION SHEET NO. 1

2 6 3 6 4 7 in INDEPENDENCE
vessel owner in OCEANIC INDEPENDENCE
Wilmington, DE. in INDEPENDENCE

This vessel was built at ..... in ..... of .....
by ..... for .....
as appears by .....

GRANTOR	GRANTEE	Kind of instrument and date executed	Date of entry and date of recording	Consideration of record and the amount secured	Entered for record	Recorded	Time of endorsement and entry in approval of transfer	Port who endorsed
		Abstract of Title	3-16-88					
U. S. Coast Guard Wilmington, Delaware	U. S. Coast Guard Honolulu, Hawaii				3-2-88, 11:45 AM	AB-2, P.28	3-2-88	
		Amend.#1 to 1st Prof.Mtg	6-29-88	[illegible]			7-20-88, 10:30 AM	
American Global Line Inc	Morgan Guaranty Trust Company of New York	Whole	6-03-87	[illegible] same as the total amount	7-20-88, 10:45 AM	IN 15, P.63	7-20-88, 10:31 AM	Honolulu
		Satisfaction	4-15-92	$14,000,000.00				
Morgan Guaranty Trust Company of New York	American Global Line Inc	Whole			4-15-92, 8:30 AM	IN 16, P.77	4-15-92	
		1st Prof. Ship Mtge.	4-15-92	[illegible]			4-15-92, 8:43 AM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York, as Trustee	Whole	4-15-92	same as total amount	4-15-92, 8:40 AM	IN 16, P.58	4-15-92, 8:30 AM	Honolulu
		Claim of Lien	6-5-87	$14,220.45				
	San Francisco Elevator Co., Inc.	Whole			8-9-92, 7:45 PM	M. 1, P. 4		
		Lien Satisfaction	8-17-92	$14,220.45				
San Francisco Elevator Co., Inc.		Whole			8-20-92, 10:20 AM	M. 1, P. 5		
		Satisfaction	9-12-92	$16,375,000.00			9-15-92	
Morgan Guaranty Trust Company of New York, as Trustee	American Global Line Inc.	Whole			9-15-92, 10:30 AM	IN 16, P.117	9-15-92	Honolulu
		Prof. Ship Mtge.	9-15-92	[illegible]			9-15-92, 10:00 AM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Whole	9-15-92		9-15-92, 10:05 AM	IN 16, P.118	9-15-92, 10:55 AM	Honolulu
		Amend. No. 1 to 1st Prof.Mtge.	12-29-92				12-30-92, 12:20 PM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Whole			12-31-92, 12:27 PM	M87, P.17		Honolulu
		Prof. Ship. Amendment	6-23-95				9-6-95, 3:00 PM	Honolulu Hawaii
American Global Line Inc	Morgan Guaranty Trust Company of New York	100%			6-30-95, 9:30 AM	IN22, P.21		
		Notice of Claim of M'L	10-10-95	$123,144.79				
	Waiahole Enterprises, Inc.	100%			10-15-95, 10:00 AM	M. 2, P.30		
		Satisfaction of Lien	10-30-95	$120,144.79				
Waiahole Enterprises, Inc.		100%			10-31-95, 2:20 PM	M. 2, P.33		

9 4 0 4 3 5 7 0 8 2 9

GENERAL INDEX OR ABSTRACT OF TITLE

CONTINUATION SHEET NO. 3

261 187

This vessel was built at ____ in ____ of ____

by ____ for ____

as appears by ____

GRANTOR	GRANTEE	Kind of instrument and part conveyed	Date of instrument and date of execution	Consideration or amount and nature of charge created	Recorded the record	Recorded	Time of entry or acknowledgment and entry or acknowledgment of latest part	Part also conveyed
American Global Line Inc	Morgan Guaranty Trust Company of New York	Prof Fleet Ship Mtge.	10-31-05	$15,000,000.00	11-5-85, 9:00 AM	Bk23, P.57	11-5-85, 9:05 AM	Honolulu, Hawaii
		100%	Ck Dated 10-31-05				11-5-85, 9:10 AM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Prof Fleet Ship Mtge.	2-28-86	$5,000,000.00	2-28-86, 9:00 AM	Bk 24, P.43	2-28-86, 9:05 AM	Honolulu, Hawaii
		100%	Ck Dated 2-28-86				2-28-86, 9:10 AM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Prof. Fleet Ship Mtge.	2-28-86	$5,000,000.00	2-28-86, 9:15 AM	Bk 24, P.44	3-3-86, 7:00 AM	Honolulu HI
		100%	Ck Dated 2-28-86				3-3-86, 7:05 AM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Amend. to Prof.Fit.Mtge	4-21-86		4-22-86, 2:30 PM	Bk24, P.87	4-22-86, 2:35 PM	Honolulu, Hawaii
		100%					4-22-86, 2:40 PM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Amend. to Prof.Fit.Mtge	4-21-86		4-22-86, 2:45 PM	Bk24, P.88	4-22-86, 2:50 PM	Honolulu, Hawaii
		100%					4-22-86, 2:55 PM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Prof. Fleet Mtge.	5-1-86	$5,000,000.00	5-1-86, 2:00 PM	Bk24, P.97	5-1-86, 2:05 PM	Honolulu, Hawaii
		100%	Ck Dated 5-1-86				5-1-86, 2:10 PM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Prof. Fleet Mtge.	6-6-86	$1,650,000.00	6-11-86, 9:00 AM	Bk25, P.20	6-16-86, 9:00 AM	Honolulu HI
		100%	Ck Dated 6-6-86				6-16-86, 9:05 AM	
American. Global Line Inc.	Morgan Guaranty Trust Company of New York	Amend. to Prof.Fit.Mtge.	6-6-86		6-6-86, 1:30 PM	Bk25, P.77	6-6-86, 1:35 PM	Honolulu, Hawaii
		100%					6-6-86, 1:40 PM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Amend. to Prof.Fit.Mtge	6-6-86		6-6-86, 1:45 PM	Bk25, P.78	6-6-86, 1:50 PM	Honolulu, Hawaii
		100%					6-6-86, 1:55 PM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Prof.Fit. Mtge.	1-23-87	$13,000,000.00	1-23-87, 3:45 PM	Bk26, P.186	1-23-87, 3:50 PM	Honolulu, Hawaii
		100%	6-6-87				1-23-87, 3:55 PM	
Morgan Guaranty Trust Company of New York	American Global Line Inc.	Satisfaction	5-21-87	$13,000,000.00	5-26-87, 3:45 PM	Bk27, P.63	5-26-87	Honolulu, Hawaii
		100%					5-26-87	
Morgan Guaranty Trust Company of New York	American Global Line Inc.	Satisfaction	5-13-87	$5,000,000.00	5-26-87, 3:50 PM	Bk27, P.64	5-26-87	Honolulu, Hawaii
		100%					5-26-87	

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DEPARTMENT OF TRANSPORTATION
U. S. COAST GUARD
CG-1332 (Rev. 5-82)

GENERAL INDEX : ABSTRACT OF TITLE

CONTIN SHEET NO. 4

261 167

in _____
in INDEPENDENCE
in OCEANIC INDEPENDENCE
in INDEPENDENCE

This vessel was built at _____ in _____ of _____
by _____ for _____
as appears by _____

GRANTOR	GRANTEE	Kind of mortgage, assignment, etc.	Date of mortgage, assignment, etc.	Consideration or amount secured by mortgage, etc.	Recorded for record	Recorded	Time of endorsement, and notice or approval of Marshal's sale	Port where endorsed
Morgan Guaranty Trust Company of New York	American Global Line Inc.	Satisfaction	5-13-87	$3,000,000.00	5-26-87, 5:55 PM	PM27, P.69	5-26-87	Honolulu, Hawaii
		100%					5-26-87	
Morgan Guaranty Trust Company of New York	American Global Line Inc.	Satisfaction	5-21-87	$5,000,000.00	5-26-87, 6:00 PM	PM27, P.70	5-26-87	Honolulu, Hawaii
		100%					5-26-87	
Morgan Guaranty Trust Company of New York	American Global Line Inc.	Satisfaction	5-21-87	$1,450,000.00	5-26-87, 6:05 PM	PM27, P.71	5-26-87	Honolulu, Hawaii
		100%					5-26-87	
Morgan Guaranty Trust Company of New York	American Global Line Inc.	Satisfaction	5-21-87	$12,000,000.00	5-26-87, 6:10 PM	PM27, P.72	5-26-87	Honolulu, Hawaii
		100%					5-26-87	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Amend.to 1st Pref. Mtge.	5-26-87		5-26-87, 6:30 PM	PM21, P.73	5-26-87, 6:23 PM	Honolulu, Hawaii
		100%	(1-22-9)	$111,222,856.00			5-26-87, 6:40 PM	
American Global Line Inc.	Trust Services of America, Inc.	2nd. Pref. Fil. Mtge.	5-26-87	$12,000,000.00	5-26-87, 7:00 PM	PM27, P.74	5-26-87, 7:05 PM	Honolulu, Hawaii
		100%	5-26-99				5-26-87, 7:10 PM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Amend.to 1st Pref.Mtge.	12-30-87		12-30-87, 7:00 PM	PM28, P.111	12-30-87, 7:05 PM	Honolulu, HI
		100%	11-30-93	$181,863,848.70			12-30-87, 7:10 PM	
American Global Line Inc.	Trust Services of America, Inc.	Amend.to 2nd Pref.Fil.Mtg.	12-30-87		12-30-87, 8:00 PM	PM28, P.113	12-30-87, 8:05 PM	Honolulu, HI
		100%					12-30-87, 8:10 PM	

I certify that the foregoing, which is bound in an envelope with 44 CH 87/1-3, is a true abstract of title of the vessel described above, as shown by the records of this office. This copy is not provided for record.

L.M. [illegible]
Documentation Officer
Port ACHORAGE, Alaska
Date JAN 5 - 1988

PREVIOUS EDITIONS ARE OBSOLETE

940435708 31

GENERAL INDEX OR ABSTRACT OF TITLE

CONTINUATION SHEET NO. 1.

292 027 on ....

STEEL HULL on ....

New York, N.Y. on CONSTITUTION

(EX: OCEANIC CONSTITUTION; Pennsylvania Reg. #0029-74)

This vessel was built at ..... in ..... of .....

by ..... for .....

as appears by .....

AGENCY	GRANTEE	Kind of notice recorded and part mortgaged	Date of notice recorded and date of maturity	Consideration or agreed sum due (Notice recorded)	Recorded for record	Recorded	Time of entry of satisfaction and entry of assignment of Mortgage	Part sat. satisfied
U. S. Coast Guard, New York, New York	U. S. Coast Guard Honolulu, Hawaii	Abstract of title	4-2-82		4-15-82, 8:30 A.M.	Mtg 2, P. 36	4-15-82	
Production of recordable instruments of conveyances dated 15 April 1982. Permanent Register No. 7 issued on 15 April 1982, showing American Global Line Inc. as sole owner.								
American Global Line Inc.	Morgan Guaranty Trust Company of New York, as Trustee	First Prof. First Mtge	4-15-82	$26,275,000.00 Int. & part of ships covenants			4-15-82, 8:05 AM	
		Whole	4-15-98	Same as total amount	4-15-82, 8:40 A.M.	PM 16, P. 58	4-15-82, 8:50 AM	Honolu
Morgan Guaranty Trust Company of New York, as Trustee	American Global Line Inc.	Satisfaction	9-13-92	$26,275,000.00			9-15-82	
		Whole			9-15-82, 10:30 AM	PM 16, P.117	9-15-82	Honolu
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Prof. Mtge. Amend.	9-15-82	$26,275,000.00 Int. & Part of ships covenants			9-15-82, 10:50 AM	
		Whole	9-15-92		9-15-82, 10:55 AM	PM 16, P.118	9-15-82, 10:56 AM	Honolu
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Amend #1 to 1st Prof Mtge	12-29-82				12-31-82,12:30 PM	
		Whole			12-31-82, 12:25 PM	M87, P.18		Honolu
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Prof. Mtge. Amendment	4-23-85				5-4-85, 1:05 PM	Honolu Hawaii
		100%			4-30-85, 9:05 AM	M122, P.22		
	Halekauk Enterprises, Inc.	Notice of Claim of M/L	10-10-85	$6,787.32	10-15-85, 10:05 AM	ML 3, P.31		
		100%						
Halekauk Enterprises, Inc.		Declaration of Lien	10-28-85	$6,787.32	10-31-85, 2:35 PM	ML 3, P.32		
		100%						
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Prof. First Mtge. Mtge.	10-31-85 OR 12/6/85	$11,000,000.00	11-5-85, 9:00 AM	M123, P.37	11-5-85, 9:05 AM	Honolulu Hawaii
		100%	10-31-85				11-5-85, 9:30 AM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Prof. First Mtge. Mtge.	2-20-86 OR 12/6/85	$1,000,000.00	2-28-86, 9:00 AM	PM 24, P.43	2-28-86, 9:05 AM	Honolulu Hawaii
		100%	2-20-86				2-28-86, 9:30 AM	
American Global Line Inc	Morgan Guaranty Trust Company of New York	Prof. First Mtge. Mtge.	3-26-86 OR 12/6/85 3-26-86	$1,000,000.00	3-28-86, 9:15 AM	PM 26, P.64	3-5-86, 7:00 AM 3-5-86, 7:05 AM	Honolulu H.
		100%						

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DEPARTMENT OF TRANSPORTATION
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GENERAL INDEX OR ABSTRACT OF TITLE

CONTINUATION SHEET NO. 2

263 827 (Official number)

in _____
in _____
in _____
in CONSTITUTION (Name of vessel)

This vessel was built at _____ in _____ of _____
by _____ for _____
as appears by _____

GRANTOR	GRANTEE	Kind of instrument and part conveyed	Date of instrument and date of recording	Consideration or amount and nature of interest conveyed	Recorded for record	Recorded	Time of endorsement and entry in approval of transfer	Port where recorded
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Assmt. to Pref.Flt.Mtg	6-21-86		6-22-86, 2:30 PM	M624, P.87	6-22-86, 2:30 PM	Honolulu, Hawaii
		100%					6-22-86, 2:40 PM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Assmt. to 4th Pref.Flt.Mtg	6-21-86		6-22-86, 2:45 PM	M624, P.90	6-22-86, 2:50 PM	Honolulu, Hawaii
		100%					6-22-86, 2:55 PM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Pref.Fleet Mtge.	5-7-86	$3,000,000.00	5-7-86, 2:00 PM	M624, P.97	5-7-86, 2:05 PM	Honolulu, Hawaii
		100%	ON DEMAND 5-7-86				5-7-86, 2:10 PM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Pref. Fleet Mtge.	6-6-86	$1,650,000.00	6-11-86, 9:00 AM	M625, P.20	6-11-86, 9:05 AM	Honolulu, Hawaii
		100%	ON DEMAND 6-6-86				6-11-86, 9:10 AM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Assmt. to Pref.Flt.Mtg	6-4-86		6-6-86, 1:30 PM	M625, P.77	6-6-86, 1:35 PM	Honolulu, Hawaii
		100%					6-6-86, 1:40 PM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Assmt. to 4th Pref.Flt.Mtg	6-6-86		6-6-86, 1:45 PM	M625, P.78	6-6-86, 1:50 PM	Honolulu, Hawaii
		100%					6-6-86, 1:55 PM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Pref.Flt. Mtge.	1-22-87	$13,000,000.00	1-23-87, 3:45 PM	M626, P.186	1-23-87, 3:50 PM	Honolulu, Hawaii
		100%	6-6-87				1-23-87, 3:55 PM	
Morgan Guaranty Trust Company of New York	American Global Line Inc.	Satisfaction	5-21-87	$13,000,000.00	5-26-87, 4:00 PM	M627, P.46	5-26-87	Honolulu, Hawaii
		100%					5-26-87	
Morgan Guaranty Trust Company of New York	American Global Line Inc	Satisfaction	5-13-87	$3,000,000.00	5-26-87, 4:05 PM	M627, P.61	5-26-87	Honolulu, Hawaii
		100%					5-26-87	
Morgan Guaranty Trust Company of New York	American Global Line Inc.	Satisfaction	5-13-87	$3,000,000.00	5-26-87, 4:10 PM	M627, P.62	5-26-87	Honolulu, Hawaii
		100%					5-26-87	
Morgan Guaranty Trust Company of New York	American Global Line Inc.	Satisfaction	5-21-87	$3,000,000.00	5-26-87, 4:15 PM	M627, P.63	5-26-87	Honolulu, Hawaii
		100%					5-26-87	
Morgan Guaranty Trust Company of New York	American Global Line Inc.	Satisfaction	5-21-87	$1,650,000.00	5-26-87, 4:20 PM	M627, P.64	5-26-87	Honolulu, Hawaii
		100%						

PREVIOUS EDITIONS ARE OBSOLETE

GPO 7530-00-FQ1-1000

3 7 0 8 7 5 3 4 0 7

DEPARTMENT OF TRANSPORTATION
U S COAST GUARD
CG-1332 (Rev 5-83)

GENERAL INDEX OR ABSTRACT OF TITLE

CONTINUATION SHEET NO. 3

262 827
(Official number)

(Name)

(Home Port and)

in _____
in _____
in _____
in CONSTITUTION
(Name of vessel)

This vessel was built at _____ in _____ of _____
by _____ for _____
as appears by _____

BRANCH	GRANTEE	Kind of instrument and date of execution	Date of further recordation and date of cancellation	Consideration as recited and the amount secured	Received for record	Recorded	Time of endorsement and entry on approval of Home Port	Port where endorsed
Morgan Guaranty Trust Company of New York	American Global Line Inc.	Satisfaction	5-21-87	$13,000,000.00			5-26-87	Honolulu, Hawaii
		1005			5-26-87, 4:25 PM	PM27, P.45	5-26-87	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Amend.to 1st Pref.Mtge.	5-26-87		5-26-87, 5:10 PM	PM27, P.66	5-26-87, 5:25 PM	Honolulu, Hawaii
		1005	11-22-93	$117,222,826.00			5-26-87, 5:40 PM	
American Global Line Inc.	Trust Services of America, Inc.	2nd Pref. Fin. Mtge.	5-26-87	$12,000,000.00			5-26-87, 7:05 PM	Honolulu, Hawaii
		1005	5-26-93		5-26-87, 7:00 PM	PM27, P.74	5-26-87, 7:10 PM	
American Global Line Inc.	Morgan Guaranty Trust Company of New York	Amend.to 1st Pref. Mtge.	12-30-87		11-30-87, 3:40 PM	PM20, P.122	11-30-87, 7:45 PM	Honolulu, HI
		1005	11-30-93	$161,883,680.00			12-30-87, 7:50 PM	
American Global Line Inc.	Trust Services of America, Inc.	Amend.to 2nd Pref.Fin.Mtg	12-30-87				11-30-87, 8:05 PM	Honolulu, HI
		1005			12-30-87, 8:00 PM	PM28, P.113	12-30-87, 8:10 PM	

I certify that the foregoing, which is [illegible] in accordance with 46 CFR 67.45-3, is a true Abstract of Title of the vessel described above, as appears by the records of this office. This copy is not provided for search.

L.M. Mink
Documentation Officer
HONOLULU, HAWAII
Port
JAN 6 1988
Date

PREVIOUS EDITIONS ARE OBSOLETE

9404357083 4

EXHIBIT D

State of Delaware

Office of Secretary of State

I, MICHAEL HARKINS, SECRETARY OF STATE OF THE STATE OF DELAWARE DO HEREBY CERTIFY AMERICAN HAWAII CRUISES, INC. IS DULY INCORPORATED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL CORPORATE EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE DATE SHOWN BELOW.

: : : : : : : : : : :

2404357 0836

Michael Harkins, Secretary of State

AUTHENTICATION: 11511301

DATE: 12/22/1987

727356155

State of California
OFFICE OF THE SECRETARY OF STATE

CERTIFICATE OF STATUS
FOREIGN CORPORATION

I, MARCH FONG EU, *Secretary of State of the State of California, hereby certify:*

That on the 30th *day of* November, *19* 79,

AMERICAN HAWAII CRUISES, INC.,

a corporation organized and existing under the laws of the State of Delaware, *complied with the requirements of California law in effect on that date for the purpose of qualifying to transact intrastate business in this State; and*

That the above corporation is entitled to transact intrastate business in the State of California as of the date of this certificate subject, however, to any licensing requirements otherwise imposed by the laws of this state; and

That no information is available in this office on the financial condition, business activity or practices of this corporation.

IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this 22nd day of December, 1987

March Fong Eu

Secretary of State

2404357

SOS/GRAS Form CE-113

STATE OF CALIFORNIA

FRANCHISE TAX BOARD
P.O. Box 942857
Sacramento, CA 94257-0540

In Reply Refer To : 357:108:JB
Date : DEC. 24, 1987

WILLIAM S. GREGORY
A LAW CORPORATION
COURT PLAZA BUILDING
901 H STREET, STE. 400
SACRAMENTO, CA 95814

Corporation : AMERICAN HAWAII CRUISES, INC.
Corporation Number : 0968693

☒ 1. The corporation is in good standing, has no known unpaid tax liability and is entitled to transact business in California. Returns remain subject to audit.

☐ 2. The corporation is in good standing and entitled to transact business in California. Returns remain subject to audit.

☐ 3. The corporation is not qualified to transact business in California. There is no known unpaid tax liability. Returns remain subject to audit.

☐ 4. The corporation is not qualified to transact business in California. Returns remain subject to audit.

☐ 5. The corporation has made necessary prepayment with incorporation or qualification on _____.

☐ 6. The corporation has an unpaid liability of $ _____ for income year(s) ended _____.

☐ 7. Our records do not show receipt of the franchise tax return(s) for the income year(s) ended _____.

☐ 8. The corporation was _____ effective _____.

☐ 9. The corporation's current address on record is:

_____

_____

_____

☐ 10. The corporation is in the process of being reinstated to good standing.

☐ 11. We have no current information on the above corporation.

Telephone (916) 369-3787

Jackie Black
AUTHORIZED

FTB 4008A (REV 4-87)

7404357083 8

CERTIFICATE OF INCORPORATION

of

HAWAII HOTELS BOAT SERVICES INC.

THE UNDERSIGNED, in order to form a corporation for the purposes hereinafter stated, under and pursuant to the provisions of the General Corporation Law of the State of Delaware, does hereby certify as follows:

FIRST: The name of the corporation is HAWAII HOTELS BOAT SERVICES INC. (hereinafter sometimes called the "Corporation").

SECOND: The address of the Corporation's registered office in the State of Delaware is 100 West Tenth Street, City of Wilmington, County of New Castle, State of Delaware. The name of its registered agent at such address is The Corporation Trust Company.

THIRD: The purpose of the Corporation is to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of Delaware, including, but in no manner whatsoever limited

2404357 0839

to, the ownership, operation and chartering of ocean-going passenger and cargo vessels in the foreign and coasting trades of the United States of America.

FOURTH: The Corporation shall have all of the powers from time to time specifically set forth in the General Corporation Law of Delaware and, in addition thereto, any and all powers incidental to the powers and privileges granted by said Law or by any other law of the State of Delaware or by this Certificate of Incorporation, as any of the same may be amended from time to time, so far as such powers and privileges are necessary or convenient to the conduct, promotion or attainment of the business or purpose of the Corporation set forth at Article THIRD hereof.

FIFTH: The total number of shares of stock which the Corporation is authorized to issue is 100,000, each having a par value of One Dollar ($1.00).

SIXTH: The name and mailing address of the incorporator is as follows:

Joseph Peter Flemming
71 Broadway
New York, New York 10005

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SEVENTH: The following provisions are inserted for the management of the business and for the conduct of the affairs of the Corporation, and for the creation, definition, limitation and regulation of the powers of the Corporation, its directors and stockholders:

1. The number of directors of the Corporation shall be such as from time to time shall be fixed by, or in the manner provided in the by-laws. Election of directors need not be by ballot unless the by-laws so provide.

2. The Board of Directors shall have the power to adopt, amend or repeal by-laws of the Corporation, but such power shall not divest the stockholders of, nor limit, their power to adopt, amend or repeal by-laws.

3. At all elections of directors of the Corporation, each holder of stock or of any class or classes or of a series thereof shall be entitled to as many votes as shall equal the number of votes which (except for such provision as to cumulative voting) he would be entitled to cast for the election of directors with respect to his shares of stock multiplied by the number of directors to be elected by him, and he may cast all of such votes for a single director or may distribute them among the number to be voted for, or for any two or more of them as he may see fit.

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4. Any director or the entire Board of Directors may be removed, with or without cause, by the holders of a majority of the shares then entitled to vote at an election of directors, except that if less than the entire board is to be removed, no director may be removed without cause if the votes cast against his removal would be sufficient to elect him if then cumulatively voted at an election of the entire board of directors, or, if there be classes of directors, at an election of the class of directors of which he is a part.

5. The number of directors necessary to constitute a quorum for the transaction of business shall be as established by the by-laws of the Corporation.

6. So long as the Corporation may own, operate, charter or otherwise hold any interest in any vessel of the United States as such term is defined in Title 46 of the United States Code as the same may be

240435708 42

amended from time to time, the chairman, if any, of the Board of Directors and the president or other chief executive officer of the Corporation shall be citizens of the United States.

EIGHTH: The Corporation shall, to the full extent permitted by Section 145 of the Delaware General Corporation Law, as amended from time to time, indemnify all persons whom it may indemnify pursuant thereto.

NINTH: Whenever a compromise or arrangement is proposed between this Corporation and its creditors or any class of them and/or between this Corporation and its stockholders or any class of them, any court of equitable jurisdiction within the State of Delaware may, on the application in a summary way of this Corporation or of any creditor or stockholder thereof or on the application of any receiver or receivers appointed for this Corporation under the provisions of section 291 of Title 8 of the Delaware Code or on the application of trustees in dissolution or of any receiver or receivers appointed for this Corporation under the provisions of section 279 of Title 8 of the Delaware Code order a meeting of the creditors or class of creditors, and/or of the stockholders or class of stockholders of this Corporation, as the

2404357084 3

case may be, to be summoned in such manner as the said court directs. If a majority in number representing three-fourths in value of the creditors or class of creditors, and/or of the stockholders or class of stockholders of this Corporation, as the case may be, agree to any compromise or arrangement and to any reorganization of this Corporation as consequence of such compromise or arrangement, the said compromise or arrangement and the said reorganization shall, if sanctioned by the court to which the said application has been made, be binding on all the creditors or class of creditors, and/or on all the stockholders or class of stockholders, of this Corporation, as the case may be, and also on this Corporation.

IN WITNESS WHEREOF, I, the undersigned, being the incorporator named above, have hereunto set my hand and seal this 28th day of November, 1978.

(L.S.)

2043570844

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

BE IT REMEMBERED that on this 27th day of November, 1978, personally came before me, Nancy Stevens, a Notary Public in and for the County and State aforesaid,

JOSEPH PETER FLEMMING

party to the foregoing Certificate of Incorporation, known to me personally to be such, and acknowledged the said Certificate to be h act and deed, and that the facts therein stated are true.

GIVEN under my hand and seal of office the day and year aforesaid.

Nancy Stevens

NANCY STEVENS
Notary Public, State of New York
No. 24-4507133
Qualified in Kings County
Certificate Filed in New York County
Commission Expires March 30, 1979

24043570845

CERTIFICATE OF AMENDMENT
TO
CERTIFICATE OF INCORPORATION
OF
HAWAII HOTELS BOAT SERVICES INC.
Pursuant to Section 242 of the Delaware Corporation Law

The undersigned, ALICE KING and MARY LIU, being the Chairman of the Board of Directors and Secretary, respectively, of HAWAII HOTELS BOAT SERVICES INC., a Delaware corporation, for the purposes of amending the Certificate of Incorporation of said corporation pursuant to Section 242 of the Delaware Corporation Law, do hereby execute, acknowledge and file this Certificate of Amendment as follows:

1. The name of the corporation is, and has at all times since original incorporation been:

HAWAII HOTELS BOAT SERVICES INC.

2. The Certificate of Incorporation of the corporation was filed with the Secretary of State of the State of Delaware on November 30, 1978.

3. The provision of the Certificate of Incorporation which is to be amended is Article FIRST, which is hereby

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amended to read as follows:

"FIRST: The name of the corporation is

AMERICAN HAWAII CRUISES, INC."

4. The board of directors of the corporation has, by unanimous written consent given in accordance with the provisions of Section 141(f) of the Delaware Corporation Law, adopted a resolution setting forth the foregoing amendment and declaring its advisability.

5. The foregoing amendment to the Certificate of Incorporation has been duly authorized by unanimous written consent of the stockholders of the corporation given in accordance with the provisions of Section 228 of the Delaware Corporation Law.

6. The foregoing amendment has therefore been duly adopted in accordance with the provisions of Section 242 of the Delaware Corporation Law.

IN WITNESS WHEREOF we have executed this Certificate of Amendment this 27th day of March, 1980.

Alice King

Alice King, Chairman of the Board of Directors

ATTEST: Mary Lin

Mary Lin, Secretary

2404357084 7

9404357084 8

EXHIBIT E

OMB APPROVAL NO. 2115-0110

U.S. Department of Transportation
Maritime Administration

DECLARATION OF CITIZENSHIP FOR VESSEL RECORDATION PURPOSES

(Section 40, Shipping Act, 1916, as amended,
46 U.S.C. 838, 40 Stat. 902, as amended)

I. VESSEL/
A. NAME: SS CONSTITUTION B. OFFICIAL NUMBER: 262 027

II. ENTITY ON BEHALF OF WHICH DECLARATION IS MADE
A. NAME: AMERICAN GLOBAL LINE INC.

B. ADDRESS: 550 Kearny Street, San Francisco, CA 94108

C. STATE WHERE INCORPORATED, ORGANIZED, CHARTERED, OR RESIDING: Delaware

D. LEGAL NATURE *(check appropriate entry)*

_____ Individual
_____ Association
X Corporation
_____ Mutual Savings Bank/Insurance Co.
_____ Partnership/joint venture
_____ Other *(specify)*

CAPACITY *(check appropriate entry)*

_____ Purchaser/transferee
_____ Mortgagee
_____ Trustee-mortgagee

3710 8
3404

III. DECLARATION

I hereby declare that I am legally authorized to make this declaration on behalf of the entity named above, and that this transaction does not violate the provisions of 46 U.S.C. 808 and 835 *(if applicable)* because said entity meets the applicable criteria set forth on the reverse of this form and is therefore a citizen of the United States within the meaning of 46 U.S.C. 802.

SIGNATURE DATE

NAME OF PERSON SIGNING *(Print)*: John P. Hamilton, Secretary

PENALTY FOR FALSE STATEMENT: Any person who knowingly makes a false statement of a material fact in this declaration shall be guilty of a misdemeanor and subject to a fine of not more than $5,000 or to imprisonment for not more than five years, or both (46 U.S.C. 838).

... two or more vessels are involved, attach schedule of vessel names and official numbers.

FORM MA-899 (9-83)
(Replaces MA-4567, 4567A, 4568, 4568A, 4569, 4569A, 4661, 4662, 4663)

7530-01-GT3-0400

OMB APPROVAL NO. 2115-0110

US Department of Transportation
Maritime Administration

DECLARATION OF CITIZENSHIP FOR VESSEL RECORDATION PURPOSES

(Section 40, Shipping Act, 1916, as amended,
46 U.S.C. 838, 40 Stat. 902, as amended)

I. VESSEL/
A. NAME: SS INDEPENDENCE B. OFFICIAL NUMBER: 261 147

II. ENTITY ON BEHALF OF WHICH DECLARATION IS MADE
A. NAME AMERICAN GLOBAL LINE INC.

B. ADDRESS 550 Kearny Street, San Francisco, CA 94108

C. STATE WHERE INCORPORATED, ORGANIZED, CHARTERED, OR RESIDING: Delaware

D. LEGAL NATURE *(check appropriate entry)*

_____ Individual
_____ Association
__X__ Corporation
_____ Mutual Savings Bank/Insurance Co.
_____ Partnership/joint venture
_____ Other *(specify)*

E. CAPACITY *(check appropriate entry)*

_____ Purchaser/transferee
_____ Mortgagee
_____ Trustee-mortgagee

III. DECLARATION:

I hereby declare that I am legally authorized to make this declaration on behalf of the entity named above, and that this transaction does not violate the provisions of 46 U.S.C. 808 and 835 *(if applicable)* because said entity meets the applicable criteria set forth on the reverse of this form and is therefore a citizen of the United States within the meaning of 46 U.S.C. 802.

SIGNATURE DATE

NAME OF PERSON SIGNING *(Print)*: John F. Hamilton, Secretary

PENALTY FOR FALSE STATEMENT: Any person who knowingly makes a false statement of a material fact in this declaration shall be guilty of a misdemeanor and subject to a fine of not more than $5,000 or to imprisonment for not more than five years, or both (46 U.S.C. 838).

(wo or more vessels are involved, attach schedule of vessel names and official numbers.

FORM MA-999 (5-82)
(Replaces MA-4567, 4567A, 4568, 4568A, 4569, 4569A, 4661, 4662, 4663)

7130-01-GF30400

HAND DELIVERED

RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION
89 JUN 29 PM 2:04

06C3262

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

WYERI OKUMURA
ROY S. TAKUSHI
JAMES T. FUNAKI
JOSEPH K. WEE
SHUICHI MIYASAKI
ALFRED M. K. WONG
ROBERT M. EHRHORN, JR.
DICKSON C. H. LEE
PETER T. STONE
JAMES N. H. YEE
AARON S. YOO

SUITE 1400
GROSVENOR CENTER
733 BISHOP STREET
HONOLULU, HAWAII 96813

TELEPHONE (808) 543-0800
FACSIMILE (808) 599-1040

June 27, 1989

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 JUN 29 PM 2:19

Federal Election Commission
General Counsel's Office
Washington, D.C. 20463

VIA COURIER

Attention: Patty Reilly

RE: MUR 2892

Client: QUEEN KAPIOLANI HOTEL

Dear Ms. Reilly:

This letter refers to the letter dated June 6, 1989 from the Federal Election Commission ("FEC") to the above named company and to the complaint filed by Anthony Locricchio who appears to be invoking the jurisdiction of the FEC in connection with a zoning and/or land use matter involving the development of a golf course.

On behalf of the above named company, the FEC is requested to grant an extension of time to respond to the FEC's letter in order to allow us time to discuss the matter with our client and to prepare a more comprehensive response based upon the law and facts.

If an extension of time to respond is not granted, then all allegations are denied. In that regard, the FEC should dismiss the complaint at least with respect to the above named company for the following reasons:

1. The complaint fails to state any reason for action or claim upon which relief can be granted.

2. The FEC lacks jurisdiction over the subject matter and over the person. In that connection, this letter should not be construed as an appearance by our client and the defense that the FEC lacks jurisdction over the subject matter and the person is expressly reserved.

4821V/4

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3. The Federal Election Campaign Act of 1971 ("Act") applies only to contributions by foreign nationals to a candidate for Federal office and does not enable nor authorize the FEC to apply the Act to local elections or contributions to a candidate for local office made by an American corporation or business organization.

4. Matters involving a local election and contributions to a candidate for local office are reserved to the respective states under the the 10th Amendment to the United States Constitution. Any preemption provision is specifically limited to contributions to candidates for Federal office. And, the determination of whether any reason for action or claim has been stated must be determined by state or local laws.

5. Complainants have not exhausted their administrative and/or judicial remedies under state and local laws.

6. The Act, including the manner in which the Act is being applied, violates rights afforded under the 1st, 5th and 14th Amendments to the United States Constitution.

7. The Act does not apply to the above named company which is not a foreign national and which is regularly and lawfully doing business in the State of Hawaii.

It would seem that it would be entirely appropriate that procedurally, the matter of the FEC's jurisdiction be determined first before any substantive issues are addressed where it also appears that the laws of the State of Hawaii and the State of Hawaii Campaign Spending Commission have exclusive jurisdiction over the matters covered by the complaint.

2043570352

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

We request that you also inform us whether conciliation is available and if so, would you also provide us with the guidelines for conciliation.

Very truly yours,

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

By _____
Dickson C.H. Lee

cc: Queen Kapiolani Hotel

24043570853

HAND DELIVERED

RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION
89 JUN 29 PM 2:04

OC 3263

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

SUYEKI OKUMURA
ROY E. TAKUSHI
JAMES T. FUNAKI
JOSEPH K. WEE

SHUICHI MIYASAKI
ALFRED M. K. WONG
ROBERT M. EHRHORN, JR.
DICKSON C. H. LEE

PETER T. STONE
JAMES N. H. YEE
AARON S. YOO

SUITE 1400
GROSVENOR CENTER
733 BISHOP STREET
HONOLULU, HAWAII 96813

TELEPHONE (808) 543-9800
FACSIMILE (808) 599-1960

June 27, 1989

Federal Election Commission
General Counsel's Office
Washington, D.C. 20463

VIA COURIER

FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 JUN 29 PM 4:00

Attention: Patty Reilly

RE: MUR 2892

Client: SONY HAWAII COMPANY

Dear Ms. Reilly:

This letter refers to the letter dated June 6, 1989 from the Federal Election Commission ("FEC") to the above named company and to the complaint filed by Anthony Locricchio who appears to be invoking the jurisdiction of the FEC in connection with a zoning and/or land use matter involving the development of a golf course.

On behalf of the above named company, the FEC is requested to grant an extension of time to respond to the FEC's letter in order to allow us time to discuss the matter with our client and to prepare a more comprehensive response based upon the law and facts.

If an extension of time to respond is not granted, then all allegations are denied. In that regard, the FEC should dismiss the complaint at least with respect to the above named company for the following reasons:

1. The complaint fails to state any reason for action or claim upon which relief can be granted.

2. The FEC lacks jurisdiction over the subject matter and over the person. In that connection, this letter should not be construed as an appearance by our client and the defense that the FEC lacks jurisdction over the subject matter and the person is expressly reserved.

4821V/5

24043570854

3. The Federal Election Campaign Act of 1971 ("Act") applies only to contributions by foreign nationals to a candidate for Federal office and does not enable nor authorize the FEC to apply the Act to local elections or contributions to a candidate for local office made by an American corporation or business organization.

4. Matters involving a local election and contributions to a candidate for local office are reserved to the respective states under the the 10th Amendment to the United States Constitution. Any preemption provision is specifically limited to contributions to candidates for Federal office. And, the determination of whether any reason for action or claim has been stated must be determined by state or local laws.

5. Complainants have not exhausted their administrative and/or judicial remedies under state and local laws.

6. The Act, including the manner in which the Act is being applied, violates rights afforded under the 1st, 5th and 14th Amendments to the United States Constitution.

7. The Act does not apply to the above named company which is not a foreign national and which is regularly and lawfully doing business in the State of Hawaii.

It would seem that it would be entirely appropriate that procedurally, the matter of the FEC's jurisdiction be determined first before any substantive issues are addressed where it also appears that the laws of the State of Hawaii and the State of Hawaii Campaign Spending Commission have exclusive jurisdiction over the matters covered by the complaint.

2043570855

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

We request that you also inform us whether conciliation is available and if so, would you also provide us with the guidelines for conciliation.

Very truly yours,

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

By _____
Dickson C.B. Lee

cc: Sony Hawaii Company

24043570856

HAND DELIVERED

FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION

89 JUN 29 PM 2:03

06C3241

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

SUYEKI OKUMURA
ROY E. TAKUSHI
JAMES T. FUNAKI
JOSEPH K. WEE

SHUICHI MIYASAKI
ALFRED M.K. WONG
ROBERT M. EHRHORN, JR.
DICKSON C.H. LEE

PETER T. STONE
JAMES N.H. YEE
AARON S. YOO

SUITE 1400
GROSVENOR CENTER
733 BISHOP STREET
HONOLULU, HAWAII 96813

TELEPHONE (808) 543-0800
FACSIMILE (808) 599-0160

June 27, 1989

Federal Election Commission
General Counsel's Office
Washington, D.C. 20463

VIA COURIER

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 JUN 29 PM 3:10

Attention: Patty Reilly

RE: MUR 2892

Client: UNIVERSAL EXPRESS CO. (HAWAII), LTD.

Dear Ms. Reilly:

This letter refers to the letter dated June 6, 1989 from the Federal Election Commission ("FEC") to the above named company and to the complaint filed by Anthony Locricchio who appears to be invoking the jurisdiction of the FEC in connection with a zoning and/or land use matter involving the development of a golf course.

On behalf of the above named company, the FEC is requested to grant an extension of time to respond to the FEC's letter in order to allow us time to discuss the matter with our client and to prepare a more comprehensive response based upon the law and facts.

If an extension of time to respond is not granted, then all allegations are denied. In that regard, the FEC should dismiss the complaint at least with respect to the above named company for the following reasons:

1. The complaint fails to state any reason for action or claim upon which relief can be granted.

2. The FEC lacks jurisdiction over the subject matter and over the person. In that connection, this letter should not be construed as an appearance by our client and the defense that the FEC lacks jurisdction over the subject matter and the person is expressly reserved.

4821V

2043570837

3. The Federal Election Campaign Act of 1971 ("Act") applies only to contributions by foreign nationals to a candidate for Federal office and does not enable nor authorize the FEC to apply the Act to local elections or contributions to a candidate for local office made by an American corporation or business organization.

4. Matters involving a local election and contributions to a candidate for local office are reserved to the respective states under the the 10th Amendment to the United States Constitution. Any preemption provision is specifically limited to contributions to candidates for Federal office. And, the determination of whether any reason for action or claim has been stated must be determined by state or local laws.

5. Complainants have not exhausted their administrative and/or judicial remedies under state and local laws.

6. The Act, including the manner in which the Act is being applied, violates rights afforded under the 1st, 5th and 14th Amendments to the United States Constitution.

7. The Act does not apply to the above named company which is not a foreign national and which is regularly and lawfully doing business in the State of Hawaii.

It would seem that it would be entirely appropriate that procedurally, the matter of the FEC's jurisdiction be determined first before any substantive issues are addressed where it also appears that the laws of the State of Hawaii and the State of Hawaii Campaign Spending Commission have exclusive jurisdiction over the matters covered by the complaint.

2043570838

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

We request that you also inform us whether conciliation is available and if so, would you also provide us with the guidelines for conciliation.

Very truly yours,

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

By _____
Dickson C.H. Lee

cc: Universal Express Co. (Hawaii), Ltd.

24043570859

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 28, 1989

Dickson C.H. Lee, Esquire
Okumura, Takushi, Funaki, & Wee
Suite 1400
Grosvenor Center
733 Bishop Street
Honolulu, Hawaii 96813

RE: MUR 2892
Queen Kapiolani Hotel
Universal Express Co. (Hawaii)
Sony Hawaii

Dear Mr. Lee:

This is in response to your letters dated July 17, 1989, which we received on July 20, 1989, requesting extensions until July 31, 1989 to respond to the complaint in the above-captioned matter. After considering the circumstances presented in your letters, I have granted the requested extensions. Accordingly, your response is due by the close of business on July 31, 1989.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

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06C3255

CARLSMITH, WICHMAN, CASE, MUKAI AND ICHIKI
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING LAW CORPORATIONS
1001 BISHOP STREET
PACIFIC TOWER, SUITE 2200
HONOLULU, HAWAII 96813
CABLE ADDRESS: CWCMI
TELEX 723-8770 CWCMI HR
TELECOPIER (808) 523-0842

HONOLULU OFFICE:
P. O. BOX 656
HONOLULU, HAWAII 96809
(808) 523-2500

GUAM OFFICE:
P. O. BOX 8F
AGANA, GUAM 96910
(671) 472-6813
TELEX 721-6445 CWCMI GM

LOS ANGELES OFFICE:
P. O. BOX 7189
LOS ANGELES, CALIFORNIA 90071-0189
(213) 955-1200

HILO OFFICE:
P. O. BOX 686
HILO, HAWAII 96721-0686
(808) 935-6644

KONA OFFICE:
P. O. BOX 1720
KAILUA-KONA, HAWAII 96745-1720
(808) 329-6464

MAUI OFFICE:
P. O. BOX 1086
WAILUKU, HAWAII 96793
(808) 242-4535

SAIPAN OFFICE
P. O. BOX 241 CHRB
SAIPAN, MP 96950
(6701) 322-3455
TELEX 783-658 CWCMI SPN

June 27, 1989

VIA TELECOPIER

and

EXPRESS MAIL,
RETURN RECEIPT REQUESTED

Federal Election Commission
999 E Street N.W.
Washington, D.C. 20463

Attention: Patty Reilly, Esq.

Re: MUR 2892/Taiyo Hawaii Company, Ltd.

Gentlemen:

As indicated on the enclosed "Statement of Designation of Counsel," this law firm represents Taiyo Hawaii Company, Ltd. ("Taiyo"), a Japan corporation registered to do business in Hawaii, in connection with the above-referenced matter. We are responding to your letter to Taiyo dated June 6, 1989, which was received by Taiyo on June 13, 1989.

We understand the complaint filed by Anthony P. Locricchio to allege that Taiyo has violated 2 U.S.C. § 441e which prohibits foreign nationals from making, directly or through any other person, any contribution in connection with an election to a political office. For the reasons stated herein, we believe that the complaint should be dismissed and no action should be taken by the Commission against Taiyo since it has not violated 2 U.S.C. § 441e.

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RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE REVIEW DIVISION
89 JUN 29 AM 10: 18

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 JUN 29 PM 3:20

24043570861

We believe that the complaint should be dismissed because we believe that 2 U.S.C. § 441e does not apply to "contributions" made to state or local elections. Although the regulations of the Commission (11 C.F.R. § 110.4(a)(1)) expressly state that foreign nationals may not make contributions to state or local elections, 2 U.S.C. § 441e does not expressly apply to state or local elections. In fact, it should be noted that the word "contribution" which is used in 2 U.S.C. § 441e is defined by 2 U.S.C. § 431(8)(A) as a gift, etc. "for the purpose of influencing any election for Federal office." Therefore, the complaint should be dismissed since 2 U.S.C. § 441e appears to apply only to elections for Federal office.

For the reasons stated above, we believe that the complaint against Taiyo should be dismissed and the Commission should find that no violation of 2 U.S.C. § 441e has occurred. Please be advised that Taiyo wishes to cooperate fully with the Commission in connection with the instant complaint. If you have any questions or require additional information in connection with this matter, please do not hesitate to contact us.

Very truly yours,

Karl K. Kobayashi

KK:cai
Enclosure
cc: Taiyo Hawaii Company, Ltd.

2043570862

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2892

NAME OF COUNSEL: Carlsmith, Wichman, Case, Mukai and Ichiki
Attention: Andy M. Ichiki, Esq.
Karl K. Kobayashi, Esq.

ADDRESS: Pacific Tower, Suite 2200
1001 Bishop Street
Honolulu, Hawaii 96813

TELEPHONE: (808) 523-2500

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Date

Signature

RESPONDENT'S NAME: Michio Itoh
Vice President
Taiyo Hawaii Company, Ltd.

ADDRESS: Pacific Tower, Suite 1140
1001 Bishop Street
Honolulu, Hawaii 96813

HOME PHONE:

BUSINESS PHONE: (808) 523-1694

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MUR 2892

RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION

89 JUN 29 AM 10: 19

CARLSMITH, WICHMAN, CASE, MUKAI AND ICHIKI
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING LAW CORPORATIONS
1001 BISHOP STREET
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HILO, HAWAII 96721-0686
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KAILUA-KONA, HAWAII 96745-1720
(808) 329-6464

MAUI OFFICE
P. O. BOX 1086
WAILUKU, HAWAII 96793
(808) 242-4535

SAIPAN OFFICE
P. O. BOX 24: CHRB
SAIPAN, MP 96950
(670) 322-3455
TELEX 783-658 CWCMI SPN

June 27, 1989

VIA TELECOPIER

and

EXPRESS MAIL,
RETURN RECEIPT REQUESTED

Federal Election Commission
999 E Street N.W.
Washington, D.C. 20463

Attention: Patty Reilly, Esq.

Re: MUR 2892/Jet Hawaii, Inc.

Gentlemen:

As indicated on the enclosed "Statement of Designation of Counsel," this law firm represents Jet Hawaii, Inc. ("JHI") in connection with the above-referenced matter. We are responding to your letter to JHI dated June 6, 1989, which was received by JHI on June 13, 1989.

We understand the complaint filed by Anthony P. Locricchio to allege that JHI has violated 2 U.S.C. § 441e which prohibits foreign nationals from making, directly or through any other person, any contribution in connection with an election to a political office. For the reasons stated herein, we believe that the complaint should be dismissed and no action should be taken by the Commission against JHI since it has not violated 2 U.S.C. § 441e.

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89 JUN 29 PM 3:20
OFFICE OF GENERAL COUNSEL

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We believe that the complaint should be dismissed because we believe that 2 U.S.C. § 441e does not apply to "contributions" made to state or local elections. Although the regulations of the Commission (11 C.F.R. § 110.4(a)(1)) expressly state that foreign nationals may not make contributions to state or local elections, 2 U.S.C. § 441e does not expressly apply to state or local elections. In fact, it should be noted that the word "contribution" which is used in 2 U.S.C. § 441e is defined by 2 U.S.C. § 431(8)(A) as a gift, etc. "for the purpose of influencing any election for Federal office." Therefore, the complaint should be dismissed since 2 U.S.C. § 441e appears to apply only to elections for Federal office.

However, even if it is assumed that 2 U.S.C. § 441e applies to state or local elections, we still contend that JHI has not violated 2 U.S.C. § 441e because it is a U.S. domestic corporation. JHI is a corporation duly organized and formed under the laws of the State of Hawaii and whose principal business is within the State of Hawaii. Please see copy of the Articles of JHI enclosed herewith for your review. Inasmuch as JHI is a corporation organized under the law of a state within the United States, and has its principal place of business within the United States, we believe that JHI is not a "foreign national" or a "foreign principal" as defined by 2 U.S.C. § 441e(b)(1) and 22 U.S.C. § 611(b), respectively. We believe that previous opinions of the Federal Election Commission have also confirmed that a U.S. corporation whose principal place of business is within the United States is not a "foreign national." See, e.g., Advisory Opinion 1982-10.

Although there appears to be no judicial precedents on point, we understand that past Advisory Opinions of the Commission also take into account whether foreign nationals whom are officers or directors of the U.S. corporation participated in any way in the decision-making process with respect to the making of the political contribution to determine whether 2 U.S.C. § 441e has been violated. See, e.g., Advisory Opinion 1982-10. Inasmuch as there appears to be no judicial precedents on point, we cannot acknowledge that the position of the Commission is correct. However, even if it is assumed that the Commission is correct, JHI has advised us that no foreign nationals (persons who are not U.S. citizens or

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permanent residents) participated in any way in the decision-making process with respect to the making of the political contribution which is the subject of the complaint or for any other political contributions.

For the reasons stated above, we believe that the complaint against JHI should be dismissed and the Commission should find that no violation of 2 U.S.C. § 441e has occurred. Please be advised that JHI wishes to cooperate fully with the Commission in connection with the instant complaint. If you have any questions or require additional information in connection with this matter, please do not hesitate to contact us.

Very truly yours,

Karl K. Kobayashi

KK:cai
Enclosures
cc: Jet Hawaii, Inc.

2404357086 6

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2892

NAME OF COUNSEL: Carlsmith, Wichman, Case, Mukai and Ichiki
Attention: Andy M. Ichiki, Esq.
Karl K. Kobayashi, Esq.

ADDRESS: Pacific Tower, Suite 2200
1001 Bishop Street
Honolulu, Hawaii 96813

TELEPHONE: (808) 523-2500

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Date

Signature

RESPONDENT'S NAME: Patricia Yoshimoto
Vice President Finance
Jet Hawaii, Inc.

ADDRESS: 2255 Kuhio Avenue, Suite 1601
Honolulu, Hawaii 96815

HOME PHONE:

BUSINESS PHONE: (808) 926-1551

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IN THE DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

In the Matter of the Incorporation)
of)
JET HAWAII, INC.)

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SEP 5 1972
DEPARTMENT OF REGULATORY AGENCIES
STATE OF HAWAII

ARTICLES OF INCORPORATION

and

AFFIDAVIT OF OFFICERS

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CADES SCHUTTE FLEMING & WRIGHT
C. Frederick Schutte
165 South King Street
Honolulu, Hawaii 96813

IN THE DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

In the Matter of the Incorporation)
of)
JET HAWAII, INC.)

ARTICLES OF INCORPORATION

We, the undersigned, desiring to form a corporation under the laws of the State of Hawaii, do hereby execute the following Articles of Incorporation.

First: The name of the corporation shall be JET HAWAII, INC.

Second: The place of the principal office of the corporation shall be in Honolulu, City and County of Honolulu, State of Hawaii. The initial address of the initial office of the corporation will be 2255 Kalakaua Avenue, Honolulu, Hawaii 96815.

Third: The purposes for which the corporation is organized are the following:

(a) To promote, organize, plan and conduct trips, tours and excursions by railroad, ship, motor vehicle, aircraft or other means, for individuals or groups of individuals;

(b) To provide transportation for individuals or groups of individuals by railroad, ship, motor vehicle, aircraft or other means in connection with the conduct of a general tour, travel and excursion business, and to furnish

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guides, couriers, assistants and interpreters in connection therewith;

(c) To plan, originate, devise, print, publish, manufacture, sell and deal in booklets, magazines, folders, leaflets, guidebooks, maps, timetables, signs and display advertising for the promotion of tours, excursions and trips; to carry on a general advertising business and to publish, display and secure the publication and display of advertisements and advertising material of any and every nature;

(d) To act as agent, representative, broker, factor, advisor or manager of any individual, partnership or corporation, and as such, to promote, develop and extend their business or to aid in any lawful enterprise;

(e) To undertake and carry on any business, investment, transaction, venture or enterprise which may be lawfully undertaken or carried on by a corporation and any business whatsoever which may seem to the corporation convenient or suitable to be undertaken.

The corporation shall have the following powers:

1. To have succession by its corporate name perpetually;

2. To sue and be sued in any court;

3. To make and use a common seal, and to alter the same at its pleasure;

4. To hold, purchase, and convey such property as the purposes of the corporation shall require without limit as to amount;

5. To make and adopt and from time to time amend or repeal bylaws not inconsistent with any of these Articles of Incorporation or with the laws of the State of Hawaii;

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6. To borrow money or otherwise incur indebtedness without limit as to amount and with or without security and to secure any indebtedness by deed of trust, mortgage, pledge, hypothecation or lien upon all or any part of the real, personal or mixed property of the corporation and to execute bonds, promissory notes, bills of exchange, debentures, or other obligations or evidences of indebtedness of all kinds;

7. To purchase, subscribe for, hold, own, mortgage, rent, pledge, sell or otherwise acquire or dispose of and generally to deal in stocks, scrip, bonds, notes, debentures, commercial paper, obligations and securities, including, so far as permitted by law, its own issued shares of capital stock or other securities, and also any other securities or evidences of indebtedness whatsoever or any interest therein, and while the owner of the same to exercise all the rights, powers and privileges of ownership;

8. To draw, make, accept, endorse, assign, discount, execute and issue all such bills of exchange, bills of lading, promissory notes, stock and other warrants and other instruments to be assignable, negotiable or transferable by delivery or to order, or otherwise;

9. To lend and advance money or to give credit, with or without security, to such persons, firms or corporations, and on such terms as the Board of Directors shall determine; and if with security, then upon mortgages, deeds of trust, pledges or other hypothecations or liens upon real, personal or mixed property, or any right or interest therein or thereto;

10. To aid any person or entity of which any of

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the bonds or other securities or evidences of indebtedness or stock are held by this corporation, and to do any acts or things to preserve, protect, improve or enhance the value of any such bonds, or other securities or evidences of indebtedness or stock, including specifically the right and power to enter into and take the management of any such enterprise of any kind or nature, and while so managing any such enterprise, to do the acts and things incidental or necessary thereto;

11. To become a party to and effect a merger or consolidation with another corporation or other corporations, and to enter into agreements and relationships with any persons or entity;

12. To become surety for or guarantee any dividends, bonds, stocks, contracts, debts, or other obligations or undertakings with or without security, of any other person or entity;

13. To become a general or limited partner in any partnership or to become a venturer in any joint venture, and to enter into and perform any contracts, undertakings and obligations to the same extent as if the corporation were a natural person;

14. To sell, convey, mortgage, pledge, lease, exchange, transfer, and otherwise dispose of all or any part of its property and assets;

15. To lend money to its employees, officers, and directors, and otherwise assist its employees, officers and directors;

16. To conduct its business, carry on its operations, and exercise the powers granted by this section in

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any part of the world, directly or indirectly, and as principal, agent, factor, contractor, or otherwise, and by or through trustees, agents, or otherwise, and either alone or in conjunction with others;

17. To elect or appoint officers and agents of the corporation, and define their duties and fix their compensation;

18. To make donations for the public welfare or for charitable, scientific, or educational purposes, and in time of war to make donations in aid of war activities;

19. In time of war to transact any lawful business in aid of the United States in the prosecution of the war;

20. To indemnify any director or officer or former director or officer of the corporation, or any person who may have served at its request as a director or officer of another corporation, whether or not such person is also an officer or director of the corporation, and the heirs, executors, administrators and assigns of any person heretofore named against all costs, expenses and liabilities, including the amounts of judgments, amounts paid in compromise settlements and paid for services of counsel and other related expenses, which may be incurred by or imposed on him in connection with any claim, investigation, inquiry, action, suit, or proceeding, civil or criminal, instituted or threatened in which he may be involved as a party or otherwise by reason of being or having been such director or officer, whether or not he continues to be such officer or director at the time of the incurring or imposition of such costs, expenses or liabilities, except in relation to

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matters as to which he is finally adjudged in the action, suit, or proceeding to be liable for negligence or wilful misconduct in the performance of his duty to the corporation; to make any other indemnification that is authorized by the Articles of Incorporation, by any bylaws or resolution adopted by the shareholders after notice; and to purchase and maintain insurance on behalf of any person who may be indemnified under these Articles of Incorporation or bylaws of the corporation;

21. To pay pensions and establish pension plans, pension trusts, profit-sharing plans, stock bonus plans, stock option plans, and other incentive or benefit plans for any of its directors, officers, and employees;

22. To enter into any arrangement with any person or entity in carrying on of any business which this corporation is authorized to carry on, or any business or transaction deemed necessary, convenient or incidental to carrying out any of the purposes of the corporation;

23. To cease its corporate activities and surrender its corporate franchise;

24. To have and exercise all powers necessary or convenient to effect any or all of the purposes for which the corporation is organized or which may hereafter be provided by law, and which may be implied herefrom.

The foregoing purposes and powers shall be liberally construed and shall not be deemed to exclude by inference any purposes or powers which the corporation is empowered to exercise, whether expressly by any applicable laws now or hereafter in effect, or impliedly by the reasonable construction of any such laws.

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Fourth: (a) The number of shares of common stock that the corporation is authorized to issue is 30,000. The aggregate par value of the common stock is $30,000. The par value of each share is $1.00. The corporation shall have the privilege of subsequent extension of its capital stock from time to time in the manner provided by law up to a limit of $5,000,000.00 in the aggregate. The corporation shall have power from time to time to create an additional class or additional classes of stock with such preferences, voting powers, restrictions, and qualifications thereof as shall be fixed in the resolution authorizing the issue thereof in accordance with law.

(b) No holder of shares of stock of any class of the corporation shall, as such holder, have any right to subscribe for or purchase (1) any shares of stock of any class of the corporation, or any warrants, options or other instruments that shall confer upon the holder thereof the right to subscribe for or purchase or receive from the corporation any shares of stock of any class, whether or not such shares shall be unissued shares, now or hereafter authorized, or shares acquired by the corporation after the issue thereof, and whether or not such shares of stock, warrants, options, or other instruments are issued for cash or services or property or by way of dividend or otherwise, or (2) any other security of the corporation which shall be convertible into, or exchangeable for, any shares of stock of the corporation of any class or classes, or to which shall be attached or appurtenant any warrant, option, or other instrument that shall confer upon the holder of such security the right to subscribe for or purchase or

receive from the corporation any of its stock of any class or classes, whether or not such shares shall be unissued shares, now or hereafter authorized, or shares acquired by the corporation after the issue thereof, and whether or not such securities are issued for cash or services or property or by way of dividend or otherwise, other than such right, if any, as the Board of Directors, in its sole discretion, may from time to time determine. If the Board of Directors shall offer to the holders of shares of stock, options, warrants, instruments, or other securities of the corporation, such offer shall not, in any way, constitute a waiver or release of the right of the Board of Directors subsequently to dispose of other shares of stock, options, warrants, instruments or securities of the corporation without offering the same to said holders.

Fifth: (a) The Board of Directors of the corporation shall consist of such number of persons, not less than three (3) in number, as shall be determined in accordance with the bylaws. The officers and directors of the corporation need not be stockholders of the corporation. The directors (and alternate directors and/or substitute directors, if any) shall be elected or appointed, may be removed from office, and all vacancies in the office of the director or of any officer shall be filled all in the manner provided for in the bylaws.

(b) The officers of the corporation shall be a President, one or more Vice Presidents as shall be determined by the bylaws, a Secretary, and a Treasurer. The corporation may have such additional officers as shall be determined in accordance with the bylaws. The officers shall have the

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powers, perform the duties and be appointed as shall be determined in accordance with the bylaws. Any person may hold two offices of the corporation if so provided by the bylaws.

The names and the street or mailing addresses of the initial officers and directors are:

NAME	STREET OR MAILING ADDRESS
Thomas G. Held President and Director	2255 Kalakaua Avenue Honolulu, Hawaii 96815
Peter Ogawa Vice President and Director	c/o World Tour Operators, Inc. Ala Moana Hotel 410 Atkinson Drive Honolulu, Hawaii 96814
Thomas L. Anderson Secretary and Director	2255 Kalakaua Avenue Honolulu, Hawaii 96815
Carl M. Erdman Treasurer	Room 1119 Ala Moana Building Honolulu, Hawaii 96814
Takeshi Wada Director	c/o World Tour Operators, Inc. Dai-Ichi Hidiya Building 1-18-21 Shimbashi Minato-Ku, Tokyo, Japan
Kiyomi Sugahara Director	c/o World Tour Operators, Inc. Dai-Ichi Hidiya Building 1-18-21 Shimbashi Minato-Ku, Tokyo, Japan
Bayard H. Dillingham Director	Dillingham Transportation Bldg. Honolulu, Hawaii 96813

(c) All the powers and authority of the corporation shall be vested in and may be exercised by the Board of Directors, except as otherwise provided by law, these Articles of Incorporation, or the bylaws; and in furtherance and not in limitation of the general powers, the Board of Directors shall have the power to hold meetings; to issue from time to time any or all shares of the corporation to any party or parties, for such consideration or consider-

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stions, upon and subject to such terms and conditions and for such corporate purposes as the Board may from time to time determine; to determine what portion, if any, of the consideration received for any authorized stock without par value shall be allocated to the paid-in surplus of the corporation; to determine at what times and places and under what conditions the books of the corporation shall be open to the inspection by the stockholders; to fix and determine from time to time an amount or amounts as a reserve or reserves for any purpose or to abolish any such reserve or reserves; to make any lawful disposition of any paid-in or capital surplus, or charge to the same organization expenses or other similar expenses properly chargeable to the capital account; to use or apply any funds of the corporation lawfully available therefor for the purchase or acquisition of shares of the capital stock or bonds or other securities of this corporation, in the market or otherwise, at such price as may be fixed by the Board, and to such extent and in such manner and for such purposes and upon such terms as the Board may deem expedient and as may be permitted by law; from time to time in such manner and upon such terms and conditions as may be determined by the Board, to provide and carry out and recall, abolish, revise, alter, or change, one or more plan or plans for: (i) the issue or the purchase and sale of its capital stock or granting of options or warrants therefor to any or all of the employees, officers, or directors of the corporation or of any subsidiaries, and the payment of such stock in installments or at one time, with or without the right to vote thereon pending payment in full, and for aiding any such persons in paying for such stock by

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contributions, compensation for services, or otherwise; (ii) the participation by any or all of the employees, officers, or directors of the corporation or of any subsidiaries in the profits of the corporation or of any branch, division, or subsidiary thereof, as part of the corporation's legitimate expenses; and (iii) the furnishing to any or all of the employees, officers or directors of the corporation or of any subsidiaries, at the expense, wholly or in part, of the corporation, of insurance against accident, sickness, or death, pensions during old age, disability, or unemployment or retirement benefits; from time to time to authorize and issue obligations of the corporation, secured or unsecured, to include therein such covenants and restrictions and such provisions as to redeemability, subordination, convertibility, or otherwise, and with such maturities, as the Board in its sole discretion may determine, and to authorize the mortgaging of, granting a security interest in, or pledging of, as security therefor, any part or all of the property of the corporation, real or personal, including after-acquired property; to acquire and dispose of property; to appoint a general manager, branch managers and such other managers, or agents of the corporation as in its judgment this business may deem desirable, and to confer upon and to delegate to them by power of attorney or otherwise such power and authority as it shall determine; to fix the salaries or compensation of any or all of its officers, agents, and employees, and in its discretion require security of any of them for the faithful performance of any of their duties; to declare dividends when deemed advisable; to make rules and regulations consistent with these Articles of Incorporation

or the bylaws for the transaction of business; to instruct the officers or agents of the corporation with respect to, and to authorize the voting of, stock of other corporations owned or held by this corporation; to incur such indebtedness as may be deemed desirable; to create such committees (including an executive committee or committees) and to designate as members of such committees such persons as it shall determine and to confer upon such committees such powers and authorities as may by resolution be set forth for the purpose of carrying on or exercising any of the powers of the corporation; to remove or suspend any officer and generally to do any and every lawful act necessary or desirable to carry into effect the powers and purposes of the corporation.

Sixth: No contract or other transaction between the corporation and any other person, firm, corporation, association or other organization, and no act of the corporation, shall in any way be affected or invalidated by the fact that any of the directors or officers of the corporation are parties to such contract, transaction or act or are pecuniarily or otherwise interested in the same or are directors or officers or members of any such other firm, corporation, association or other organization, provided that the interest of such director shall be disclosed or shall have been known to the Board of Directors authorizing or approving the same, or to a majority thereof. Any director of the corporation who is a party to such transaction, contract, or act or who is pecuniarily or otherwise interested in the same or is a director or officer or member of such other firm, corporation, association or other organization, may be counted in determining a quorum of

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any meeting of the Board of Directors which shall authorize or approve any such contract, transaction or act, and may vote thereon with like force and effect as if he were in no way interested therein. Neither any director nor any officer of the corporation, being so interested in any such contract, transaction or act of the corporation which shall be approved by the Board of Directors of the corporation, nor any such other person, firm, corporation, association or other organization in which such director may be a director, officer or member, shall be liable or accountable to the corporation, or to any stockholder thereof, solely by reason of being an interested person, for any loss incurred by the corporation pursuant to or by reason of such contract, transaction or act, or for any gain received by any such other party pursuant thereto or by reason thereof.

Seventh: The corporation shall indemnify each present, former and future officer and director of the corporation and each person who serves at the request of the corporation as an officer or director of any other corporation, whether or not such person is also an officer or director of the corporation, against all costs, expenses and liabilities, including the amounts of judgments, amounts paid in compromise settlements and paid for services of legal counsel and other related expenses, which may be incurred by or imposed on him in connection with any claim, demand, action, suit, proceeding, investigation or inquiry, civil or criminal, hereafter made, instituted or threatened in which he may be involved as a party or otherwise by reason of his being or having been such officer or director,

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whether or not he continues to be such officer or director at the time of the incurring or imposition of such costs, expenses, or liabilities, except in relation to matters as to which he shall in such action, suit or proceeding be finally adjudged to be, or shall be, liable by reason of his negligence or wilful misconduct toward the corporation in the performance of his duties as such officer or director. As to whether or not a director or officer was liable by reason of negligence or wilful misconduct toward the corporation in the performance of his duties as such officer or director, in the absence of such final adjudication of the existence of such liability, the Board of Directors and each officer and director may conclusively rely upon an opinion of legal counsel selected by or in the manner designated by the Board of Directors. The foregoing right of indemnification shall not be exclusive of other rights to which any such officer or director may be entitled as a matter of law or otherwise, and shall inure to the benefits of the heirs, executors, administrators and assigns of each such officer or director.

Eighth: No stockholder shall be liable for the debts of the corporation beyond the amount which may be due or unpaid upon any share or shares of stock of the corporation owned by him.

DATED: Honolulu, Hawaii this 3rd day of September, 1972.

THOMAS G. HELD

THOMAS L. ANDERSON

CARL H. ERDMAN

PETER OGAWA

7404357088 2

STATE OF HAWAII)
) SS:
CITY AND COUNTY OF HONOLULU)

On this 6th day of December, 1972, before me personally appeared THOMAS G. HELD, THOMAS L. ANDERSON, CARL M. ERDMAN and PETER OGAWA, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

Notary Public, First Judicial Circuit, State of Hawaii
My Commission expires: 7-27-74

7404357088 3

IN THE DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

In the Matter of the Incorporation)
)
of)
)
JET HAWAII, INC.)
)
)

AFFIDAVIT OF OFFICERS

STATE OF HAWAII)
) SS:
CITY AND COUNTY OF HONOLULU)

THOMAS G. HELD, THOMAS L. ANDERSON and CARL M. ERDMAN, being first duly sworn, each for himself or herself does depose and say:

1. THOMAS G. HELD is the President, CARL M. ERDMAN is the Treasurer and THOMAS L. ANDERSON is the Secretary of JET HAWAII, INC.

2. The number of authorized shares of the stock of said corporation is 30,000 shares of capital stock, all of said shares being of the same class.

3. The aggregate par value of all of said shares is $30,000.00, and the par value of each of said shares is $1.00.

4. The names of the subscribers for said shares, the number of shares subscribed for by each subscriber, the subscription price of the shares subscribed for by each subscriber, and the amount of capital paid in cash by each subscriber are as follows:

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Name of Subscriber	Number of Shares Subscribed For	Total Subscription Price	Amount of Capital Paid In Cash
World Tour Operators, Inc.	15,000	$15,000.00	$15,000.00
Aloha Hawaii Travel, Ltd.	15,000	$15,000.00	$15,000.00

5. The subscription price for the shares of stock is $1.00 per share; seventy-five percent (75%) of the authorized capital stock of said corporation upon its incorporation has been subscribed for and ten percent (10%) of the aggregate authorized capital stock of the corporation has been paid in cash.

THOMAS G. KRUG

THOMAS L. ANDERSON

CARL N. ENDMAN

Subscribed and sworn to before me
this 3rd day of September 1972.

Notary Public, First Judicial
Circuit, State of Hawaii.
My commission expires: May 4 1976

240435708885

06C3257

RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION

89 JUN 29 AM 10:19

CARLSMITH, WICHMAN, CASE, MUKAI AND ICHI

ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING LAW CORPORATIONS

1001 BISHOP STREET

PACIFIC TOWER, SUITE 2200

HONOLULU, HAWAII 96813

CABLE ADDRESS: CWCMI

TELEX 723-8770 CWCMI HR

TELECOPIER (808) 523-0842

HONOLULU OFFICE:
P. O. BOX 656
HONOLULU, HAWAII 96809
(808) 523-2500

GUAM OFFICE:
P. O. BOX 8F
AGANA, GUAM 96910
(671) 472-6813
TELEX 721-6448 CWCMI GH

LOS ANGELES OFFICE:
P. O. BOX 71189
LOS ANGELES, CALIFORNIA 90071-0189
(213) 955-1200

HILO OFFICE:
P. O. BOX 686
HILO, HAWAII 96721-0686
(808) 935-6644

KONA OFFICE:
P. O. BOX 1720
KAILUA-KONA, HAWAII 96745-1720
(808) 329-6464

MAUI OFFICE:
P. O. BOX 1086
WAILUKU, HAWAII 96793
(808) 242-4535

SAIPAN OFFICE
P. O. BOX 241 CHRB
SAIPAN, MP 96950
(670) 322-3455
TELEX 783-656 CWCMI SPN

June 27, 1989

VIA TELECOPIER

and

EXPRESS MAIL,
RETURN RECEIPT REQUESTED

Federal Election Commission
999 E Street N.W.
Washington, D.C. 20463

Attention: Patty Reilly, Esq.

Re: MUR 2892/Pan-Pacific Development, Inc.

Gentlemen:

As indicated on the enclosed "Statement of Designation of Counsel," this law firm represents Pan-Pacific Development, Inc. ("Pan-Pacific") in connection with the above-referenced matter. We are responding to your letter to Pan-Pacific dated June 6, 1989, which was received by Pan-Pacific on June 13, 1989.

We understand the complaint filed by Anthony P. Locricchio to allege that Pan-Pacific has violated 2 U.S.C. § 441e which prohibits foreign nationals from making, directly or through any other person, any contribution in connection with an election to a political office. For the reasons stated herein, we believe that the complaint should be dismissed and no action should be taken by the Commission against Pan-Pacific since it has not violated 2 U.S.C. § 441e.

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 JUN 29 PM 3:19

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We believe that the complaint should be dismissed because we believe that 2 U.S.C. § 441e does not apply to "contributions" made to state or local elections. Although the regulations of the Commission (11 C.F.R. § 110.4(a)(1)) expressly state that foreign nationals may not make contributions to state or local elections, 2 U.S.C. § 441e does not expressly apply to state or local elections. In fact, it should be noted that the word "contribution" which is used in 2 U.S.C. § 441e is defined by 2 U.S.C. § 431(8)(A) as a gift, etc. "for the purpose of influencing any election for Federal office." Therefore, the complaint should be dismissed since 2 U.S.C. § 441e appears to apply only to elections for Federal office.

However, even if it is assumed that 2 U.S.C. § 441e applies to state or local elections, we still contend that Pan-Pacific has not violated 2 U.S.C. § 441e because it is a U.S. domestic corporation. Pan-Pacific, a wholly-owned subsidiary of Tokyu Construction Co., Ltd., a Japan corporation, is a corporation duly organized and formed under the laws of the State of Hawaii and whose principal business is within the State of Hawaii. Please see copy of Articles of Incorporation of Pan-Pacific enclosed herewith for your review. Therefore, since Pan-Pacific is a corporation organized under the law of a state within the United States, and has its principal place of business within the United States, we believe that Pan-Pacific is not a "foreign national" or a "foreign principal" as defined by 2 U.S.C. § 441e(b)(1) and 22 U.S.C. § 611(b), respectively. We believe that previous opinions of the Federal Election Commission have also confirmed that a U.S. corporation whose principal place of business is within the United States is not a "foreign national." See, e.g., Advisory Opinion 1982-10.

Although there appears to be no judicial precedents on point, we understand that past Advisory Opinions of the Commission also take into account whether foreign nationals whom are officers or directors of the U.S. corporation participated in any way in the decision-making process with respect to the making of the political contribution to determine whether 2 U.S.C. § 441e has been violated. See, e.g., Advisory Opinion 1982-10. Inasmuch as there appears to

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be no judicial precedents on point, we cannot acknowledge that the position of the Commission is correct. However, even if it is assumed that the Commission is correct, Pan-Pacific has advised us that no foreign nationals (persons who are not U.S. citizens or permanent residents) participated in any way in the decision-making process with respect to the making of the political contribution which is the subject of the complaint or for any other political contributions.

For the reasons stated above, we believe that the complaint against Pan-Pacific should be dismissed and the Commission should find that no violation of 2 U.S.C. § 441e has occurred. Please be advised that Pan-Pacific wishes to cooperate fully with the Commission in connection with the instant complaint. If you have any questions or require additional information in connection with this matter, please do not hesitate to contact us.

Very truly yours,

Karl K. Kobayashi

KK:cai
Enclosures
cc: Pan-Pacific Development, Inc.

2404357088

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2892

NAME OF COUNSEL: Carlsmith, Wichman, Case, Mukai and Ichiki
Attention: Andy M. Ichiki, Esq.
Karl K. Kobayashi, Esq.

ADDRESS: 1001 Bishop Street, Pacific Tower #2100
Honolulu, Hawaii 96813

TELEPHONE: (808) 523-2500

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

June 19, 1989
Date

Terry H. Adaniya
Signature
Its Vice President

RESPONDENT'S NAME: Terry H. Adaniya
Vice President

ADDRESS: Pan-Pacific Development, Inc.
2350 Pauahi Tower
1001 Bishop Street
Honolulu, Hawaii 96813

HOME PHONE:

BUSINESS PHONE: (808) 521-6172

2404357089

DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

IN THE MATTER OF THE INCORPORATION)
OF)
PAN-PACIFIC DEVELOPMENT, INC.)

ARTICLES OF INCORPORATION

and

AFFIDAVIT OF OFFICERS

240435708890

YAMAGUCHI & TANAKA
2550 Pacific Trade Center
Honolulu, Hawaii 96813

Attorneys

DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

IN THE MATTER OF THE INCORPORATION
OF
PAN-PACIFIC DEVELOPMENT, INC.

1,500,000.00 —
— —
100. —

ARTICLES OF INCORPORATION

OF

PAN-PACIFIC DEVELOPMENT, INC.

August 10, 1979

These ARTICLES OF INCORPORATION, made and entered into this 10th day of August, 1979, by the undersigned incorporator,

WITNESSETH:

That the said party does hereby form a corporation under the laws of the State of Hawaii to obtain the rights and benefits by said laws conferred upon corporations, it being hereby covenanted that these Articles of Incorporation shall in all respects be equally obligatory upon the party signing the same and upon all others who from time to time hereafter may become members of this corporation or who may become stockholders thereof.

I

The name of the corporation hereby organized shall be PAN-PACIFIC DEVELOPMENT, INC.

7404357-0891

II

The location of the principal office of the corporation is at 2621 Waiwai Loop, Honolulu, City and County of Honolulu, State of Hawaii, 96819, or at such other place as may be determined from time to time by the Board of Directors, and it may have such other offices within and without the said State as its business may from time to time require and as the Board of Directors, in their discretion, may designate.

III

The purposes for which the corporation is organized are as follows:

1. To take, buy, purchase, exchange, hire, lease or otherwise acquire, real estate and property, either improved or unimproved, and any interest or right therein, and to own, hold, control, maintain, manage, subdivide, develop, sell, lease, exchange and otherwise dispose of same.

2. To hold, sell, convey, exchange, lease or rent such real estate and buildings, which may be required for the purposes of the corporation and calculated, directly or indirectly, to promote its best interests.

3. To engage in and carry on a general contracting business within and without the State of Hawaii; to purchase, construct and sell buildings, and other improvements on land; to buy and sell building materials, equipment, supplies and tools; and to maintain and operate a mill for the manufacturing, constructing, fabricating, repairing, and making of forms, parts, materials, fixtures, and other parts of and accessories to building and structures.

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4. To acquire and hold, or otherwise deal with, in its own behalf, or for others, any stocks, bonds, debentures, shares, scrip or securities of any company or entity; to form subsidiaries, affiliates, partnerships, joint ventures, and other types of business ventures; and to sell, exchange, or otherwise dispose of, or deal with and in any and all such holdings.

5. To manufacture, buy, sell and deal in all forms of goods, wares, merchandise, equipment, appliances, components, and other items of trade.

6. To acquire to the same extent as a natural person, by purchase, lease, exchange, hire or otherwise, and thereafter to hold, sell, convey, exchange, lease, mortgage, rent, pledge or otherwise deal with and in or dispose of any and all kinds of property, whether real, personal or mixed, of any kind and description and wheresoever situate, and to manage and control the same.

7. To apply for, obtain, register, pledge, lease or otherwise acquire and own, hold, use, operate, sell, assign or otherwise dispose of any trade name, franchise, trademark, copyright, patent, invention, improvement, and process in connection with or secured under letters patent, trademark or copyright privileges of the United States or of any other country or countries.

8. To undertake, engage in, and carry on any business, venture, enterprise or pursuit, whether manufacturing, agricultural, mercantile, transportation, service or otherwise, which may be undertaken, engaged in or carried on by natural persons.

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In furtherance of the purposes aforesaid, the corporation shall have power:

1. To have perpetual succession and existence by its corporate name: to sue and be sued in any court; to make and use a common seal and alter the same at its pleasure.

2. To appoint such officers and agents as the business of the corporation shall require, and to make and adopt bylaws, not inconsistent with these Articles or any existing law for the management of its business and property, the election, government and removal of its officers, the regulation of its affairs and the transfer of its stock.

3. To loan and borrow money and to incur indebtedness, without limit as to amount, and in excess of the capital stock of the corporation, and to issue notes, debentures, bonds, and/or other obligation therefor, and to secure the same or any portion thereof by the mortgage, pledge, and/or hypothecation of all or any part of the assets of the corporation, including future acquired assets, and to issue notes, debentures, and/or other obligations without any such security.

4. To acquire the rights, business, property, assets, privileges, contracts, and franchises of any kind, and to pay for the same in cash or in stock of this corporation or otherwise; and to undertake the whole or any part of the liabilities and obligations of any person, firm or corporation.

5. To become surety for the payment of the debt or performance of the contract or obligation of any person, firm or corporation and may pledge or mortgage the whole or

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any part of its property to secure the payment of such debt or performance of such contract or obligation whenever proper or necessary in the furtherance of the business of the corporation.

6. To forward and prosecute its business, either directly or indirectly, through the medium of ownership of stock or any share or interest in any corporation, partnership, joint venture, or enterprise engaged in such pursuits.

7. To purchase, hold, cancel, and reissue the shares of its capital stock.

8. To do every other act and thing necessary, suitable, convenient or proper for the accomplishment of any of the purposes herein mentioned.

V

The authorized capital stock of this corporation shall be ONE MILLION FIVE HUNDRED THOUSAND DOLLARS ($1,500,000.00), divided into One Hundred Fifty Thousand (150,000) shares of common stock of the par value of TEN DOLLARS ($10.00) each. The corporation shall have the privilege of subsequent increases of its capital stock to an amount not exceeding ONE HUNDRED MILLION DOLLARS ($100,000,000.00), and to issue additional shares representing the same. The corporation shall also have the power to reduce its capital and to reduce or increase the par value of its shares of stock according to law.

The corporation shall have power to create an additional class or additional classes of stock with such preferences, voting powers, restrictions and qualifications thereof as shall be fixed in the resolution authorizing the issuance thereof in accordance with law.

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VI

The officers of the corporation shall be a President, one or more Vice Presidents, a Secretary, a Treasurer, and such other officers as may be elected or appointed by the Board of Directors. Any two or more offices may be held by the same person.

VII

The corporation shall have a Board of Directors of not less than three (3) members. The members of the Board of Directors shall be elected or appointed at such times, in such manner, and for such terms as may be prescribed by the bylaws. The bylaws may provide for the removal of directors and the filling of vacancies and may contain provisions that the remaining members of the Board of Directors (although less than a majority thereof) may fill vacancies caused by the illness of the directors or the absence of directors from the Island of Oahu. No director need be a stockholder of the corporation. The Board of Directors shall have full power to control and direct the business and affairs of the corporation, subject, however, to instructions by the stockholders except that the Board of Directors of the corporation, without the approval of the stockholders of the corporation or of any percentage thereof, may authorize the borrowing of money or the incurring of debts, even though as a result thereof the amount of the corporation's indebtedness may exceed its capital stock.

The Board of Directors shall have the further power to provide, by the bylaws or otherwise, for the selection, from among its members, of an Executive Committee of such number as it may from time to time designate, and to

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delegate to such Executive Committee all or any of the powers of the Board of Directors, insofar as the delegation of such powers is not contrary to law.

VIII

For the first term or until their successors are elected or appointed, the officers and directors shall be:

Name	Position	Address
Yuhei Yagi	Chairman of the Board of Directors and Director	16-14, 1-chome Shibuya, Shibuya-ku Tokyo, Japan
Sankichi Suzuki	President and Director	16-14, 1-chome Shibuya, Shibuya-ku Tokyo, Japan
Norio Kohno	Vice President and Director	16-14, 1-chome Shibuya, Shibuya-ku Tokyo, Japan
Masahiro Kimura	Secretary	2621 Waiwai Loop Honolulu, Hawaii 96819
Seiichi Karahashi	Treasurer	2621 Waiwai Loop Honolulu, Hawaii 96819
Kazutaka Takasuka	Director	16-14, 1-chome Shibuya, Shibuya-ku Tokyo, Japan
Kenneth P. Brown	Director	1164 Bishop Street Honolulu, Hawaii 96813
Yoshio Tanaka	Director	2552 Kalakaua Avenue Honolulu, Hawaii 96815

IX

The corporation shall be subject to all the liabilities provided by law for incorporated companies and to all general laws now existing or hereafter to be enacted with reference to incorporated companies in the State of Hawaii.

X

All the property of the corporation shall be

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liable for the just debts thereof but no stockholder shall be individually liable beyond the amount that may be due upon the share or shares owned or held by him.

XI

The initial bylaws of the corporation shall be adopted by the incorporator. The power to alter, amend or repeal the bylaws or adopt new bylaws, subject to repeal or change by action of the stockholders, shall be vested in the Board of Directors. Any further restrictions on the adoption, amendment or repeal of bylaws imposed by any statute shall also be complied with.

XII

Service of process may be made upon any of the officers of the corporation.

IN WITNESS WHEREOF, the party has hereunto set his hand the day and year first above written.

Seiichi Karahashi

STATE OF HAWAII)
: ss.
CITY AND COUNTY OF HONOLULU)

On this 10th day of August, 1979, before me personally appeared SEIICHI KARAHASHI, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

Notary Public
State of Hawaii
My commission expires April 13, 1983

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AFFIDAVIT OF OFFICERS

STATE OF HAWAII)
: ss.
CITY AND COUNTY OF HONOLULU)

SANKICHI SUZUKI, MASAHIRO KIMURA and SEIICHI KARAHASHI, being duly sworn on oath, depose and say:

That they are named in the Articles of Incorporation filed herewith as President, Secretary and Treasurer, respectively, of PAN-PACIFIC DEVELOPMENT, INC.; that the authorized capital stock of the proposed corporation is ONE MILLION FIVE HUNDRED THOUSAND DOLLARS ($1,500,000.00), divided into One Hundred Fifty Thousand (150,000) shares of common stock of the par value of TEN DOLLARS ($10.00) each; that not less than three-fourths (3/4) of said authorized capital stock has been subscribed for, and not less than ten per cent (10%) of said authorized capital stock has been paid in in cash; that the name of the subscriber for said shares, the number of shares subscribed for by the subscriber, the subscription price for the shares subscribed for and the amount paid in by the subscriber are as follows:

Name of Subscriber	No. of Shares Subscribed	Subscription Price for Shares	Amount Paid In	Manner Paid In
Tokyu Construction Co., Ltd. (a Japan corporation)	120,000	$1,200,000.00	$1,200,000.00	Cash

Sankichi Suzuki

Masahiro Kimura

Masahiro Kimura

7404357Q,899

Seiichi Kanahashi

Subscribed and sworn to

before me this 27 day

of August, 1979.

Notary Public
State of Hawaii
My commission expires April 13, 1983

24043570.9000

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RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION

89 JUN 29 AM 10:20

CARLSMITH, WICHMAN, CASE, MUKAI AND ICHIKI
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING LAW CORPORATIONS
1001 BISHOP STREET
PACIFIC TOWER, SUITE 2200
HONOLULU, HAWAII 96813
CABLE ADDRESS: CWCMI
TELEX 723-8770 CWCMI HR
TELECOPIER (808) 523-0842

HONOLULU OFFICE
P. O. BOX 656
HONOLULU, HAWAII 96809
(808) 523-2500

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LOS ANGELES, CALIFORNIA 90071-0169
(213) 955-1200

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HILO, HAWAII 96721-0686
(808) 935-8644

KONA OFFICE
P. O. BOX 1720
KAILUA-KONA, HAWAII 96745-1720
(808) 329-6464

MAUI OFFICE
P. O. BOX 1086
WAILUKU, HAWAII 96793
(808) 242-4535

SAIPAN OFFICE
P. O. BOX 241 CHRB
SAIPAN, MP 96950
(670) 322-3455
TELEX 783-658 CWCMI SPN

June 27, 1989

VIA TELECOPIER

and

EXPRESS MAIL,
RETURN RECEIPT REQUESTED

Federal Election Commission
999 E Street N.W.
Washington, D.C. 20463

Attention: Patty Reilly, Esq.

Re: MUR 2892/Pan-Pacific Construction, Inc.

89 JUN 29 PM 2:19
RECEIVED
FEDERAL ELECTION COMMISSION

2043570901

Gentlemen:

As indicated on the enclosed "Statement of Designation of Counsel," this law firm represents Pan-Pacific Construction, Inc. ("PPC") in connection with the above-referenced matter. We are responding to your letter to PPC dated June 6, 1989, which was received by PPC on June 13, 1989.

We understand the complaint filed by Anthony P. Locricchio to allege that PPC has violated 2 U.S.C. § 441e which prohibits foreign nationals from making, directly or through any other person, any contribution in connection with an election to a political office. For the reasons stated herein, we believe that the complaint should be dismissed and no action should be taken by the Commission against PPC since it has not violated 2 U.S.C. § 441e.

X8920673

We believe that the complaint should be dismissed because we believe that 2 U.S.C. § 441e does not apply to "contributions" made to state or local elections. Although the regulations of the Commission (11 C.F.R. § 110.4(a)(1)) expressly state that foreign nationals may not make contributions to state or local elections, 2 U.S.C. § 441e does not expressly apply to state or local elections. In fact, it should be noted that the word "contribution" which is used in 2 U.S.C. § 441e is defined by 2 U.S.C. § 431(8)(A) as a gift, etc. "for the purpose of influencing any election for Federal office." Therefore, the complaint should be dismissed since 2 U.S.C. § 441e appears to apply only to elections for Federal office.

However, even if it is assumed that 2 U.S.C. § 441e applies to state or local elections, we still contend that PPC has not violated 2 U.S.C. § 441e because it is a U.S. domestic corporation. PPC is a corporation duly organized and formed under the laws of the State of Hawaii and whose principal business is within the State of Hawaii. Please see copy of the Articles of PPC enclosed herewith for your review. Currently, 93.3% of the stock of PPC is owned by Pan-Pacific Development, Inc., a Hawaii corporation, and 6.7% is owned by Nakakura Construction Co., Ltd., a Hawaii corporation. Inasmuch as PPC is a corporation organized under the law of a state within the United States, and has its principal place of business within the United States, we believe that PPC is not a "foreign national" or a "foreign principal" as defined by 2 U.S.C. § 441e(b)(1) and 22 U.S.C. § 611(b), respectively. We believe that previous opinions of the Federal Election Commission have also confirmed that a U.S. corporation whose principal place of business is within the United States is not a "foreign national." See, e.g., Advisory Opinion 1982-10.

Although there appears to be no judicial precedents on point, we understand that past Advisory Opinions of the Commission also take into account whether foreign nationals whom are officers or directors of the U.S. corporation participated in any way in the decision-making process with respect to the making of the political contribution to determine whether 2 U.S.C. § 441e has been violated. See, e.g., Advisory Opinion 1982-10. Inasmuch as there appears to be no judicial precedents on point, we cannot acknowledge that

2043570902

the position of the Commission is correct. However, even if it is assumed that the Commission is correct, PPC has advised us that no foreign nationals (persons who are not U.S. citizens or permanent residents) participated in any way in the decision-making process with respect to the making of the political contribution which is the subject of the complaint or for any other political contributions.

For the reasons stated above, we believe that the complaint against PPC should be dismissed and the Commission should find that no violation of 2 U.S.C. § 441e has occurred. Please be advised that PPC wishes to cooperate fully with the Commission in connection with the instant complaint. If you have any questions or require additional information in connection with this matter, please do not hesitate to contact us.

Very truly yours,

Karl K. Kobayashi

KK:cai
Enclosures
cc: Pan-Pacific Construction, Inc.

2404357090 3

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2892

NAME OF COUNSEL: Carlsmith, Wichman, Case, Mukai and Ichiki
Attention: Andy M. Ichiki, Esq.
Karl K. Kobayashi, Esq.

ADDRESS: Pacific Tower, Suite 2200
1001 Bishop Street
Honolulu, Hawaii 96813

TELEPHONE: (808) 523-2500

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Date

Signature

RESPONDENT'S NAME: Hideaki Mitaui
Vice President

ADDRESS: Pan-Pacific Construction, Inc.
2621 Waiwai Loop
Honolulu, Hawaii 96819

HOME PHONE:

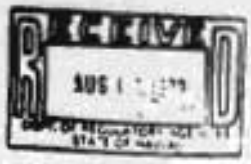
BUSINESS PHONE: (808) 836-2854

2404357090 4

DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

IN THE MATTER OF THE INCORPORATION
OF
PAN-PACIFIC CONSTRUCTION, INC.



ARTICLES OF INCORPORATION

and

AFFIDAVIT OF OFFICERS

YAMAGUCHI & TAMAKA
2550 Pacific Trade Center
Honolulu, Hawaii 96813

Attorneys

240435709005

DEPARTMENT OF REGULATORY AGENCIES

STATE OF HAWAII

IN THE MATTER OF THE INCORPORATION)
)
OF)
)
PAN-PACIFIC CONSTRUCTION, INC.)
)
)

ARTICLES OF INCORPORATION

OF

PAN-PACIFIC CONSTRUCTION, INC.

These ARTICLES OF INCORPORATION, made and entered into this 28th day of August, 1979, by the undersigned incorporator,

WITNESSETH:

That the said party does hereby form a corporation under the laws of the State of Hawaii to obtain the rights and benefits by said laws conferred upon corporations, it being hereby covenanted that these Articles of Incorporation shall in all respects be equally obligatory upon the party signing the same and upon all others who from time to time hereafter may become members of this corporation or who may become stockholders thereof.

I

The name of the corporation hereby organized shall be PAN-PACIFIC CONSTRUCTION, INC.

7404357090 06

2404357090 7

II

The location of the principal office of the corporation is at 2621 Waiwai Loop, Honolulu, City and County of Honolulu, State of Hawaii, 96819, or at such other place as may be determined from time to time by the Board of Directors, and it may have such other offices within and without the said State as its business may from time to time require and as the Board of Directors, in their discretion, may designate.

III

The purposes for which the corporation is organized are as follows:

1. To engage in and carry on a general contracting business within and without the State of Hawaii; to purchase, construct and sell buildings, and other improvements on land; to buy and sell building materials, equipment, supplies and tools; and to maintain and operate a mill for the manufacturing, constructing, fabricating, repairing, and making of forms, parts, materials, fixtures, and other parts of and accessories to building and structures.

2. To take, buy, purchase, exchange, hire, lease or otherwise acquire, real estate and property, either improved or unimproved, and any interest or right therein, and to own, hold, control, maintain, manage, subdivide, develop, sell, lease, exchange and otherwise dispose of same.

3. To acquire and hold, or otherwise deal with, in its own behalf, or for others, any stocks, bonds, debentures, shares, scrip or securities of any company or entity; to form subsidiaries, affiliates, partnerships, joint ventures, and other types of business ventures; and to sell,

exchange, or otherwise dispose of, or deal with and in any and all such holdings.

4. To manufacture, buy, sell and deal in all forms of goods, wares, merchandise, equipment, appliances, components, and other items of trade.

5. To hold, sell, convey, exchange, lease or rent such real estate and buildings, which may be required for the purposes of the corporation and calculated, directly or indirectly, to promote its best interests.

6. To acquire to the same extent as a natural person, by purchase, lease, exchange, hire or otherwise, and thereafter to hold, sell, convey, exchange, lease, mortgage, rent, pledge or otherwise deal with and in or dispose of any and all kinds of property, whether real, personal or mixed, of any kind and description and wheresoever situate, and to manage and control the same.

7. To apply for, obtain, register, pledge, lease or otherwise acquire and own, hold, use, operate, sell, assign or otherwise dispose of any trade name, franchise, trademark, copyright, patent, invention, improvement, and process in connection with or secured under letters patent, trademark or copyright privileges of the United States or of any other country or countries.

8. To undertake, engage in, and carry on any business, venture, enterprise or pursuit, whether manufacturing, agricultural, mercantile, transportation, service or otherwise, which may be undertaken, engaged in or carried on by natural persons.

IV

In furtherance of the purposes aforesaid, the

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corporation shall have power:

1. To have perpetual succession and existence by its corporate name; to sue and be sued in any court; to make and use a common seal and alter the same at its pleasure.

2. To appoint such officers and agents as the business of the corporation shall require, and to make and adopt bylaws, not inconsistent with these Articles or any existing law for the management of its business and property, the election, government and removal of its officers, the regulation of its affairs and the transfer of its stock.

3. To loan and borrow money and to incur indebtedness, without limit as to amount, and in excess of the capital stock of the corporation, and to issue notes, debentures, bonds, and/or other obligation therefor, and to secure the same or any portion thereof by the mortgage, pledge, and/or hypothecation of all or any part of the assets of the corporation, including future acquired assets, and to issue notes, debentures, and/or other obligations without any such security.

4. To acquire the rights, business, property, assets, privileges, contracts, and franchises of any kind, and to pay for the same in cash or in stock of this corporation or otherwise; and to undertake the whole or any part of the liabilities and obligations of any person, firm or corporation.

5. To become surety for the payment of the debt or performance of the contract or obligation of any person, firm or corporation and may pledge or mortgage the whole or any part of its property to secure the payment of such debt or performance of such contract or obligation whenever

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proper or necessary in the furtherance of the business of the corporation.

6. To forward and prosecute its business, either directly or indirectly, through the medium of ownership of stock or any share or interest in any corporation, partnership, joint venture, or enterprise engaged in such pursuits.

7. To purchase, hold, cancel, and reissue the shares of its capital stock.

8. To do every other act and thing necessary, suitable, convenient or proper for the accomplishment of any of the purposes herein mentioned.

V

The authorized capital stock of this corporation shall be EIGHT HUNDRED THOUSAND DOLLARS ($800,000.00), divided into Eighty Thousand (80,000) shares of common stock of the par value of TEN DOLLARS ($10.00) each. The corporation shall have the privilege of subsequent increases of its capital stock to an amount not exceeding FIFTY MILLION DOLLARS ($50,000,000.00), and to issue additional shares representing the same. The corporation shall also have the power to reduce its capital and to reduce or increase the par value of its shares of stock according to law.

The corporation shall have power to create an additional class or additional classes of stock with such preferences, voting powers, restrictions and qualifications thereof as shall be fixed in the resolution authorizing the issuance thereof in accordance with law.

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VI

The officers of the corporation shall be a President, one or more Vice Presidents, a Secretary, a Treasurer, and such other officers as may be elected or appointed by the Board of Directors. Any two or more offices may be held by the same person.

VII

The corporation shall have a Board of Directors of not less than three (3) members. The members of the Board of Directors shall be elected or appointed at such times, in such manner, and for such terms as may be prescribed by the bylaws. The bylaws may provide for the removal of directors and the filling of vacancies and may contain provisions that the remaining members of the Board of Directors (although less than a majority thereof) may fill vacancies caused by the illness of the directors or the absence of directors from the Island of Oahu. No director need be a stockholder of the corporation. The Board of Directors shall have full power to control and direct the business and affairs of the corporation, subject, however, to instructions by the stockholders except that the Board of Directors of the corporation, without the approval of the stockholders of the corporation or of any percentage thereof, may authorize the borrowing of money or the incurring of debts, even though as a result thereof the amount of the corporation's indebtedness may exceed its capital stock.

The Board of Directors shall have the further power to provide, by the bylaws or otherwise, for the selection, from among its members, of an Executive Committee of such number as it may from time to time designate, and to

delegate to such Executive Committee all or any of the powers of the Board of Directors, insofar as the delegation of such powers is not contrary to law.

VIII

For the first term or until their successors are elected or appointed, the officers and directors shall be:

Name	Position	Address
Norio Kohno	Chairman of the Board of Directors and Director	16-14, 1-chome Shibuya, Shibuya-ku Tokyo, Japan
Kazutaka Takasuka	Vice Chairman of the Board of Directors and Director	16-14, 1-chome Shibuya, Shibuya-ku Tokyo, Japan
Wilfred S. Nakakura	President and Director	2621 Waiwai Loop Honolulu, Hawaii 96819
Masahiro Kimura	Vice President	2621 Waiwai Loop Honolulu, Hawaii 96819
Harold Nakakura	Vice President	2621 Waiwai Loop Honolulu, Hawaii 96819
Esther T. Shimazu	Secretary	2621 Waiwai Loop Honolulu, Hawaii 96819
Hideaki Mitsui	Treasurer	2621 Waiwai Loop Honolulu, Hawaii 96819
Seiichi Kanahashi	Director	2621 Waiwai Loop Honolulu, Hawaii 96819

IX

The corporation shall be subject to all the liabilities provided by law for incorporated companies and to all general laws now existing or hereafter to be enacted with reference to incorporated companies in the State of Hawaii.

X

All the property of the corporation shall be liable for the just debts thereof but no stockholder shall

7404357091 2

be individually liable beyond the amount that may be due upon the share or shares owned or held by him.

XI

The initial bylaws of the corporation shall be adopted by the incorporator. The power to alter, amend or repeal the bylaws or adopt new bylaws, subject to repeal or change by action of the stockholders, shall be vested in the Board of Directors. Any further restrictions on the adoption, amendment or repeal of bylaws imposed by any statute shall also be complied with.

XII

Service of process may be made upon any of the officers of the corporation.

IN WITNESS WHEREOF, the party has hereunto set his hand the day and year first above written.

Wilfred S. Nakakura

STATE OF HAWAII)
: ss.
CITY AND COUNTY OF HONOLULU)

On this 6th day of [illegible], 1979, before me personally appeared WILFRED S. NAKAKURA, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

Notary Public
State of Hawaii
My commission expires [illegible]

-8-

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AFFIDAVIT OF OFFICERS

STATE OF HAWAII)
: ss.
CITY AND COUNTY OF HONOLULU)

WILFRED S. NAKAKURA, ESTHER T. SHIMAIU and HIDEAKI MITSUI, being duly sworn on oath, depose and say:

That they are named in the Articles of Incorporation filed herewith as President, Secretary and Treasurer, respectively, of PAN-PACIFIC CONSTRUCTION, INC.; that the authorized capital stock of the proposed corporation is Eight Hundred Thousand Dollars ($800,000.00), divided into Eighty Thousand (80,000) shares of common stock of the par value of Ten Dollars ($10.00) each; that not less than three-fourths (3/4) of said authorized capital stock has been subscribed for, and not less than fifty per cent (50%) of said authorized capital stock has been paid in in cash; that the names of the subscribers for said shares, the number of shares subscribed for by the subscribers, the subscription price for the shares subscribed for and the amount paid in by the subscribers are as follows:

Name of Subscriber	No. of Shares Subscribed	Subscription Price for Shares	Amount Paid In	Manner Paid In
Pan-Pacific Development, Inc. (a Hawaii corporation)	44,000	$440,000.00	$440,000.00	Cash
Nakakura Construction Co., Ltd. (a Hawaii corporation)	21,000	$210,000.00	$210,000.00	Property

Wilfred S. Nakakura

Esther T. Shimazu

Hideaki Mitsui

Subscribed and sworn to
before me this 6th day
of Sept, 1979.

Notary Public
State of Hawaii
My commission expires April 15, 1982

24043570915

MUR 2892

GOODSILL ANDERSON QUINN & STIFEL
ATTORNEYS AT LAW
1600 BANCORP TOWER
130 MERCHANT STREET
HONOLULU, HAWAII 96813
MAIL ADDRESS: P. O. BOX 3196
HONOLULU, HAWAII 96801
FACSIMILE
TELEPHONE
TELEX
COUNSEL
OF COUNSEL
*A LAW CORPORATION
**KONA OFFICE

17212/70229

June 23, 1989

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

RECEIVED
FEDERAL ELECTION COMMISSION
89 JUN 30 AM 11:31

Mr. Lawrence M. Noble
General Counsel
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

Re: MUR 2892 Azabu Realty, Inc.

Dear General Counsel Noble:

We represent Azabu Realty, Inc. ("Azabu"), a Hawaii corporation, with regard to MUR 2892 and on behalf of Azabu, hereby respond to the Federal Election Commission's notification to Azabu, received on June 12, 1989, of a complaint ("Complaint") dated May 3, 1989, by the Maunawili Community Association, Anthony P. Locricchio, Victoria Creed, Karen Kosoc, and Donna Wong.

The Complaint alleges that on August 2, 1988, Azabu, as a "company owned by a Japanese national company," contributed $2,000 to "Friends of Fasi," the campaign committee for the Mayor of the City and County of Honolulu, Frank F. Fasi, and that such contribution possibly violated federal law.

Azabu does not dispute that it made the contribution to "Friends of Fasi." As the attached affidavit of Mr. Koichi Tadokoro, Executive Vice President of Azabu demonstrates, the contribution was made in response to a fundraising solicitation by "Friends of Fasi" to Azabu. However, Azabu did not make the contribution with any

89 JUN 30 AM 10:31

knowledge or reason to believe that the contribution could in any way be construed as a violation of any law. (See Affidavit of Mr. Tadokoro).

For the following reasons, Azabu believes that the Federal Election Commission should not take further action with regard to MUR 2892.

First, the Complaint against Azabu should be dismissed because Azabu is not a foreign national within the meaning of 2 U.S.C. § 441e and 22 U.S.C. § 611(B). Azabu is a Hawaii corporation. Its corporate headquarters is in Hawaii and all of its business is conducted in Hawaii. Further, although Azabu is owned by a foreign corporation, the funds for the contribution were funds of Azabu earned in Hawaii and did not directly or indirectly come from Azabu's parent corporation.

Second, even if Azabu were a foreign national, which it is not, or in making the contribution acted on behalf of a foreign national, which it did not, it is Azabu's position that 2 U.S.C. § 441e only prohibits "contributions" by foreign nationals to elections of "candidates" to federal political office. Section 441e does not expressly provide that it applies to state and local elections. Indeed, the terms "contributions" and "candidate" are defined by 2 U.S.C. §§ 431(2) and (A) in a manner which renders them applicable only to "elections for Federal Office". Furthermore, while 11 CFR § 110.4 may purport to prohibit contributions by foreign nationals to elections in connection with "any local, state or federal public office," there is no indication in either the Federal Election Campaign Act itself or its legislative history that the law was intended to be construed so broadly. See S. Rep. No. 677, 94th Cong., 2nd Sess. 2 (1976), reprinted in 1976 U.S. Code Cong. and Ad. News 930. Thus, 11 CFR § 110.4 is invalid because it is not authorized by statute. Moreover, if 11 CFR § 110.4 were authorized by statute, it would be unconstitutional, since it would constitute an improper congressional attempt to regulate state and local elections. See Oregon v. Mitchell, 400 U.S. 112, 117-118 (1970) (Black J. announcing judgment); see also Tashjian v. Republican Party of Connecticut, 479 U.S. 208 (1986).

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In conclusion, based on the foregoing reasons, Azabu respectfully requests that the Federal Election Commission not take action in MUR 2892.

Very truly yours,

GOODSILL ANDERSON QUINN & STIFEL

Raymond S. Iwamoto

RSI:ek
Enclosure
cc: Mr. Koichi Tadokoro

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AFFIDAVIT OF KOICHI TADOKORO

STATE OF HAWAII)
) ss.:
CITY AND COUNTY OF HONOLULU)

KOICHI TADOKORO, being duly sworn under oath, deposes and says:

1. I am the Executive Vice President of Azabu Realty, Inc. ("Azabu") and have served in that capacity since June, 1987. I am providing this affidavit in support of Azabu's response to the Complaint pending before the Federal Election Commission in MUR 2892.

2. Azabu was incorporated under the laws of the State of Hawaii on June 26, 1987 and has done business only in Hawaii as a brokerage business continually since then.

3. Although Azabu is owned by a foreign corporation, it is a separate profit center from its parent corporation. It keeps its own books and performs its own year end audit separate and apart from its parent corporation. The $2,000 contribution made by Azabu in August of 1988 to "Friends of Fasi" came from funds generated solely by Azabu and not by its parent corporation. The decision to make the $2,000 contribution was made solely in Hawaii by the officers of Azabu and not by any of its parent corporation.

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4. In August of 1988, Asabu was solicited to purchase and did purchase fundraiser tickets from "Friends of Fasi," Mayor Frank Fasi's campaign committee. Asabu had no knowledge or reason to believe that the purchase of these tickets could be potentially in violation of any state or federal law.

Further affiant sayeth naught.

KOICHI TADOKORO

Subscribed and sworn to before me this 11th day of June, 1989.

Notary Public, State of Hawaii

My Commission Expires: 8/26/92

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GOODSILL ANDERSON QUINN & STIFEL

ATTORNEYS AT LAW

1600 BANCORP TOWER
130 MERCHANT STREET
HONOLULU, HAWAII 96813

MAIL ADDRESS: P.O. BOX 3196
HONOLULU, HAWAII 96801

FACSIMILE
(808) 547-5880

TELEPHONE
(808) 547-5600

TELEX
7410346 GOODSD

89 JUN 30 AM 9:10

FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

89 JUN 30 AM 11:33

FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

June 26, 1989

Mr. Lawrence M. Noble
General Counsel
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

Re: MUR 2892 Pacifico Creative Service, Inc.

Dear General Counsel Noble:

We represent Pacifico Creative Service, Inc. ("Pacifico Creative Service"), a Hawaii corporation, with regard to MUR 2892 and on behalf of Pacifico Creative Service, hereby respond to the Federal Election Commission's notification to Pacifico Creative Service, received on June 12, 1989, of a complaint ("Complaint") dated May 3, 1989, by the Maunawili Community Association, Anthony P. Locricchio, Victoria Creed, Karen Kosoc, and Donna Wong.

The Complaint alleges that on September 4, 1987, Pacifico Creative Service, as a "foreign based corporation," improperly donated $500.00 to "Friends of Fasi," the campaign committee for the Mayor of the City and County of Honolulu, Frank F. Fasi.

Pacifico Creative Service does not dispute that it made the donation to "Friends of Fasi." As the attached affidavit of Mr. Yozo Kojima, Administration Manager of the Hawaii office of Pacifico Creative Service, demonstrates, the donation was made in response to a fundraising event ticket solicitation by "Friends of Fasi" to Pacifico Creative Service. However, Pacifico Creative Service did not make the donation with any knowledge or reason to believe that the donation could in any way be

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construed as a violation of any law. (See Affidavit of Mr. Kojima).

For the following reasons, Pacifico Creative Service believes that the Federal Election Commission should not take further action with regard to MUR 2892.

First, the Complaint against Pacifico Creative Service should be dismissed because Pacifico Creative Service is not a foreign national within the meaning of 2 U.S.C. § 441e and 22 U.S.C. § 611(B). Pacifico Creative Service is a Hawaii corporation. Its corporate headquarters are in the United States and a substantial portion of its business is conducted in the United States. Further, although Pacifico Creative Service is owned by three foreign corporations, the funds for the $500 donation did not directly or indirectly come from any of its parent corporations.

Second, even if Pacifico Creative Service were a foreign national, which it is not, or in making the donation acted on behalf of a foreign national, which it did not, it is Pacifico Creative Service's position that 2 U.S.C. § 441e only prohibits "contributions" by foreign nationals to elections of "candidates" to federal political office. Section 441e does not expressly provide that it applies to state and local elections. Indeed, the terms "contributions" and "candidate" are defined by 2 U.S.C. §§ 431(2) and (A) in a manner which renders them applicable only to "elections for Federal Office". Furthermore, while 11 CFR § 110.4 may purport to prohibit contributions by foreign nationals to elections in connection with "any local, state or federal public office," there is no indication in either the Federal Election Campaign Act itself or its legislative history that the law was intended to be construed so broadly. See S. Rep. No. 677, 94th Cong., 2nd Sess. 2 (1976), reprinted in 1976 U.S. Code Cong. and Ad. News 930. Thus, 11 CFR § 110.4 is invalid because it is not authorized by statute. Moreover, if 11 CFR § 110.4 were authorized by statute, it would be unconstitutional, since it would constitute an improper congressional attempt to regulate state and local elections. See Oregon v. Mitchell, 400 U.S. 112, 117-118 (1970) (Black J. announcing judgment); see also Tashjian v. Republican Party of Connecticut, 479 U.S. 208 (1986).

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In conclusion, based on the foregoing reasons, Pacifico Creative Service respectfully requests that the Federal Election Commission not take action in MUR 2892.

Very truly yours,

GOODSILL ANDERSON QUINN & STIFEL

Russell S. Kato

Russell S. Kato

RSK:LKA:rr
Enclosures

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 2892

NAME OF COUNSEL: Russell S. Kato, Esq.

ADDRESS: Goodsill Anderson Quinn & Stifel
1600 Bancorp Tower
130 Merchant Street
Honolulu, Hawaii 96813

TELEPHONE: (808) 547-5600

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

June 26, 1989
Date

Yuzo Kojima
Signature

RESPONDENT'S NAME: Mr. Yuzo Kojima

ADDRESS: Pacifico Creative Services, Inc.
2270 Kalakaua Avenue, 16th Floor
Honolulu, Hawaii 96815

HOME PHONE:

BUSINESS PHONE: (808) 926-4500

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AFFIDAVIT OF YUZO KOJIMA

STATE OF HAWAII)
) SS.:
CITY AND COUNTY OF HONOLULU)

YUZO KOJIMA, being duly sworn under oath, deposes and says:

1. I am the Administration Manager of the Hawaii office for Pacifico Creative Service, Inc. ("Pacifico Creative Service") and have served in that capacity since July of 1987. I am providing this affidavit in support of Pacifico Creative Service' response to the Complaint pending before the Federal Election Commission in MUR 2892.

2. Pacifico Creative Service was incorporated under the laws of the State of Hawaii on July 29, 1970 and has done business in Hawaii and elsewhere as a travel and tour agency continually since then. It has a Hawaii regional office located at 2270 Kalakaua Avenue, 16th Floor, Honolulu, Hawaii 96815 and a corporate headquarters located in Los Angeles, California. It has fifteen branch offices throughout the United States.

3. Although Pacifico Creative Service is owned by three foreign corporations, it is not controlled by any of these foreign corporations. Pacifico Creative Service is a separate profit center from its parent corporations.

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It keeps its own books and performs its own year end audit separate and apart from its parent corporations. Further, its financial involvement within the United States is substantial, with respect to both gross revenues generated from activities in the United States as well as assets held in the United States. The $500 donation made by Pacifico Creative Service in September of 1987 to "Friends of Fasi" came from funds generated solely by Pacifico Creative Service, not any of its parent corporations. The decision to make the $500 donation was made solely by the Hawaii regional office of Pacifico Creative Service, not any of its parent corporations (and not even its corporate headquarters).

4. In September of 1987, Pacifico Creative Service was solicited to purchase and did purchase two fundraiser tickets from "Friends of Fasi," Mayor Frank Fasi's campaign committee. Yet, Pacifico Creative Service had no knowledge or reason to believe that the purchase of these tickets could be potentially in violation of any state or federal law. Attached hereto as Exhibit "A" are copies of the two tickets purchased from "Friends of Fasi," a receipt from "Friends of Fasi" and a "Thank you" letter from Frank Fasi.

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Further affiant sayeth naught.

Yuzo Kojima

YUZO KOJIMA

Subscribed and sworn to
before me this 26 day of
June, 1989.

Notary Public, State of Hawaii

My Commission Expires: 5-18-90

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A festive evening
with
exciting entertainment,
beverages, and delicious pupus
is planned for you ...
Come and Enjoy!

An Evening with the Mayor

Saturday, August 29, 1987
Blaisdell Center Exhibition Hall
6 P.M. - 8 P.M.
$250 Per Person
Aloha Attire

Name PACIFICO CREATIVE SERVICE
Address 2270 Kalakaua Ave. STE. 1007
Honolulu, Hawaii 96815
Business Phone 926-4600
Occupation TRAVEL AGENCY
Amount Donated $250.00

Paid for by Hawaii for Fasi
1003 N. Nimitz, Suite 203
Honolulu, Hawaii 96817

№ 0012 № 0012

A festive evening
with
exciting entertainment,
beverages, and delicious pupus
is planned for you ...
Come and Enjoy!

An Evening with the Mayor

Saturday, August 29, 1987
Blaisdell Center Exhibition Hall
6 P.M. - 8 P.M.
$250 Per Person
Aloha Attire

Name PACIFICO CREATIVE SERVICE
Address 2270 Kalakaua Ave. STE. 1007
Honolulu, Hawaii 96815
Business Phone 926-4600
Occupation TRAVEL AGENCY
Amount Donated $ 250.00

Paid for by Hawaii for Fasi
1003 N. Nimitz, Suite 203
Honolulu, Hawaii 96817

№ 0011 № 0011

EXHIBIT A

11514g

To You, Friend,
Aloha.

This is to say thanks. Thanks for your contribution in helping to make my recent fundraiser the most successful and the most satisfying ever. It gave me the chance to see and shake hands with so many friends. Words of encouragement, support and praise made me feel that the 37 years I've given to politics were and still are a privilege.

I will continue to justify your faith in me.
I will act to help meet the needs of our people and help make our Community the best in the world.
Warm personal regards.

Sincerely,

RECEIPT Date 9-8 19 87 -3286

Received From PACIFICO CORPORATE SERVICES, LTD.

Address 2270 KALAKAUA AVE SUITE 1610

HONOLULU 96815 Dollars $ 500.00

For TICKETS 11-12

ACCOUNT			HOW PAID		
AMT. OF ACCOUNT			CASH		
AMT. PAID			CHECK		✓
BALANCE DUE			MONEY ORDER		

FRIENDS FOR FASI

By

FRIENDS FOR FASI

700 000
4640
650.00

FASI FUNDRAISER

AUG 31 PAID NO. 11513

AUG 31

TOTAL P.03

06C3274

GOODSILL ANDERSON QUINN & STIFEL

ATTORNEYS AT LAW

1600 BANCORP TOWER
130 MERCHANT STREET
HONOLULU, HAWAII 96813

MAIL ADDRESS: P.O. BOX 3196
HONOLULU, HAWAII 96801

FACSIMILE (808) 531-2618 | TELEPHONE (808) 547-5600 | TELEX 7430246 (GEICO)

MARTIN ANDERSON* WILLIAM F. QUINN* RICHARD B. STIFEL* HUGH BREAKEY DENBO KANEHIRA C. JEPSON GARLAND* CONRAD M. WEISER DAVID J. DEZIANI RICHARD T. SUZUKA** ROBERT G. HITE RONALD H. W. LUM DAVID E. ROBB H. MITCHELL DYER III JOHN S. LACY ROBERT F. HIRANO RAYMOND S. HIRAMOTO RONALD K. K. AKIMURA THOMAS W. WILLIAMS, JR. MICHAEL A. SHEA

WILLIAM S. MILLER JACQUELINE L. S. KALLS KENNETH A. ROSS* LANI L. STUART RANDALL E. STEVERSON KENNETH K. F. WONG PATRICIA T. LEE GARY M. SLOVIN LISA WOODS MUNOZ KENNETH R. HOFF ERNEST T. T. LOO BRUCE E. LAMON PETER Y. KAMIMURA RUSSELL S. KATO LANI A. JOHNSON STEVEN M. NAKASHIMA VINCENT A. PIERARESI MICHAEL J. O'MALLEY MARK B. DESMARAIS

LINDA ZECHETTELLA LEONG SCOTT O. LIVING SCOTT A. MARUKAWA PAMELA McALLISTER LEIGHTON J. H. S. YUEN CYNTHIA M. NOSHA CARL I. SCHLACK, JR. MIKI OKUMURA MARK P. TSO WAYNE M. MURAOKA LYN FLANIGAN ANZAI AUDREY E. J. HO CORLISS S. CHANG DONNA A. TANOUE GREGORY R. KIM RICHARD K. MIYEKITANI CORINNE S. YEE ALAN S. FUJIMOTO WALTER C. DAVISON

DAVID W. KIRKMAN R. CLAYTON WELCH** MARK S. RICHTERMAN GAIL O. AYABE KATHERINE C. ANDERSON LORI K. AOKUSO MARGARET K. MASUNAGA** DALE E. TAHE LINDHARDT K. FARM BRYAN C. YEE F. ROY CATALANI MARGARET C. JENKINS CAROL A. EBLEN CRAIG I. NAKAMINE LAURA ELLEN MARRACK BARRY S. PIPES ROY JUNN TSOI LYNNE TANAKA TOFOFUKU JUDITH A. CARRITHERS

COUNSEL
RANDALL W. ROTH
RONALD C. BROWN
F. LAURENCE DAY

OF COUNSEL
JAMES M. RICHMOND
JOHN P. RUSSELL
H. BAIRD VIDWELL
WALTER E. BLISS
PAUL M. ANDERSON
MARSHALL M. GOODSILL*

*A LAW CORPORATION

**KONA OFFICE
P.O. BOX 2659
KAILUA-KONA, HAWAII 96745
PHONE (808) 329-7211
FACSIMILE (808) 326-2464

June 26, 1989

89 JUN 30 AM 9:10
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

Mr. Lawrence M. Noble
General Counsel
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

Re: MUR 2892 Grosvenor International (Hawaii), Ltd.

Dear General Counsel Noble:

We represent Grosvenor International (Hawaii) Ltd. ("Grosvenor International"), a Hawaii corporation, with regard to MUR 2892 and on behalf of Grosvenor International, hereby respond to the Federal Election Commission's notification to Grosvenor International, received on June 13, 1989, of a complaint ("Complaint") dated May 3, 1989, by the Maunawili Community Association, Anthony P. Locricchio, Victoria Creed, Karen Kosoc, and Donna Wong.

89 JUN 30 AM 11:33
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

The Complaint alleges that on September 4, 1987, Grosvenor International, a corporation "whose parent corporation is in Canada, also with possible British ties", improperly donated $500.00 to "Friends For Fasi," the campaign committee for the Mayor of the City and County of Honolulu, Frank F. Fasi.

Grosvenor International does not dispute that it made the donation to "Friends For Fasi." As the attached affidavit of Mrs. Clytie Y. Kaneshiro, Treasurer of Grosvenor International, demonstrates, the donation was made in response to a fundraising event ticket solicitation mailed directly by "Friends For Fasi" to Grosvenor International (see Exhibit A to affidavit of Mrs. Kaneshiro). However, Grosvenor International did not

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make the donation with any knowledge or reason to believe that the donation could in any way be construed as a violation of any law. (See Affidavit of Mrs. Kaneshiro).

For the following reasons, Grosvenor International believes that the Federal Election Commission should not take further action against it with regard to MUR 2892.

First, the Complaint against Grosvenor International should be dismissed because Grosvenor International is not a foreign national within the meaning of 2 U.S.C. § 441e and 22 U.S.C. § 611(B). (See Affidavit of Mrs. Kaneshiro). Grosvenor International is a Hawaii corporation. Its corporate headquarters are in Honolulu, Hawaii. Moreover, contrary to the allegations of the Complaint, Grosvenor International's parent corporation is Grosvenor International (U.S.A.), a Nevada corporation, not a Canadian corporation. Further, although Grosvenor International (U.S.A.) is owned by foreign entities, the funds for the $500 donation did not directly or indirectly come from Grosvenor International (U.S.A.) or these foreign entities. (See Affidavit of Mrs. Kaneshiro).

Second, even if Grosvenor International were a foreign national, which it is not, or in making the donation acted on behalf of a foreign national, which it did not, it is Grosvenor International's position that 2 U.S.C. § 441e only prohibits "contributions" by foreign nationals to elections of "candidates" to federal political office. Section 441e does not expressly provide that it applies to state and local elections. Indeed, the terms "contributions" and "candidate" are defined by 2 U.S.C. §§ 431(2) and (A) in a manner which renders them applicable only to "elections for Federal Office". Furthermore, while 11 CFR § 110.4 may purport to prohibit contributions by foreign nationals to elections in connection with "any local, state or federal public office," there is no indication in either the Federal Election Campaign Act itself or its legislative history that the law was intended to be construed so broadly. See S. Rep. No. 677, 94th Cong., 2nd Sess. 2 (1976), reprinted in 1976 U.S. Code Cong. and Ad. News 930. Thus, 11 CFR § 110.4 is invalid because it is not authorized by statute. Moreover, if 11 CFR § 110.4 were authorized by statute, it would be unconstitutional, since it would constitute an improper congressional attempt to regulate

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state and local elections. See Oregon v. Mitchell, 400 U.S. 112, 117-118 (1970) (Black J. announcing judgment); see also Tashjian v. Republican Party of Connecticut, 479 U.S. 208 (1986).

In conclusion, based on the foregoing reasons, Grosvenor International respectfully requests that the Federal Election Commission not take action against it in MUR 2892.

Very truly yours,

GOODSILL ANDERSON QUINN & STIFEL

Russell S. Kato

Russell S. Kato

RSK:rr
Enclosures

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 2892

NAME OF COUNSEL: Russell S. Kato

ADDRESS: Goodsill Anderson Quinn & Stifel
1600 Bancorp Tower
130 Merchant Street

Honolulu, Hawaii 96813

TELEPHONE: (808) 547-5600

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

June 27, 1989
Date

Clytie Y. Kaneshiro
Signature

RESPONDENT'S NAME: Mrs. Clytie Y. Kaneshiro

ADDRESS: Grosvenor International (Hawaii) Limited
733 Bishop Street, Suite 1717
Honolulu, Hawaii 96813

HOME PHONE: (808) 533-4779

BUSINESS PHONE: (808) 537-6132

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AFFIDAVIT OF CLYTIE Y. KANESHIRO

STATE OF HAWAII)
) SS.:
CITY AND COUNTY OF HONOLULU)

CLYTIE Y. KANESHIRO, being duly sworn under oath, deposes and says:

1. I am the Treasurer of Grosvenor International (Hawaii) Limited and have served in that capacity since October of 1980. I am providing this affidavit in support of Grosvenor International (Hawaii) Limited's response to the Complaint pending before the Federal Election Commission in MUR 2892.

2. Grosvenor International (Hawaii) Limited was incorporated under the laws of the State of Hawaii on June 2, 1969 and since then has done business continuously in Hawaii as a developer of real estate. Grosvenor International (Hawaii) Limited's corporate headquarters are located at Grosvenor Center, 733 Bishop Street, Suite 1717, Honolulu, Hawaii.

3. Grosvenor International (Hawaii) Limited is a subsidiary of Grosvenor International (U.S.A.) Limited which is a corporation incorporated under the laws of the State of Nevada. Grosvenor International (U.S.A.) Limited is owned by a Canadian corporation and the Trustees of the 4th Duke of Westminster's Settlement, a

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United Kingdom entity. However, Grosvenor International (Hawaii) Limited is a separate profit center from Grosvenor International (U.S.A.) Limited or any of Grosvenor International (U.S.A.) Limited's parent entities. Grosvenor International (Hawaii) Limited keeps its own books and performs its own year end audit.

4. The $500 donation made by Grosvenor International (Hawaii) Limited in September of 1987 to "Friends For Fasi" came from funds generated solely by Grosvenor International (Hawaii) Limited, not its parent corporation or any of that corporation's parent entities. The decision to make the $500 donation was made solely by Grosvenor International (Hawaii) Limited.

5. In June of 1987, Grosvenor International (Hawaii) Limited was solicited by "Friends For Fasi," Mayor Frank Fasi's campaign committee, in a letter to Larry Fukunaga, one of Grosvenor International (Hawaii) Limited's project managers, to purchase two fundraiser tickets. The tickets, which were enclosed with the solicitation letter, were purchased by Grosvenor International (Hawaii) Limited. In so doing, Grosvenor International (Hawaii) Limited had no knowledge or reason to believe that the purchase of these tickets could be potentially in violation of any state or federal law. Attached hereto as Exhibit "A" is a copy of the letter

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from "Friends For Fasi," to Mr. Larry Pukunaga, with its attachment pertaining to the non-deductibility of contributions for Hawaii income tax purposes.

Further affiant sayeth naught.

CLYTIE Y. KANESHIRO

Subscribed and sworn to
before me this 26th day of
June, 1989.

Notary Public, State of Hawaii

My Commission Expires: 1/22/92

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FRIENDS FOR

Fasi

100 N. BERETANIA ST. SUITE 303
HONOLULU, HAWAII 96817
PH: (808) 521-1031

June 17, 1987

Dear ~~Friend~~ Larry -

The major fundraiser for the re-election of Frank F. Fasi as Mayor of the City and County of Honolulu will be held on Saturday, August 29, 1987, from 6:00 to 8:00 p.m. at the Blaisdell Center Exhibition Hall. It will be an aloha attire event with entertainment, beverages, heavy pupus, and a chance to meet the Mayor.

We all know him as the "Man Who Gets The Job Done", but we must remind all of Honolulu's people of that fact. Hence, we need generous donations to the Mayor's 1988 campaign to assure that his message is communicated clearly and forcefully to each and every voter.

As in the past, we are relying heavily on your support. Please join the Mayor and his family at his fundraiser for the 1988 elections.

The enclosed fundraiser packet has been prepared for you and contains the following:

1. Tickets at $250 each
2. Ticket Sales Transmittal forms
3. A memorandum on the Campaign Spending Rules relating to Campaign Contributions
4. Tax information

Should you have any questions, please feel free to call Cappy Fasi or Eileen Lota at the FRIENDS FOR FASI HEADQUARTERS, 521-1031.

Mahalo for your kokua,

FRIENDS FOR FASI

Ben -

EXHIBIT A

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TO: All Contributors

FROM: Friends for Fasi

SUBJECT: Non-deductibility of Contributions for Hawaii Income Taxes

We have not elected to follow voluntary campaign expenditure guidelines. Accordingly, no deduction against Hawaii income taxes is allowed for your contribution to this campaign. Thank you for your support!

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CARLSMITH, WICHMAN, CASE, MUKAI AND ICHIKI
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING LAW CORPORATIONS
1001 BISHOP STREET
PACIFIC TOWER, SUITE 2200
HONOLULU, HAWAII 96813
CABLE ADDRESS: CWCMI
TELEX 723-8770 CWCMI HR
TELECOPIER (808) 523-0842

HONOLULU OFFICE
P. O. BOX 656
HONOLULU, HAWAII 96809
(808) 523-2500

GUAM OFFICE:
P. O. BOX BF
AGANA, GUAM 96910
(671) 472-6813
TELEX 721-6445 CWCMI GM

LOS ANGELES OFFICE:
P. O. BOX 71160
LOS ANGELES, CALIFORNIA 90071-0169
(213) 955-1200

HILO OFFICE:
P. O. BOX 686
HILO, HAWAII 96721-0686
(808) 935-6644

KONA OFFICE:
P. O. BOX 1720
KAILUA-KONA, HAWAII 96745-1720
(808) 329-6464

MAUI OFFICE:
P. O. BOX 1086
WAILUKU, HAWAII 96793
(808) 242-4535

SAIPAN OFFICE:
P. O. BOX 241 CHRB
SAIPAN, MP 96950
(670) 322-3455
TELEX 783-658 CWCMI SPN

June 26, 1989

Lawrence M. Noble, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D. C. 20463

Dear Mr. Noble:

Re: MUR 2892 - CPB PAC State

We represent CPB PAC State ("Respondent" or "CPB PAC"), which acknowledges receipt of a complaint and your correspondence dated June 6, 1989. Pursuant to 2 U.S.C. Section 437g(a)(1) and 11 C.F.R. Section 111.6, Respondent hereby respectfully requests that the Commission find, pursuant to 11 C.F.R. Section 111.7, that there is no reason to believe that a violation has been committed and that the complaint be dismissed.

The complaint states, inter alia, that Respondent, a political action committee of Central Pacific Bank (the "Bank"), made a $500 contribution on October 17, 1988 to Friends for Fasi, a State campaign election committee. The complaint alleges that a significant portion of the Bank's stock (while clearly not the majority) is owned by foreign nationals. See Count 4 of the complaint.

As discussed more fully below, under the FECA, the accompanying regulations and the relevant Advisory Opinions, the contribution referred to in the complaint was entirely proper in all respects and, specifically, was not made, directly or indirectly, through foreign nationals. Accordingly, the complaint as to CPB PAC is wholly without merit and should summarily be dismissed.

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OFFICE OF GENERAL COUNSEL

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FACTUAL BACKGROUND

Central Pacific Bank is a Hawaii-chartered banking corporation, with its principal office located in Honolulu, Hawaii. All of the Bank's stock is owned by the Bank's parent corporation, CPB, Inc. (the "Parent"), which is also a Hawaii corporation with its principal place of business in Honolulu, Hawaii.

Respondent is a political action committee of the Bank. According to Respondent's Constitution,[1] which is attached hereto as Exhibit 1, CPB PAC's activities are managed by a four member Contribution Committee. The Committee is made up of two directors and two officers, who are vested with all decision-making authority with respect to CPB PAC. Three members of the Contribution Committee are, and have been since the formation of CPB PAC, citizens of the United States. The fourth Committee member is lawfully admitted to the United States for permanent residence.

CPB PAC does not receive any funds, either directly or indirectly, from foreign nationals. In addition, no foreign nationals participate in any way in the decision-making process of CPB PAC with respect to political contributions or expenditures. Further, CPB PAC does not solicit or accept any recommendations from any foreign nationals with respect to such decisions.

The Bank itself has five officers and sixteen directors. All five of the officers are either citizens of the United States or are lawfully admitted for permanent residence. Fifteen of the sixteen directors are also citizens of the United States or are lawfully admitted for permanent residence; the remaining director is a citizen of Japan. The director who is a Japanese national has not provided any funds to CPB PAC or exercised any decision-making authority over Respondent's activities.

With respect to the Parent corporation, 13.7% of the stock is owned by Sumitomo Bank, a foreign corporation. The

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[1] CPB PAC State is a separate segregated account. See Exhibit 1, Article VIII.

Parent has nine directors. Eight of these directors are either citizens of the United States or lawfully admitted for permanent residence in the United States. The remaining director is a citizen of Japan. Neither Sumitomo Bank nor the single foreign national director has provided funds to CPB PAC, nor has either had any decision-making authority with respect to CPB PAC's activities.

DISCUSSION

1. Hawaii Law Permits Corporate Contributions

As a preliminary matter, Hawaii law permits a corporation or its political action committee to make contributions to candidates for state or local election. See Hawaii Revised Statutes, Sections 11-191(17) and 11-204(f), attached hereto as Exhibit 2.

2. Neither the Bank nor its Parent is a Foreign National

Under the FECA and the accompanying regulations, foreign nationals may not make any contributions, directly or through any other person, in connection with any election to political office. 2 U.S.C. Section 441e; 11 C.F.R. Section 110.4(1). Under Section 441e(b)(1), foreign national means a foreign principal, as that term is defined in 22 U.S.C. Section 611(b), or an individual who is not a citizen of the United States and is not lawfully admitted for permanent residence, as defined by 8 U.S.C. Section 1101(a)(20).

With respect to corporations, Section 611(b) of Title 22 states that a corporation will be considered a "foreign principal" when it is organized under the laws of, or has its principal place of business in, a foreign country. Numerous Advisory Opinions have interpreted this portion of Section 611(b) to establish that a corporation organized under the laws of any state of the United States with its principal place of business in the United States is not a foreign principal. Accordingly, such a corporation would not be a "foreign national" under Section 441e of FECA. See Advisory Opinions 1985-3; 1983-31; 1982-10; 1981-36.

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Both the Bank and its Parent are organized under the laws of the State of Hawaii, and each has its respective principal place of business in Honolulu, Hawaii. The fact that 13.7% of the Parent's stock is owned by a Japanese corporation does not render the Parent a foreign national, because stock ownership is not the test. Rather, the Commission has repeatedly stated that "a domestic corporation whose principal place of business is within the United States is not a 'foreign principal' and hence not a 'foreign national....'" Advisory Opinion 1980-100. See also Advisory Opinion 1985-3 ("a corporation organized under the law of any state within the United States whose principal place of business is in the United States is not a foreign principal and, accordingly, would not be a 'foreign national....'"). Therefore, neither the Bank nor the Parent is a "foreign national" under 2 U.S.C. 441e.

3. A Corporation Which is Not a Foreign National May Lawfully Establish a PAC to Contribute to State and Local Elections As Long As Foreign Nationals Do Not Contribute Funds or Exercise Decision-Making Authority Over the PAC

In addition to prohibiting direct contributions by foreign nationals, Section 441e also prohibits contributions by foreign nationals "through any other person." Under the standards discussed below, because foreign nationals do not contribute to or have decision-making authority over CPB PAC, the contributions listed in the complaint cannot be said to violate this provision either.

In the first instance, a domestic corporation, even one that is wholly-owned by foreign nationals, may form a political action committee if the foreign nationals do not contribute to the fund or exercise decision-making authority with respect to the committee's activities. See Advisory Opinion 1980-100. In Advisory Opinion 1980-100, Revere Sugar Corporation asked the Commission whether it could establish and administer a separate segregated fund to solicit contributions for political purposes, given that Revere was wholly-owned by Philippine and Netherlands Antilles citizens and corporations. The Commission ruled that Revere could establish and administer such a fund based on the following representations by Revere: 1) Revere was a domestic corporation with its principal place

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of business in the United States (i.e., Revere was not a "foreign national"); 2) the committee would not solicit or accept contributions from foreign nationals; and 3) the individuals exercising decision-making authority over the fund's activities would not be foreign nationals.

All of these factors are present here. The Bank is a Hawaii corporation with its principal place of business in Hawaii. It did not and does not solicit or accept funds from foreign nationals, and all decision-making authority is maintained by United States citizens or those lawfully admitted for permanent residence.

It is equally well established that the Bank, through CPB PAC, may make contributions under these circumstances to state and local elections. A host of Advisory Opinions make it clear that a United States subsidiary that is wholly-owned by a foreign national may make contributions to a state or local election as long as the foreign parent does not directly or indirectly provide funds for such contributions or have any decision-making responsibility with respect to the contributions. See, e.g., Advisory Opinion 1985-3; Advisory Opinion 1978-21; Advisory Opinion 1982-10; Advisory Opinion 1980-100. Thus, in Advisory Opinion 1985-3, a wholly-owned U.S. subsidiary of a Canadian corporation asked the Commission whether it could make a contribution to an election without violating the prohibitions of Section 441e. The Commission held that the subsidiary could make a contribution under the following conditions:

1. The foreign parent could not directly or indirectly provide the funds for any contribution;

2. No foreign national could have any decision-making role or control with respect to the making of any political contribution by the subsidiary.

Advisory Opinion 1985-3 (citing Advisory Opinion 1981-36; Advisory Opinion 1983-31).

Similarly, in Advisory Opinion 1983-31, Syntex USA, Inc., a Delaware corporation which was wholly-owned by a Panamanian corporation, formed a political action committee known as "Syntex Good Government Committee" for the purpose of

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making contributions and expenditures in connection with state and local elections. All of the individuals responsible for exercising the decision-making authority of the committee were United States citizens or persons lawfully admitted for permanent residence in the United States. In addition, no individual who is a foreign national participated in the decision-making process of the committee with regard to political contributions or expenditures, and the committee did not solicit or accept any recommendations from any foreign nationals in connection with decisions affecting contributions. The Commission concluded that the subsidiary which formed the committee was not a foreign principal, and on the above-described facts was not prohibited from using funds contributed to it in connection with local or state elections.

The facts with respect to Respondent CPB PAC are even more compelling. In both Advisory Opinions 1985-3 and 1983-31, the corporation forming the PAC was wholly-owned by a foreign national. Here, the subsidiary bank that formed the PAC is a domestic corporation. In addition, the Bank's Parent, as discussed above, is not a foreign national, because it is incorporated in Hawaii and has its principal place of business in Hawaii. If a domestic subsidiary wholly-owned by a foreign principal is not prohibited from making contributions, a fortiori, a domestic subsidiary owned by a corporation that is also a domestic corporation is not prohibited from making state and local contributions through its PAC, as long as the conditions relating to foreign funds and decision-making authority are met.

In the present case, no foreign national contributed to CPB PAC or exercised control over CPB PAC's actions. In the first instance, CPB PAC did not receive any funds at all from foreign nationals. Therefore, the contributions at issue were not funds directly or indirectly contributed by foreign nationals. Indeed, Sumitomo Bank, which is the foreign shareholder in the Bank and its Parent did not contribute funds to CPB PAC.

Second, with respect to decision-making authority, as stated above, all decision-making with regard to contributions is vested in the Contribution Committee, which is, and at all relevant times has been, wholly comprised of U.S. nationals and individuals lawfully admitted for permanent residence.

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Moreover, the Bank and its Parent each have only one foreign national who is a member of the respective boards of directors, and that individual does not participate in any manner in the decision-making process of CPB PAC in connection with contributions to state and local elections.

This was precisely the situation in Advisory Opinion 1982-10. In that Opinion, which also involved Syntex USA, Inc., one of the corporate officers was a foreign national. The Commission concluded that Syntex USA, Inc. was not prohibited from making contributions and expenditures in connection with campaigns for state and local political office, provided that that foreign national officer did not participate in any way in the decision-making process with regard to proposed contributions or expenditures in connection with state or local elections. Indeed, in Advisory Opinion 1985-3 as well, the Commission, in holding that an American subsidiary did not violate Section 441e as long as its foreign parent did not directly or indirectly provide funds for any political contributions and that no other person who was a foreign national had any decision-making role with respect to such contributions, merely noted that the board of directors was "wholly or substantially comprised of U.S. citizens." Surely, this is the case here, where all but one of the directors on each Board are not foreign nationals, and the single foreign national on each Board does not have any decision-making role or control with respect to any contribution.

Advisory Opinion 1978-21 is also instructive. In 1978-21, Budd Company of Troy, Michigan, a Pennsylvania corporation ("Budd"), was about to become a wholly-owned subsidiary of Thyssen, A.G., a West German corporation. Budd was to retain its autonomous corporate form as a Pennsylvania corporation, and its principal place of business was to remain in the United States. The Commission was asked to opine whether Budd's political action committee could continue to operate by soliciting contributions from its executive and administrative personnel and in making contributions to candidates. The Commission issued an opinion that the continuing existence of Budd as a discrete corporation, organized under the laws of Pennsylvania with its principal place of business in the United States, would permit Budd to continue its sponsorship of the committee, provided that contributions to the committee were not solicited or accepted

from foreign nationals and the decisions made by the committee were not dictated or directed by personnel of foreign nationals.

The facts of Advisory Opinion 1978-21 are dispositive with respect to the issues raised here. First, Budd was to become a wholly-owned subsidiary of a foreign national. In this case, the Bank is and will remain a wholly-owned subsidiary of its domestic parent. Moreover, taking the Budd and Syntex USA, Inc. Opinions together (Syntex USA, Inc. was also a wholly-owned subsidiary of a foreign national), it is clear that CPB PAC was not prohibited from making the cited contribution, because the Bank is a domestic corporation and funds were not solicited or collected from foreign nationals and foreign nationals did not possess authority to control the activities of CPB PAC. These Opinions also establish that the fact that 13.7% of the Parent's stock is owned by a foreign corporation does not require a different result, because the subsidiary Bank has maintained its identity as a domestic corporation and the Parent's foreign stockholder did not contribute funds to CPB PAC or exercise decision-making authority over it.

On the basis of the facts presented and analysis of the Commission's previous Advisory Opinions, Respondent respectfully requests that the Commission dismiss the complaint against it. Respondent will also provide any additional information that would be helpful to the General Counsel's office in formulating its recommendation to the Commission.

Respectfully submitted,

CARLSMITH, WICHMAN, CASE,
MUKAI AND ICHIKI

By Stanley D. Suyat
Lawrence S. Okinaga
Stanley D. Suyat

SDS:jsi
Enclosures

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CPB PAC-FED
CONSTITUTION

ARTICLE I

Name. There is hereby established by CENTRAL PACIFIC BANK, in the State of Hawaii, the political action committee named CPB PAC-FED (hereinafter called PAC).

ARTICLE II

Principal Office and Address. The principal office of PAC shall be located at, and its address shall be, 36 North King Street, Honolulu, Hawaii, 96817.

ARTICLE III

Organization. The PAC shall be a voluntary, non-profit, unincorporated political association comprised of its members, who shall be individuals. The PAC shall be independent of any political party, candidate or other organization, except that CENTRAL PACIFIC BANK shall defray all costs and expenses incurred in the establishment of, the administration of, and the solicitation of contributions to the PAC, and shall have the power to appoint and remove all officers and Members of the Contribution Committee of the PAC, and to otherwise direct its activities.

ARTICLE IV

Purposes and Powers. The purposes of PAC are the protection, preservation and furtherance of the private

EXHIBIT 1

enterprise system and, in particular, the protection and advancement of the commercial banking industry, through political activity. To achieve these purposes, PAC shall have the power to solicit and accept voluntary contributions from all sources, and to expend such contributions to all recipients, within the limits permitted by law to influence the nomination for election, and the election, of those candidates to Federal and State elective office who its Contribution Committee determines to be in general agreement with any lawful purpose of PAC. In carrying out the foregoing PAC shall also have the power to make contributions, within the limits permitted by law, to National, State and Local Committees of National political parties and to other political committees. PAC shall have the power and authority to do and perform any and all acts necessary to carry out any activities in furtherance of its lawful purposes.

ARTICLE V

Membership. All the stockholders and their families and the executive or administrative personnel and their families of CENTRAL PACIFIC BANK and its branches and/or affiliates shall be eligible for membership in PAC.

ARTICLE VI

Contributions.

Section 1. All contributions to PAC shall be voluntary, and no contributions to PAC shall be solicited or secured by physical force, job discrimination, financial reprisal, or by threat of force, job discrimination or

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financial reprisal, or as a condition of employment by CENTRAL PACIFIC BANK.

Section 2. No contributions shall be accepted, and no expenditures shall be made, by or on behalf of PAC at a time when there is a vacancy in either the office of Chairman or Treasurer.

Section 3. No member of PAC, or contributor thereto, if not a member, shall have a right to share personally in any funds or assets of PAC upon its dissolution, or at any other time.

Section 4. The expenditure of any funds of PAC shall be within the sole discretion of PAC's Contribution Committee.

ARTICLE VII

Depositories. The Treasurer shall designate one or more national or state banks as campaign depositories of PAC and shall maintain a checking account at each depository so designated.

ARTICLE VIII

Separate Segregated Funds. All contributions and expenditures of PAC shall be accounted for in one of two separate, segregated funds. All contributions to and expenditures by PAC in support of any candidate or political committee in connection with election to federal office shall be deposited in and expended from the fund designated to be used exclusively for federal purposes, provided, however, that Bank shall not make any contribution to said fund for federal purposes. This fund, which shall be called the

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CEN-PAC FED Fund, shall be duly registered with the Federal Election Commission. All contributions to and expenditures by PAC in support of any candidate or political committee in connection with election to state or local office shall be made from the fund designated exclusively for such use. Allocation of contributions to PAC between the two separate, segregated funds as permitted by law shall be within the sole discretion of PAC's Contribution Committee. No monies may be transferred from the state fund to the federal fund in any event.

ARTICLE IX

Officers.

Section 1. The officers of PAC shall be a Chairman, Vice Chairman, Treasurer, Assistant Treasurer and Secretary, and shall be appointed by CENTRAL PACIFIC BANK. Each officer of PAC shall continue to serve in his office until his successor is appointed and qualified.

Section 2. The Chairman shall be the chief executive officer of PAC and shall, subject to the determination of the Contribution Committee provided for in Section 2 of ARTICLE X hereof, administer the affairs of PAC. The Chairman shall preside at all meetings of PAC or its Contribution Committee.

Section 3. The Treasurer shall be the chief financial officer of PAC. The Treasurer subject to the provisions of this Constitution, shall have general responsibility for all funds collected by PAC and shall cause all monies to be deposited and all books of account to be kept in accordance with the directives and in the manner

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authorized by the Contribution Committee pursuant to ARTICLE hereof. The Treasurer shall also prepare, sign, file and maintain copies of all records and reports of PAC activities required to be maintained or filed by law.

Section 4. The Secretary shall maintain all minutes of meetings of PAC and the Contribution Committee.

Section 5. During the absence or incapacity of the Chairman, the Vice Chairman shall assume the duties and exercise the powers of the Chairman. The Vice Chairman shall perform such other duties as may be assigned to him by this Constitution or by the Chairman.

Section 6. During the absence or incapacity of the Treasurer, the Assistant Treasurer shall perform the duties and functions and exercise the powers of the Treasurer.

ARTICLE X

Contribution Committee.

Section 1. The affairs of PAC, including the making of any contributions to or expenditures on behalf of, candidates or political committees, shall be supervised and directed by the Contribution Committee. The Chairman of PAC shall serve as a member of the Contribution Committee and as its Chairman. Other members of the Contribution Committee shall be the Vice Chairman and Treasurer of PAC, and such other PAC members as may be designated and appointed by CENTRAL PACIFIC BANK. If a vacancy shall occur on the Contribution Committee either through death, total disability, the end of the individual's association with CENTRAL PACIFIC BANK, or removal for cause, the Chairman may appoint an

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individual to fill the unexpired term. A quorum of the Contribution Committee for the transaction of business shall consist of a majority of its members.

Section 3. The Contribution Committee may delegate to the Chairman and/or Treasurer, subject to the direction of the Committee, the power to allocate receipts to the two separate, segregated funds as permitted by law and the power to determine the candidates and/or political committees that PAC shall support, provided, however, that no Bank fund shall be used for federal purposes.

ARTICLE XI

Meetings. The Contribution Committee may be called into session by the Chairman or any other two members. A meeting of the members of PAC may be called by a majority of the members of the Contribution Committee.

ARTICLE XII

Adoption, Amendments and Bylaws.

Section 1. These ARTICLES shall be adopted effective May ____, 1980.

Section 2. The ARTICLES may be amended by action of a majority of the Contribution Committee, provided, however, that Sections 1, 2 and 3 of ARTICLE VI shall not be subject to amendment or repeal so long as PAC remains in existence.

Section 3. Bylaws of PAC may hereafter be adopted, amended and repealed by the Contribution Committee in accordance with procedures established in such Bylaws.

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ARTICLE XIII

Dissolution. PAC may be dissolved at any time by action of a majority of the Contribution Committee, or by CENTRAL PACIFIC BANK. In the event of such dissolution, all funds of PAC remaining after satisfaction of all outstanding liabilities shall be promptly distributed to candidates or political committees chosen in a manner consistent with ARTICLE X hereof and for the purposes set forth in ARTICLE IV hereof.

CENTRAL PACIFIC BANK

By [signature]
Its Senior Vice President

Date: May 14 1980

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(16) "Office" means any elective public or constitutional office excluding federal elective offices.

(17) "Person" means an individual, partnership, committee, association, corporation, or labor union and its auxiliary committees.

(18) "Political party" means any party which satisfies the requirements of section 11-61.

(19) "Private contribution" means a monetary contribution other than from a candidate's own funds or from the Hawaii election campaign fund.

(20) "Qualifying campaign contribution" means a monetary contribution of $100 or less, and not more than $100 of a person's total aggregate monetary contribution. Qualifying contributions do not include loans or in-kind contributions. [L 1979, c 224, pt of §2; am L 1980, c 232, §1 and c 246, §1(a); am L 1981, c 102, §1 and c 217, §1; am imp L 1984, c 90, §1]

Revision Note

In paragraph (6)(D), "subparagraph" substituted for "section"

Attorney General Opinions

"Kaanapa for Nahoia" is a "committee" for purposes of this section. Att. Gen. Op. 84-2.

§11-192 Campaign spending commission. There is established a campaign spending commission, consisting of five members appointed by the governor as follows:

The judicial council shall select a panel of ten persons, consisting of five persons from the membership of each of the two political parties for which the greatest number of voters cast party ballots in the last preceding primary election. From this panel the governor shall appoint two members from each political party and a chairman. Any vacancies in the commission shall be filled by the governor with a member from the panel or by reappointment of a member whose term has expired, subject to the limit on length of service imposed by section 26-34; provided the replacement member is from the same political party as the member being replaced; and provided further that the party is then one of the two political parties as determined above; otherwise, the replacement member shall be from one of the parties not represented on the commission.

The judicial council shall meet and expeditiously select additional persons for the panel whenever the number of the eligible panel members falls below five, or whenever a political party, being one of the two parties for which the greatest number of voters cast party ballots in the last primary election, is not represented. In either event, the judicial council shall select additional panel members so that there will be five from each of the two parties. A person shall no longer remain eligible to be on the panel when the person is not from one of the two parties for which the greater number of voters cast party ballots in the last preceding primary election. The requirement of being from the same party is not applicable to the replacement chairman.

Notwithstanding section 26-34, these appointments shall not be subject to senatorial confirmation. The term of the members shall be four years, except that the terms of the initial members shall be two years for two members, three

EXHIBIT 2

9404357095 4

is filed by the person in charge of the function with the commission prior to the date of the function setting forth the name and address of the person in charge, the price per person, the date, hour, and place of the affair and the method thereof.

(d) Fundraisers sponsored by a candidate for a statewide office are exempt from the $25 limit of subsection (a) and the restrictions of subsection (b), and fundraisers sponsored by a party for a political purpose for the general benefit of the party are exempt from the restrictions of subsection (b).

(e) The following expenses incident to a fundraiser and to all other political fundraising activities held for the benefit of a candidate for which there is a charge for attending or participating in the fundraiser or fundraising activity shall not be considered expenditures within the limitations set by section 11-209:

(1) The cost of food and beverages consumed at the function;
(2) Rent and utilities for the premises where the function is held;
(3) The amount paid for guest speakers and entertainment;
(4) Printing and postage related to a function; and
(5) All other direct costs incurred in solicitation of the fundraiser, or fundraising activity [L 1979, c 224, pt of §2; am L 1980, c 232, §1 and c 246, §1(e); am imp L 1984, c 90, §1; am L 1987, c 369, §1(6)]

§11-204 Campaign contributions: limits as to persons. (a) No person or any other entity shall make contributions to a candidate or candidate's committee in an aggregate amount greater than $2,000 in any primary, special primary, special, or general election.

(b) A candidate or the candidate's immediate family in making a contribution 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 year.

(c) A contribution by a dependent minor shall be reported in the name of the minor but shall be counted against the contribution of the minor's parent or guardian.

(d) Any candidate or candidate's committee who knowingly receives in the aggregate more than $2,000 in any primary, special primary, special, or general election from a person, shall be required to return any excess over $2,000 to such person. If the contributor cannot be found, the excess over the contribution limit shall be deposited with the Hawaii election campaign fund. A candidate or candidate's committee who complies with the provisions of this subsection prior to the initiation of prosecution shall not be subject to any penalty under section 11-228.

(e) All payments made by a person or whose contributions or expenditure activity is financed, maintained or controlled by any corporation, labor organization, association, political party or any other person or committee, including any parent, subsidiary, branch, division, department or local unit of the corporation, labor organization, association, political party or any other person, or by any group of such persons shall be considered to be made by a single person.

(f) A contribution made by two or more corporations shall be treated as one person when such corporations:

(1) Share the majority of members of their boards of directors;
(2) Share two or more corporate officers;
(3) Are owned or controlled by the same majority shareholder or shareholders; or
(4) Are in a parent-subsidiary relationship.

(g) An individual and any general partnership in which the individual is a partner, or an individual and any corporation in which the individual owns a controlling interest, shall be treated as one person.

2404357095

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2892

NAME OF COUNSEL: Lawrence S. Okinaga, Esq.
Stanley D. Suyat, Esq.

ADDRESS: Carlsmith, Wichman, Case,
Mukai and Ichiki
Suite 2200, Pacific Tower
1001 Bishop Street

Honolulu, Hawaii 96813

TELEPHONE: (808) 523-2500

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

JUN 16 1989
Date

Signature

RESPONDENT'S NAME: Central Pacific Bank

ADDRESS: 220 South King Street

Honolulu, Hawaii 96813

HOME PHONE:

BUSINESS PHONE: (808) 544-0622

2404357095 56

OGC 3317

RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION
89 JUL -5 AM 10:06

HAWAII SEKITEI
CORPORATION

320 LEWERS STREET • HONOLULU, HAWAII 96815 • (808) 924-2411

JUNE 26, 1989

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 JUL -5 AM 11:30

MR. LAWRENCE M. NOBLE
GENERAL COUNSEL
FEDERAL ELECTION COMMISSION
999 E. ST. N. W.
WASHINGTON, D.C. 20463

Re: MUR 2892
HAWAII SEKITEI CORPORATION

DEAR MR. NOBLE,

THIS IS TO ACKNOWLEDGE RECEIPT OF YOUR LETTER OF JUNE 6, 1989, WHICH WAS RECEIVED ON JUNE 14, 1989.

ACCORDING TO YOUR LETTER, THE HAWAII SEKITEI CORPORATION HAS BEEN NAMED IN A COMPLAINT TO YOUR COMMISSION ALLEGING THAT WE MAY HAVE VIOLATED THE FEDERAL ELECTION CAMPAIGN ACT OF 1971, AS AMENDED.

AS NOTED IN ENCLOSURE 1 OF YOUR LETTER, PAGE 7, WE DID GIVE A SUM OF $1,000.00 TO THE " FRIEND'S OF FASI " CAMPAIGN ON OR ABOUT AUGUST 24, 1987, BY PURCHASHING FOUR (4) $ 250.00 TICKETS TO WHAT WE BELIEVED TO HAVE BEEN A LUNCHEON FUND RAISING EVENT.

WE WERE TOTALLY UNAWARE OF THE RESTRICTION PLACED UPON FOREIGN FIRMS SUCH AS OURS FROM MAKING ANY MONETARY CONTRIBUTIONS TO ANY POLITICAL ORGANIZATION AS OUTLINED IN THE CITED LAW.

OUR DONATION WAS MADE IN GOOD FAITH, AND, TRUTHFULLY SPEAKING, OUR ACTION WAS TAKEN TO ABATE SOME OF THE CRITICISMS THAT WERE BEING AIMED AT JAPANESE FIRMS FOR NOT BECOMING INVOLVED IN LOCAL AFFAIRS OF THE COMMUNITY.

MORE-OVER, WE FULLY REALIZE THAT THE PRIVILEGE OF DOING BUSINESS IN THE UNITED STATE OF AMERICA, OR MORE SPECIFICALLY, HERE IN HAWAII, IS DUE TO THE MAGNITUDE AND COURTESY OF YOUR GOVERNMENT; AND THERE-FORE, WE WOULD NEVER PLACED OURSELVES IN ANY POSITION WHICH WOULD RESULT IN VIOLATING THE LAWS OF THE UNITED STATE OF AMERICA.

WE SINCERELY REGRET THIS INCIDENT BY WHICH THE HAWAII SEKITEI CORPORATION DID RUN APOUL OF YOUR FEDERAL ELECTION LAW, HOWEVER, IT IS HOPED THAT THE CIRCUMSTANCES DESCRIBED ABOVE WILL SERVE TO MITIGATE ANY PENALTY WHICH MAY BE FORTHCOMING.

YOUR FAVORABLE CONSIDERATION IS HUMBLY REQUESTED.

SINCERELY YOURS,

Y. Sugiyama

YOSHIMITSU SUGIYAMA
PRESIDENT
HAWAII SEKITEI CORPORATION
DBA, WAIKIKI JOY HOTEL

9043570957

006 3302

RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION
89 JUL -3 AM 8:52

OTAKA, INC.

2671 Lemon Road, Honolulu Hawaii 96815
Phone (808) 924-4067 Fax (808) 924-3361

June 27, 1989

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 JUL -3 PM 12:31

Lois G. Lerner, Esq.
Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2892
Otaka, Inc.

Dear Ms. Lerner:

We are in receipt of your letter dated June 6, 1989, regarding MUR 2892. We understand that a complaint has been filed alleging that contributions made by Otaka, Inc., on August 2, 1988, and December 30, 1988, to the "Friends of Fasi," the campaign committee for the reelection of Mayor Frank Fasi of the City & County of Honolulu, of $750 and $1,250, respectively, violate the Federal Election Campaign Act of 1971, as amended.

The undersigned, as in-house counsel to Otaka, Inc., hereby appears as counsel for respondent Otaka, Inc., pursuant to the executed Statement of Designation of Counsel attached hereto.

For the reasons below, we believe that we have not violated the Federal Election Campaign Act of 1971, as amended ("the Act"), and respectfully request that the Federal Election Commission ("the Commission") dismiss the subject complaint against Otaka, Inc. ("Otaka").

We understand that the complaint is based on the premise that contributions by foreign nationals to a municipal, or local, campaign are prohibited. We have researched the Act, and assume that the complaint is based upon an alleged violation of the 22 U.S.C. section 441e, which reads as follows:

> §441e. Contributions by foreign nationals
>
> (a) It shall be unlawful for a foreign national directly or through any other person to make any contribution of money or other thing of value, or to promise expressly or impliedly to make any such contribution, in connection with an election to any political office or in connection with any primary election, convention, or caucus held to select candidates for any political office; or for any person to solicit, accept, or receive any such contribution from a foreign national.

9404357095 8

(b)As used in this section, the term "foreign national" means--

(1)a foreign principal, as such term is defined by section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b)), except that the term "foreign national" shall not include any individual who is a citizen of the United States; or

(2)an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(20)).

Since Otaka, Inc., is a corporation, the definition of "foreign national" under subsection (b)(2) above is inapplicable. "Foreign principal" is defined by section 1(b) of the Foreign Agents Registration Act of 1938, or 22 U.S.C. section 611(b), as follows:

§611. Definitions

As used in and for the purposes of this Act--

...

(b)The term "foreign principal" includes--
(1)a government of a foreign country and a foreign political party;
(2)a person outside of the United States, unless it is established that such person is an individual and a citizen of and domiciled within the United States, or that such person is not an individual and is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States; and
(3) a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.

Since Otaka, Inc., is not a "foreign national" under the definitions above, section 44le of the Act is inapplicable to the contributions upon which this complaint is based.

2404357092959

First, as indicated above, Otaka, Inc., is a corporation. Therefore, the definition of "foreign national" under section 441(e)(2) is inapplicable.

Second, Otaka, Inc., is not a "foreign principal" under 22 U.S.C. section 611(b) quoted above. Otaka, has been a corporation duly organized and qualifed to business under the laws of the State of Hawaii since September 5, 1984. Otaka's registed office and principal place of business is at 2571 Lemon Road, Waikiki, Honolulu, Hawaii. As indicated on the bottom of the first page of this letter, Otaka owns and operates two major hotels in Waikiki, the Holiday Inn Waikiki Beach and the Hawaiian Regent Hotel. In addition, Otaka owns and operates the Kona Surf Resort & Country Club in Kailua-Kona on the Big Island of Hawaii. All of Otaka's properties are located in Hawaii.

Thus, Otaka is clearly not a "foreign principal" under either of the three definitions under 22 U.S.C. section 611(b). Therefore, the contributions in question do not violate section 441(e) of the Act.

It should be noted that the decision to make the contributions in question was made solely and entirely by the President of Otaka, Steve Kawagishi, who has been a citizen of the United States of America since birth.

For the reasons above, we respectfully request that the Commission dismiss the subject MUR2892 against Otaka, Inc.

Please feel free to contact the undersigned at 2571 Lemon Road, Honolulu, Hawaii 96815 or by telephone at (808) 924-4067 should you have any questions or require any additional information.

We look forward to an early disposition of this matter.

Sincerely,

OTAKA, INC.

Sabrina Shizue McKenna
Secretary & General Counsel

cc: Steve Kawagishi

2043570960

AFFIDAVIT OF SABRINA SHIZUE MCKENNA

STATE OF HAWAII)
)ss.
CITY AND COUNTY OF HONOLULU)

I, Sabrina Shizue McKenna, being duly sworn on oath, do hereby say:

1. I am an attorney duly licensed to practice in all courts in the State of Hawaii.

2. I have been employed by Otaka, Inc., respondent in MUR 2892 before the Federal Election Commission, since August, 1987, as Corporate Secretary & General Counsel.

3. I submit this affidavit based upon personal knoweldge.

4. The facts contained in the preceding letter dated June 27, 1989, addressed to Lois G. Lerner, Esq., Associate General Counsel to the Federal Election Commission, are personally known to me, and are true and correct to the best of my knowledge.

Further affiant sayeth naught.

DATED: Honolulu, Hawaii, June 27, 1989.

Sabrina S. McKenna
Sabrina Shizue McKenna

Subscribed and sworn to me before this
27th day of June, 1989.

Patricia A. Tanaka
Notary Public, State of Hawaii
My commission expires: 4/3/89

2404357009611

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2892

NAME OF COUNSEL: Sabrina Shizue McKenna

ADDRESS: Otaka, Inc.
2571 Lemon Road
Honolulu, Hawaii 96815

TELEPHONE: (808) 924-2067

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

June 27, 1989
Date

S. Kawagishi
Signature

RESPONDENT'S NAME: Otaka, Inc., by Steve Kawagishi, President

ADDRESS: 2571 Lemon Road
Honolulu, Hawaii 96815

HOME PHONE: (808)295-1636

BUSINESS PHONE: (808)924-4067

2404357090962

MUR 3301

HONG, IWAI AND HULBERT

GEORGE S. W. HONG
DONALD K. IWAI
NEIL F. HULBERT*
CAROL LEE HONG
JEFFREY C. WILK
ROY K. KAWANO
HARLAN Y. KIMURA

*A LAW CORPORATION

ATTORNEYS AT LAW
SUITE 2200, PAUAHI TOWER
BISHOP SQUARE
1001 BISHOP STREET
HONOLULU, HAWAII 96813

TELEPHONE
(808) 524-4900

FAX
(808) 528-5473

June 28, 1989

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 JUL -3 PM 12:31

Ms. Patty Reilly
Federal Election Commission
999 "E" Street, N.W.
Washington, D.C. 20463

Dear Ms. Reilly:

Re: MUR 2892 - Y. Y. Valley Corporation

Reference is hereby made to our telephone conversation on June 27, 1989. We will be representing the above-entitled entity in reference to the Complaint. Request is hereby made for an extension of time to respond to your letter up to and including July 17, 1989, which date is not more than 45 days after your letter was received.

Very truly yours,

HONG, IWAI AND HULBERT

By Neil F. Hulbert
Neil P. Hulbert

NFH:et

2404357093

RECEIVED
FEDERAL ELECTION COMMISSION
AGENCY SECRETARIAT
89 JUL -3 AM 8:45

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 12, 1989

Neil Hulbert, Esquire
Hong, Iwai and Hulbert
Suite 2200
Pauahi Tower
1001 Bishop Street
Honolulu, Hawaii, 96813

RE: MUR 2892
Y.Y. Valley Corporation

Dear Mr. Hulbert:

This is in response to your letter dated June 28, 1989, which we received on July 3, 1989, requesting an extension of thirty days to respond to the complaint in the above captioned matter. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on July 17, 1989.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

2404357090964

06C 3300

HONG, IWAI AND HULBERT

GEORGE S. W. HONG
DONALD K. IWAI
NEIL F. HULBERT
CAROL LEE HONG
JEFFREY C. WILK
ROY K. KAWANO
HARLAN Y. KIMURA

A LAW CORPORATION

ATTORNEYS AT LAW
SUITE 2200, PAUAHI TOWER
BISHOP SQUARE
1001 BISHOP STREET
HONOLULU, HAWAII 96813

TELEPHONE
(808) 524-4900

FAX
(808) 528-5473

June 28, 1989

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 JUL -3 PM 12:31

Ms. Patty Reilly
Federal Election Commission
999 "E" Street, N.W.
Washington, D.C. 20463

Dear Ms. Reilly:

Re: MUR 2892 - Mokuleia Land Company

Reference is hereby made to our telephone conversation on June 27, 1989. We will be representing the above-entitled entity in reference to the Complaint. Request is hereby made for an extension of time to respond to your letter up to and including July 17, 1989, which date is not more than 45 days after your letter was received.

Very truly yours,

HONG, IWAI AND HULBERT

By Neil F. Hulbert
Neil F. Hulbert

NPH:et

2404357095

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 JUL -3 AM 8:45

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 12, 1989

Neil Hulbert, Esquire
Hong, Iwai and Hulbert
Suite 2200
Pauahi Tower
1001 Bishop Street
Honolulu, Hawaii, 96813

RE: MUR 2892
Mokuleia Land Company

Dear Mr. Hulbert:

This is in response to your letter dated June 28, 1989, which we received on July 3, 1989, requesting an extension of thirty days to respond to the complaint in the above captioned matter. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on July 17, 1989.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

2404357009966

OGC 3298

RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE

HONG, IWAI AND HULBERT

GEORGE S. W. HONG
DONALD R. IWAI
NEIL F. HULBERT*
CAROL LEE HONG
JEFFREY C. WILK
ROY R. KAWANO
HARLAN Y. KIMURA

* A LAW CORPORATION

ATTORNEYS AT LAW
SUITE 2200, PAUAHI TOWER
BISHOP SQUARE
1001 BISHOP STREET
HONOLULU, HAWAII 96813

TELEPHONE
(808) 524-4900

FAX
(808) 528-5473

89 JUL -3 AM 8:35

June 28, 1989

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 JUL -3 PM 12:31

Ms. Patty Reilly
Federal Election Commission
999 "E" Street, N.W.
Washington, D.C. 20463

Dear Ms. Reilly:

Re: MUR 2892 - Royal Hawaiian Country Club, Inc.

Reference is hereby made to our telephone conversation on June 27, 1989. We will be representing the above-entitled entity in reference to the Complaint. Request is hereby made for an extension of time to respond to your letter up to and including July 17, 1989, which date is not more than 45 days after your letter was received.

Very truly yours,

HONG, IWAI AND HULBERT

By Neil F. Hulbert
Neil F. Hulbert

NFH:et

2043570967

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20461

July 12, 1989

Neil Hulbert, Esquire
Hong, Iwai and Hulbert
Suite 2200
Pauahi Tower
1001 Bishop Street
Honolulu, Hawaii, 96813

RE: MUR 2892
Royal Hawaiian Country Club

Dear Mr. Hulbert:

This is in response to your letter dated June 28, 1989, which we received on July 3, 1989, requesting an extension of thirty days to respond to the complaint in the above captioned matter. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on July 17, 1989.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

2404357096 8

OOC 3297

MAILING ADDRESS
Post Office Box 3449
Lihue, Hawaii 96766

KAUAI ISLAND TOURS, INC.
AHUKINI ROAD • LIHUE AIRPORT • LIHUE, KAUAI, HI 96766
TELEPHONE (808) 245-4777 • TELECOPIER (808) 537-4783
TOLL FREE WATS LINE from Continental U.S. (800) 733-4777

HONOLULU OFFICE
Bank of Hawaii Building
222 Kuhio Ave., Ste. 609
Telephone (808) 922-2941
Telecopier (808) 922-2993

June 27, 1989

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 JUL -3 PM 12:31

Lois G. Lerner
Associate General Counsel
FEDERAL ELECTION COMMISSION
999 East Street N.W.
Washington, D.C. 20463

Dear Ms. Lerner:

This will confirm receipt of your letter dated June 6, 1989, with respect to a complaint filed with your commission.

We are requesting for an extension of time to respond, if any, to the alleged complaints filed with your office and to allow for ample time to review these matters. All of your material was forwarded to Mr. Howard Green, attorney representing Friends for Fasi.

Our response to you will in large depend on what we are advised by counsel. Should you need to discuss any matters with us further, please let me know as soon as possible.

Sincerely,
KAUAI ISLAND TOURS, INC.

Edward J. Matsukawa
Secretary-Controller

EJM:em

Enclosures

cc: Nobuo Matsumura

24043570969

FEDERAL ELECTION COMMISSION
ALPHA
89 JUL -3 AM 8:35

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

July 12, 1989

Edward J. Matsukawa
Kauai Island Tours, Inc.
Ahukini Road
Lihue Airport
Lihue Kauai, HI. 96766

RE: MUR 2892
Kauai Island Tours, Inc.

Dear Mr. Matsukawa:

This is in response to your letter dated June 27, 1989, which we received on July 3, 1989, requesting an extension of twenty-five days to respond to the complaint in the above-captioned matter. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on July 12, 1989.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

2404357090

OGC 3315

CADES SCHUTTE FLEMING & WRIGHT

ATTORNEYS AT LAW

HONOLULU, HAWAII OFFICE
P.O. BOX 939
HONOLULU, HAWAII 96808
1000 BISHOP STREET
HONOLULU, HAWAII 96813
TELECOPIER: (808) 531-8738
(808) 536-7934
TELEX: 7238589
CABLE: LEX
TELEPHONE: (808) 521-9200

June 30, 1989

RECEIVED
FEDERAL ELECTION COMMISSION
89 JUL -5 AM 11:31

Patty Reilly, Esq.
Office of the General Counsel
Federal Election Commission
Washington D.C. 20463

Re: ~~MUR 2815~~ 2892

Dear Ms. Reilly:

By letter dated June 6, 1989, ANA Hotels Hawaii, Inc. ("ANA Hotels") was notified of a complaint which alleges that it may have violated the Federal Election Campaign Act of 1971, as amended. ANA Hotels received your notification letter on June 15, 1989, and we have been retained to represent the company in this matter. Accordingly, we have enclosed a facsimile copy of the Statement of Designation of Counsel. (An original copy will be forwarded to you later as a follow-up.)

We wish to demonstrate that no action should be taken against ANA Hotels in this matter. However, to enable us to fully investigate the matter and frame an appropriate response, we respectfully request that an extension of thirty (30) days be granted to answer this complaint. We called your office on June 28, 1989 and left a brief message but have not received a response to date.

If you have any questions, please contact me at (808) 521-9332.

Very truly yours,

Larry J. Takumi
for
CADES SCHUTTE FLEMING & WRIGHT

89 JUL -5 AM 9:07

4193I
Enclosure
cc: Millie M. Ludwick

KAILUA-KONA, HAWAII OFFICE - SUITE B-303 75-170 HUALALAI ROAD, KAILUA-KONA, HI 96740 TELECOPIER (808) 326-1175 TELEPHONE (808) 329-5811

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2892

NAME OF COUNSEL: Larry T. Takumi, Nicholas C. Dreher, Carol L. W. Hee

ADDRESS: Cades Schutte Fleming & Wright
P. O. box 939
Honolulu, Hawaii 96808

TELEPHONE: (808) 521-9332

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

6/22/89
Date

Millie M. Ludwick
Signature
Millie M. Ludwick
Owners Representative

RESPONDENT'S NAME: ANA HOTELS HAWAII, INC.

ADDRESS: 84-626 Makaha Valley Road
Waianae, Hawaii 96792

HOME PHONE:

BUSINESS PHONE: 808 695-9511

2404357092

CGC 3332

RECEIVED
FEDERAL ELECTION COMMISSION
ADMINISTRATIVE DIVISION

89 JUL -6 PM 2:42

Iwai, Motooka & Goto

ATTORNEYS AT LAW
A LAW CORPORATION
SUITE 502, HASEGAWA KOMUTEN BUILDING
820 MILILANI STREET
HONOLULU, HAWAII 96813

WILFRED K. IWAI
MILTON M. MOTOOKA
ARTHUR K. GOTO

AREA CODE 808
TELEPHONE 537-1855

July 3, 1989

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

89 JUL -6 PM 4:27

Office of the General Counsel
Federal Election Commission
999 E Street N.W.
Washington, DC 20463

Ladies and Gentlemen:

Re: MUR 2892-Hasegawa Komuten (Hawaii), Inc.
Response to Complaint

1. This law firm has the pleasure of representing Hasegawa Komuten (Hawaii), Inc. in this matter. A Statement of Designation of Counsel was transmitted earlier, to the attention of Patty Reilly, Attorney at Law, with our request for extension of time to respond. A copy of the Statement is enclosed for your information.

2. For reasons hereinafter set forth, respondent believes that no action should be taken on the basis of the complaint filed in this matter.

3. At the time of the alleged act (on or about August 4, 1987) respondent was a corporation duly organized and existing under the laws of the State of Hawaii. Subsequently, the name of the corporation/respondent was changed to Haseko (Hawaii), Inc., and it remains a Hawaii corporation. (See Affidavit of Katsuo Shimizu, Senior Executive Vice President of respondent, attached hereto and incorporated herein by reference and made a part hereof.)

4. Respondent feels the complaint should be dismissed or no action taken thereon inasmuch as it fails to state with sufficient particularity the offense or violation which respondent is alleged to have committed.

a. The complaint states, inter alia, at page seven (7), that respondent "...appears to be a foreign owned and/or controlled corporation who contributed $250.00 on 8/4/87 (sic) ..." (emphasis added). Additionally, the complaint in the second paragraph on the first page, alleges "...complaints against campaign contributions from foreign nationals and corporations either foreign in origin or United States formed subsidiary corporations controlled in whole or in substantive

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part by foreign nationals". At paragraph "C." on page 3, the complaint demonstrates it's lack of substance in stating that "Corporate political contributions from Hawaii corporations owned in full or in substantial part by foreign nationals appear to violate the act..." (emphasis added).

b. More specifically, in reading the complaint, one is unable to discern whether the mere fact of a contribution by respondent is alleged to be unlawful, or whether it is unlawful because respondent is "foreign in origin", or because respondent is a "United States formed subsidiary ... controlled in whole...by foreign nationals", or because respondent is a "United States formed subsidiary ... controlled ... in substantive part by foreign nationals".

c. Nowhere in the complaint is there set forth the provision of statute or regulation which respondent is alleged to have violated, nor the basis or facts for any claim that such violation has occurred. Corporate contributions (by an entity incorporated pursuant to the laws of the State of Hawaii and which is not a labor union) to candidates for local office or their campaign fund raising arm are not per se prohibited by the Federal Election Campaign Act of 1971, as amended, hereinafter sometimes referred to as the "Act", nor by any of the rules and regulations promulgated by the Federal Election Commission, said commission hereinafter sometimes referred to as the "Commission". The complaint provides no information as to how the phrase "United States formed subsidiary corporations controlled in whole or in substantive part by foreign nationals" is to be construed, nor is that phrase or portions thereof (except the term "foreign national") further defined or explained in the Act or regulations of the Commission. The complaint further is utterly devoid of facts or acceptable information to constitute a prima facie case that the undefined phrase has been offended.

e. Respondent should not be required to prove a case against itself, nor to guess at the facts upon which the complaint is based, nor upon the theory of law which complainant intends to base its case. Unless the complainant intends to rely on a scurrilous, outrageous and discriminatory theory resting upon the mere "foreign" or non-European name once used by respondent, there are absolutely no facts or legal theories

sufficient to base a finding of probable cause on the basis of the complaint.

f. The rules and regulations of the Commission provide that the complaint should conform to the following provisions:

* * *

"(3) It should contain a clear and concise recitation of the facts which describe a violation of a statute or regulation over which the Commission has jurisdiction; and

(4) It should be accompanied by any documentation supporting the facts alleged if such documentation is known of, or available to the complainant."

11 C.F.R. §111.4(d) (3)-(4) (1988). The complaint falls far short of the substantial compliance required by the Commission's rules in its glaring deficiencies. 11 C.F.R. §111.5(a). Therefore, the Commission should take no further action thereon. In re Federal Election Campaign Act Litigation, 474 F.Supp. 1044 (D.C.D.C. 1979).

5. In the event the Commission believes the complaint to be sufficient, and somehow expects respondent to provide a response to such ambiguous allegations, forcing respondent to guess at the violations it is alleged to have committed, respondent continues its answer guessing at the offenses alleged.

6. Respondent has not violated the provisions of section 319(a) of the Act, 2 U.S.C.A. §441e(a) (1985).

a. The term "election" as used in said section is ambiguous. The term is defined in part as "a general, special, or primary election" without stating whether it includes local or state elections of that type. 2 U.S.C.A. §431 (1)(A) (1985).

b. Other provisions of the Act indicate that the Act was intended to apply only to "candidates" defined as "...an

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individual seeking nomination for election or election, to Federal office..." (emphasis added) 2 U.S.C.A. §431(2) (1985).

c. The term "Federal office" is defined by the Act to mean "the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress". 2 U.S.C.A. §431(3) (1985).

d. Construing the Act as a whole therefore and applying the literal terms as defined in the Act, the Act was intended to apply and only applies to elections for Federal office as defined in the Act. Inasmuch as the campaign committee to which respondent is alleged to have contributed was involved in the candidacy of Frank F. Fasi for Mayor of the City and County of Honolulu, a purely local election, the Act does not apply thereto.

e. Further, the term "foreign national" as used in section 441e(a), is construed to mean a foreign principal, as that term is defined by section 611(b) of Title 22 of the United States Code. 2 U.S.C.A. 441e(b)(1). The term "foreign principal" does not include a corporation organized pursuant to the laws of the State of Hawaii, regardless of who its stockholders are, and notwithstanding any notions of "control", whether "in whole or in substantial part".

7. Respondent further alleges that it has not violated the provisions of 11 C.F.R. §110.4(a)(1), if that is one of the regulations to which the complaint is addressed.

a. Although said section purports to prohibit a foreign national from making a contribution in connection with any local, or State public office (in addition to a Federal public office), as set forth above in paragraph 6a through 6d of this letter response, the Act is applicable only to elections for Federal office, and therefore such regulation improperly expands the limitations of law enacted by Congress and thus is improper.

b. Further, the term "foreign national" as used in the aforesaid regulation, also incorporates the definition of the term "foreign principal" discussed above in paragraph 6e of this letter response. As therein mentioned, a Hawaii

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corporation under the facts of this case does not fit in the definition of the term "foreign principal" as set forth in 22 U.S.C. 611(b) as it is not "outside of the United States" and even if it were, such Hawaii corporation as is respondent is "organized under or created by the laws of . . . any State" i.e. Hawaii. Thus respondent, a Hawaii corporation, does not fall within the definition of the term "foreign national" to which the restrictions of said regulation purport to apply. Thus assuming but not admitting the regulation is properly constituted in its application to state or local elections, respondent, not being a "foreign national" has not violated its provisions. We further point out that said definition makes no reference to stockholders, or to notions of "control".

8. Respondent had no intention whatsoever to violate the Act or any regulation of the Commission. In making the contribution, respondent was acting in accordance with the view that the Hawaii statutes and the rules and regulations implementing them were the sole provisions governing campaign contributions by respondent for the office of Mayor of the City and County of Honolulu. Respondent, to the best information and belief of its present Senior Executive Vice President (see attached Affidavit of Katsuo Shimizu) acted in accordance with the belief that a contribution to the committee supporting the election of Frank F. Fasi as mayor of the City and County of Honolulu was not prohibited by law, was not unlawful, and was not contrary to any law or regulation, whether state or federal.

9. Respondent submits as evidence of the reasonableness of its belief and as evidence of the general view that contributions made by it were not prohibited, unlawful or contrary to law, the position of the Campaign Spending Commission of the State of Hawaii, hereinafter sometimes referred to as the "Campaign Spending Commission".

a. The Campaign Spending Commission is vested with the authority, inter alia, to investigate alleged campaign spending (or contribution) abuse, or unlawful activity, and to recommend prosecution or other legal action against those it believes has violated the Hawaii statutes and regulations on the subject. Subpart B, Chapter 11, Hawaii Revised Statutes (1985), as amended. The Hawaii Revised Statutes are hereinafter sometimes referred to as "H.R.S."

b. As set forth in the Affidavit of Jack Gonzales, attached hereto and incorporated herein by reference and made a part hereof, the Campaign Spending Commission has always considered that regulation and enforcement of campaign contribution and spending laws for election to office in the State of Hawaii, other than for those concerning federal elective office, lies with the Campaign Spending Commission, and to some extent with the Chief Elections Officer of the State of Hawaii which is the Lieutenant Governor of the State.

10. Respondent also asserts that if the alleged conduct is violative of the Act or of the regulations of the Commission, that the Act and/or regulation is overly broad, ambiguous, and incapable of reasonable interpretation to determine the proscribed conduct, and to the extent that the alleged act of respondent may result in any criminal or civil sanctions, such are violative of the due process clause of the Fifth Amendment to the Constitution of the United States.

11. With due respect to the function and office of the Commission, respondent also humbly asserts that the Commission has no jurisdiction over matters relating to contributions to committees supporting those running for the office of Mayor of the City and County of Honolulu, a purely local election.

a. Respondent recognizes that while Congress and therefore the Commission have constitutional authority to regulate pure federal elections, neither Congress nor the Commission have authority to regulate pure state or local elections. United States v. Bowman, 636 F.2d 1003, 1011 (5th Cir. 1981).

b. While Congress and the Commission may arguably regulate aspects of local or State elections when such conduct may impact upon federal elections, there appears to be no rational connection, nor any reasoned basis upon which to conclude that campaign contributions to a local Mayor's race such as the City and County of Honolulu impacts upon federal elections. United States v. Bowman, 636 F.2d 1003, 1012 (5th Cir. 1981).

c. Elections to local or state office are unique

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functions of State and local government over which federal jurisdiction does not lie absent a basis resting upon federal constitutional authority such as the Fourteenth or Fifteenth Amendments and their enabling clauses. 25 Am.Jur. 2d Elections §4 (1966). Without such underpinning the States are supreme and sovereign in their right to regulate such matters. Attempts by Congress or the Commission to regulate the election in this case would violate notions of federalism and exceed the authority of those bodies. Rodriguez v. Popular Democratic Party, 457 U.S. 1 (1982), National League of Cities v. Usery, 426 U.S. 833 (1976), U.S. CONST. amend. X.

d. The preemption clause of the Act, 2 U.S.C.A. §453 (1985) recognizes the supremacy of State laws and regulations as to local and state elections, in providing that provisions of the Act and regulations promulgated thereunder are to supercede and preempt only provisions of State law which deal with election to Federal office. Thus, in light of the lawfulness of the contribution under State law, respondent has offended no provision of the Act or the Commission's rule or regulations.

12. The Commission is requested to note that no mention has been made herein of the stockholders of respondent at the time of the alleged offense, nor of the composition of respondent's board of directors, or the nationality of its officers. Similarly no mention has been made of the organizational structure of respondent, in particular the manner in which decisions concerning day to day operations and its policies are determined. Such matters are omitted as not being relevant to the current allegations in light of the absence of definitions of terms involving notions of "control" either in the Act or regulations of the Commission. Respondent, however, reserves the right to assert such matters should they be competently determined to be relavant and material.

13. Respondent further relies upon and requests the maintenance of confidentiality over these proceedings.

14. Respondent therefore respectfully requests that no further action be taken on the complaint, and/or that the Commission determine that:

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Iwai, Motooka & Goto
ATTORNEYS AT LAW
A LAW CORPORATION

a. respondent has not offended any portion of the Act; and/or

b. respondent has not offended any portion of its regulations; and/or

c. it has no jurisdiction over the alleged act; and/or

d. the complaint should be dismissed.

Very truly yours,

ARTHUR K. GOTO
Attorney for Respondent

enc.
Copy of Statement of Designation of Counsel
Affidavit of Jack Gonzales
Affidavit of Katsuo Shimizu
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STATEMENT OF DESIGNATION OF COUNSEL

NUR 2892

NAME OF COUNSEL: Arthur K. Goto
Iwai, Motooka & Goto

ADDRESS: Suite 502, HK Building
820 Mililani Street
Honolulu, Hawaii 96813

TELEPHONE: (808) 537-1935

Fax: (808) 528-5813

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Haseko (Hawaii), Inc. fka Hasegawa Komuten (Hawaii), Inc., a Hawaii corp.

June 13, 1989
Date

By: Henry K. Sheldon
Signature Henry K. Sheldon
Its: Executive Vice President

RESPONDENT'S NAME: Haseko (Hawaii), Inc., fka Hasegawa Komuten (Hawaii), Inc., a Hawaii corporation

ADDRESS: Suite 820, Hasegawa Komuten Bldg.
820 Mililani Street
Honolulu, Hawaii 96813

HOME PHONE: Not Applicable

BUSINESS PHONE: (808) 536-3771

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2570s
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A Law Corporation

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Telephone: (808) 537-1935
Fax No. (808) 528-5813

Attorney for John Doe Corporation

BEFORE THE FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

In re John Doe Corporation, a Hawaii corporation	)	MUR 2892
	)	AFFIDAVIT OF KATSUO SHIMIZU

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AFFIDAVIT OF KATSUO SHIMIZU

STATE OF HAWAII)
) ss.
CITY AND COUNTY OF HONOLULU)

KATSUO SHIMIZU, being first duly sworn on oath, deposes and sayeth as follows:

1. He is currently the Senior Executive Vice President of Haseko (Hawaii), Inc., a Hawaii corporation (said corporation is hereinafter sometimes referred to as the "Corporation" or as the "respondent"). In 1986, he was the Executive Vice President of the Corporation. He is a national of Japan, and is present in the United States as a permanent resident alien.

2. Based on his review of records of the Corporation, he is able to state that Haseko (Hawaii), Inc. was incorporated in the State of Hawaii on September 4, 1973. At the time of incorporation the corporate name was Hasegawa Komuten (USA), Inc.

3. On or about July 1, 1986, the corporate name of Hasegawa Komuten (USA), Inc. was changed to Hasegawa Komuten (Hawaii), Inc. Thereafter, on or about September 30, 1988, the corporate name was changed for a second time to Haseko (Hawaii), Inc.

4. Haseko (Hawaii), Inc. is the current name of the respondent in proceedings identified as MUR 2892 before the Federal Election Commission.

5. On his best recollection, in 1986 the Corporation (through its officers, directors and key employees who have discussed this subject with affiant, as well as affiant's personal recollection) was not aware that any regulation of the Federal Election Commission (hereinafter sometimes referred to as the "Commission") purportedly prohibited the making of campaign contributions by respondent to local or state committees supporting persons seeking election to purely local or state office, or that any federal statute purportedly prohibited such contribution. Such understanding continued until publicity some time ago in local news media came to his attention, to the effect that a controversy existed as to whether such contributions were or were not prohibited under such rules, regulations or acts.

6. On his best information and belief, based on his recollection at the present time, it is his opinion that at the time of the alleged contribution mentioned in the complaint of this matter, that the respondent acted on the belief that contributions to persons seeking purely local or state office or their committees were controlled by the provisions of Hawaii law, and not by any federal statute or regulation.

7. On his best information and belief, based on his

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recollection at the present time, it is his opinion that at the time of the alleged contribution, that such contribution was not prohibited by any Hawaii statute, was not contrary to any regulation of any agency of the State of the Hawaii, specifically those of the Campaign Spending Commission of the State of Hawaii and the respondent acted on that belief in making the alleged contribution.

8. Your affiant has read this affidavit, knows the contents thereof, states that the contents are made pursuant to affiant's personal knowledge or recollection, and if called upon affiant would be competent to so testify.

9. Further your affiant sayeth not.

Katsuo Shimizu

Subscribed and sworn to before me this
3rd day of July, 1989.

Carol Whitney
Notary Public, State of Hawaii

CAROL WHITNEY NOTARY PUBLIC STATE OF HAWAII

My Commission Expires: 2-6-93

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[redacted]

2567s
IWAI, MOTOOKA & GOTO
Attorneys at Law
A Law Corporation

ARTHUR K. GOTO 1186-0
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Fax No. (808) 528-5813

Attorney for John Doe Corporation

BEFORE THE FEDERAL ELECTION COMMISSION
WASHINGTON, D.C.

In re John Doe Corporation, a Hawaii corporation	)	MUR 2892
	)	AFFIDAVIT OF JACK GONZALES

AFFIDAVIT OF JACK GONZALES

STATE OF HAWAII)
) ss.
CITY AND COUNTY OF HONOLULU)

JACK GONZALES, being first duly sworn on oath, deposes and sayeth as follows:

1. He is the Executive Director of the State of Hawaii Campaign Spending Commission (said commission is hereinafter sometimes referred to as the "Commission"), and has occupied that position continuously since June, 1976.

2. The Campaign Spending Commission of the State of Hawaii is an administrative agency of the State of Hawaii, constituted pursuant to §11-192, Subpart B, Chapter 11, Hawaii Revised Statutes (1985) (hereinafter the Hawaii Revised Statutes shall be referred to as "H.R.S.")

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3. The Campaign Spending Commission's principal duty pursuant to §11-193 H.R.S. (1985) is to supervise campaign contributions and expenditures. Such campaign contributions and expenditures are those related to any elective public or constitutional office excluding federal elective offices. §11-192 (17) H.R.S. Additionally, and in pursuit of its principal duty, the Campaign Spending Commission:

a. holds public hearings;

b. is authorized to promulgate rules and regulations with the force and effect of law pursuant to the Hawaii Administrative Procedure Act, Chapter 91, H.R.S. (1985) as amended, and has so promulgated rules and regulations to implement the laws of the State of Hawaii relating to campaign contributions and expenditures which it is charged with supervising;

b. investigates and holds hearings to receive evidence of any violations of the campaign spending laws (including contributions), and the Commission's rules and regulations;

c. requests the initiation of prosecution for the violation of the campaign spending laws, rules and regulations;

4. The aforementioned Subpart B, Chapter 11, H.R.S. and the rules and regulations of the Commission contain enumerated prohibitions as to certain types of contributions, limitations as to the amounts of contributions, as well as limitations of contributions by categories of persons. The term "person" pursuant to these laws, rules and regulations includes an individual, partnership, committee, association, corporation, or labor union and its auxiliary committees. §11-191 (18) H.R.S. (Supp. 1988).

5. The Commission has always considered that the

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regulation and enforcement of campaign contribution and spending laws for elections to office in the State of Hawaii, other than for those concerning federal elective office, lies with the Commission and to some extent to the Chief Elections Officer of the State of Hawaii, said officer being the Lieutenant Governor of the State of Hawaii.

6. The Commission has never considered nor understood that the jurisdiction of the Federal Election Commission in implementing its duties as they relate to campaign spending (including contributions), extends to purely local or State elections, or offices.

7. The campaign spending laws, rules and regulations of the State of Hawaii (including those relating to contributions) contain no per se prohibition against contributions by corporations, or by foreign nationals, except as general laws, rules and regulations relating to campaign spending and contributions of the State of Hawaii may be applicable.

8. For some period, contributions by corporations organized pursuant to the laws of the State of Hawaii, or registered to do business here (as well as others), regardless of the type or nature of their stockholders have been permitted.

9. Your affiant has read this affidavit, knows the contents thereof, states that the same are made pursuant to affiant's personal knowledge and if called upon he would be

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competent to so testify.

10. Further, your affiant sayeth not.

JACK GONZALES

Subscribed and sworn to before me this
3rd day of July, 1989.

Notary Public, State of Hawaii

My Commission Expires: 8/2/1989

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FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 JUL 10 PM 3:01

MATSUBARA, LEE & KOTAKE

ATTORNEYS AT LAW

A LAW CORPORATION

BENJAMIN M. MATSUBARA
GARY S. X. T. LEE
MERVYN M. KOTAKE
STEPHANIE A. REZENTS

DEXTER T. HIGA
EDSEL M. YAMADA

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HONOLULU, HAWAII 96813-2918
TELEPHONE (808) 526-9566
FACSIMILE (808) 538-3840

July 5, 1989

Federal Election Commission
Office of General Counsel
999 E Street, N.W.
Washington, D.C. 20463

Attn: Ms. Patty Reilly

RE: MUR 2892 - Hiroshi Kobayashi

Dear Ms. Reilly:

Please be advised that this law firm has been retained by Mr. Hiroshi Kobayashi to represent him regarding the above referenced matter. I have enclosed a executed Statement of Designation of Counsel form for your files.

This letter is written in response to Mr. Lawrence M. Noble's letter of June 6, 1989 to Mr. Kobayashi notifying him that a complaint has been filed with the Federal Election Commission ("Commission") which alleges that Mr. Kobayashi and others may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). The complaint alleges that Mr. Kobayashi made a $2000.00 contribution to Mayor Frank Fasi's local campaign in violation of the Act. We have reviewed the complaint and the applicable statutory provisions and it is our considered opinion that the Act does not apply to state or local elections, only to federal elections, and, therefore, the complaint should be dismissed.

1. Federal Election Campaign Act

A review of the applicable provisions of the Act clearly indicates that it was intended to prohibit contributions by foreign nationals to candidates for federal elections and not state or local elections. Section 319 of the Act makes it "unlawful for a foreign national . . . to make any contribution . . . to select candidates for any political office." Under the Act, the definition of contribution is "any gift, subscription, loan, advance, or deposit of money or anything of value

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made by any person for the purpose of influencing any election for Federal office." Sec. 301(8)(A). Likewise, the Act defines candidate as "an individual who seeks nomination for election, or election, to Federal office." Sec. 301(2) and Sec. 319.

The regulations promulgated by the Commission appears to conflict with and confer authority beyond what is authorized by the Act. 11 CFR section 110.4(a)(1) provides that foreign nationals are prohibited from making contributions "in connection with any local, state or Federal public office." In light of the clear and unambiguous language of the Act, the regulation goes beyond its statutory authority.

Accordingly, the Act, on its face, does not cover foreign contributions made in state and local elections, and any attempt to broaden the statutory authority granted by the Act by regulation is impermissible legislation by the administrative agency.

2. Tenth Amendment, U.S. Constitution

The Tenth Amendment of the U.S. Constitution reserves to the States "powers not delegated to the United States by the Constitution, nor prohibited by it to the States." The Tenth Amendment has been interpreted by the U.S. Supreme Court as reserving to the states the power to regulate state and local elections. see, Oregon v. Mitchell, 400 U.S. 112, 91 S. Ct. 260, 27 L.Ed. 2d 272 (1970). The issue in the Oregon case was the State's right to set voter qualifications (age requirement) in state and local election. In that case the Supreme Court specifically recognized the State's right under the Tenth Amendment to "establish and maintain their own separate and independent governments," including the right to govern their own state and local elective process, unless specifically limited by other provisions of the Constitution. We submit that the right to control the state and local elective process with respect to foreign national contributions is a right which has been reserved to the state, and any interpretation of the FEC rules to expand federal jurisdiction into that area would not only be beyond the authority conferred by statute, but would also be an infringement of the Tenth Amendment.

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3. Local Practice

It has long been the belief here in Hawaii that the Act did not apply to state and local elections. This was the understanding of the Lieutenant Governor of the State, the State's highest elections officer. As the complainant himself stated in his letter to the Commission of March 29, 1989:

> "The State of Hawaii official in charge of elections, the Lieutenant Governor has stated that the above law does not apply to State officials campaigns for elections."

Conclusion

The contribution in question was made in a local mayoral election and was later returned. The Act does not confer jurisdiction to the Commission to regulate State and local elections and any attempt to do so would be beyond its statutory authority and would constitute an infringement of the Tenth Amendment. Accordingly, we respectfully submit that the complaint should be dismissed for lack of jurisdiction.

If you have further questions, kindly contact the undersigned.

Very truly yours,

MATSUBARA, LEE & KOTAKE

Melvyn M. Kotake

MMK/syh
Enclosure
cc: Mr. Hiroshi Kobayashi

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 2892

NAME OF COUNSEL: MATSUBARA, LEE & KOTAKE

ADDRESS: Charles R. Kendall Building
888 Mililani Street, Eighth Floor
Honolulu, Hawaii 96813

TELEPHONE: (808) 526-9566

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

6/23/89
Date

Signature

RESPONDENT'S NAME: HIROSHI KOBAYASHI

ADDRESS: 921 Aliamanu Place
Honolulu, Hawaii 96818

HOME PHONE: (808) 422-7623

BUSINESS PHONE: (808) 226-1917

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RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE SERVICES BRANCH

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DONALD K. IWAI
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CAROL LEE HONG
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ROY K. KAWANO
HARLAN Y. KIMURA

++ LAW CORPORATION

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July 10, 1989

Lawrence M. Noble, Esq.
General Counsel
George F. Rishel, Esq.
Acting Associate General Counsel
Patty Reilly, Esq.
Staff Attorney
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
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Dear Counsel:

Re: MUR 2892
Yoshinori "Ken" Hayashida

Enclosed herewith is the Statement of Designation of Counsel executed by Mr. Hayashida authorizing our law firm to receive any notifications and other communications from the Federal Election Commission (Commission) and to act on his behalf.

This response is based upon the following documents received from your office:

1. A letter to Mr. Hayashida from Lois G. Lerner dated June 6, 1989;

2. A letter to George F. Rishel from Barbara Locricchio dated May 23, 1989; and

3. A letter to D. L. McDonald and Lawrence Noble from Anthony P. Locricchio dated May 3, 1989 with Exhibits A through Z, Exhibits AA through ZZ, Exhibits A1 through A8 and Exhibits 1 through 4 (Complaint).

Under the assumption that the above documents constitute all that his part of the record in MUR 2892, it appears the Complainants are alleging that Mr. Hayashida may have violated the Federal Election Campaign Act of 1971, as amended (the "Act") because it is alleged that Mr. Hayashida made a contribution in the amount of $2,000 to the Frank Fasi mayoral campaign.

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We have previously responded to similar allegations in MUR 2846 on behalf of Mr. Hayashida. Enclosed herewith is a copy of our letter dated May 17, 1989, which addresses these issues.

Mr. Hayashida requests that the Complaint be dismissed and no action be taken against him in the above-referenced matter for the following reasons.

I. THE ACT, AND REGULATIONS PROMULGATED THEREBY, DOES NOT APPLY TO STATE AND LOCAL ELECTIONS.

A. The Act Regulates Only Federal Elections.

The Act is entitled the Federal Election Campaign Act and refers to candidates as those individuals seeking "Federal Office" 2 U.S.C. §431(2). Federal Office refers to the "office of President or Vice President, or of Senator or Representative, in, or Delegate or Resident Commissioner to, the Congress." 2 U.S.C. §431(3). A contribution is defined as "any gift, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office." 2 U.S.C. §431(8)(A). [Emphasis added] These definitions apply to all sections of the Act, and therefore, only apply to contributions for elections to Federal office. Since the alleged contribution was to Frank Fasi Mayoral Campaign, the Act does not apply because a local election was involved, not a Federal election.

B. Other Specific Provisions of the Act Cover Only Federal Elections.

The Act and rules prescribed thereunder supercede and preempt all provisions of State law as they relate to election to Federal office. 2 U.S.C. §453. If the Act intended to supercede and preempt State law with respect to State and local elections, Congress could have easily included language to that effect. However, Congress did not intend to have the Act apply to State and local elections. See Pollard v. Board of Police Commissioners, 665 S.W. 2d 333, 336-338 (Mo. 1984) cert den. 473 U.S. 907. (Congress only intended to have 2 U.S.C. §453 apply to state statutes imposing restrictions on candidates for federal office); Washington Ed. Ass'n v. Smith, 638 P.2d 77, 82 (Wash. 1981). (The Act affects only Federal elections and State law governs State elections.)

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Another section of the Act that relates to statements and reports to State officers required to be filed only refers to candidates for Federal office. 2 U.S.C. §439(a)(2)(A) and (B). If the Act was intended to apply to State and local elections, statements and reports on those elections would also be included in the filing requirement. The fact that statements and reports for State and local elections are not required by the statutory scheme of the Act necessarily implies that Congress never intended to have it supercede State law in this regard.

State and local elections in the State of Hawaii are governed by Hawaii Revised Statutes. §11-1 et seq. Pursuant to statutory authority, the lieutenant governor for the State of Hawaii has promulgated rules and regulations to govern State and local elections. The Hawaii State Campaign Spending Commission has been empowered by the lieutenant governor to publish booklets and forms for use by candidates and political action committees in State and local elections. Nothing in these booklets and forms, or in Hawaii State law, precludes Mr. Hayashida from making contributions to candidates for State and local office. Cf. Cort v. Ash, 422 U.S. 66, 84-85 (1975) (Where State law allows political contributions in State elections, the Court is reluctant to extend a federal right of recovery even if it is a violation under federal law). Therefore, Mr. Hayashida is neither in violation of the Act nor State law by making a contribution to the Frank Fasi Mayoral Campaign.

C. The Legislative History of the Act Refers to Only Federal Elections.

The Act became effective on February 7, 1972 as P.L. 92-225, 86 Stat. 3. It was amended in 1976 to include the prohibition of foreign nationals from making contributions to candidates for Federal office. P.L. 94-283, Title I, §112(2), 90 Stat. 493. Nowhere in the legislative history to this amendment is there any reference that Congress intended it to apply to State and local elections. See S. Rep. No. 677, 94th Cong., 2nd Sess. 2 (1976).

This section (2 U.S.C. §441e) was originally part of Title 18 (formerly 18 U.S.C. §613). Title 18 also dealt with regulation of elections for Federal office. See 18 U.S.C. §591 (repealed 1980). The definitions of "Candidate", "Federal Office" and "Contributions" in Title 18 are virtually identical to those contained in the Act. Therefore, when Section 441e was transferred from Title 18, it came from a statutory scheme that regulated only Federal elections. The Commission cannot exercise jurisdiction over contributions by foreign nationals to candidates running for State and local offices without further statutory authority.

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D. Since the Act Applies Only to Federal Elections, the Commission's Rules Cannot Encompass More and Extend Coverage to State and Local Elections.

As previously discussed, the plain language of the Act, its statutory scheme, and case law interpretation, indicates it relates to only Federal elections. However, the Commission's rules purport to make the Act also applicable to State and local elections. Specifically, the rules of the Commission provide that:

> A foreign national shall not directly or through any other person make a contribution, or expressly or impliedly promise to make a contribution, in connection with a convention, caucus, primary, general, special, or runoff election in connection with any local, State or Federal public office.

11 C.F.R. §110.4(a)(1) [Emphasis added]

The rule making authority of the Commission is conferred upon it by the Act. 2 U.S.C. §§438(a)(8) and 438(d). Since the act relates to only Federal elections, any rule which exceeds this scope is invalid. Chrysler Corporation v. Brown, 441 U.S. 281, 295-309 (1979); State of California v. Block, 663 F.2d 855, 860 (9th Cir. 1981). Any interpretation other than the Commission's rules relate to only Federal elections is impermissible. Orloski v. Federal Election Commission, 795 F.2d 156, 161-64 (D.C. Cir. 1986).

II. CONTRIBUTIONS HAVE BEEN RETURNED BY THE CANDIDATES.

The Frank Fasi Mayoral Campaign, as is evident from the exhibits submitted by the Complainants, has returned those contributions it received from, among other persons, Mr. Hayashida. Consequently, no action is required by the Commission.

Based upon the foregoing, Mr. Hayashida respectfully requests that the Commission take no action against him because (a) the Act does not apply to State and local elections and (b) find there is no current violation of the Act because the contributions made by Mr. Hayashida have been returned by the Frank Fasi Mayoral Campaign. Alternatively, if the Commission finds reason to investigate this matter further, Mr. Hayashida requests conciliation with the Commission. Mr. Hayashida also requests that this matter remain confidential in accordance with the Act.

Very truly yours,

HONG, IWAI AND HULBERT

By _____
Neil F. Hulbert

NFH:et

2043570928

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2892

NAME OF COUNSEL: Neil F. Hulbert

ADDRESS: Suite 2200, Pauahi Tower
1001 Bishop Street
Honolulu, Hawaii 96813

TELEPHONE: 524-4900

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

July 10, 1989
Date

Signature

RESPONDENT'S NAME: Yoshinori "Ken" Hayashida

ADDRESS: 581 Kamoku Street, Suite 2404
Honolulu, HI 96826

HOME PHONE:

BUSINESS PHONE: 225-7954

2404357099 99

06C3436

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE SERVICES BRANCH

89 JUL 17 AM 10:39

GEORGE S. W. HONG
DONALD R. IWAI
NEIL F. HULBERT *
CAROL LEE HONG
JEFFREY C. WILK
ROY K. KAWANO
HARLAN Y. KIMURA

* A LAW CORPORATION

HONG, IWAI AND HULBERT
ATTORNEYS AT LAW
SUITE 2200, PAUAHI TOWER
BISHOP SQUARE
1001 BISHOP STREET
HONOLULU, HAWAII 96813

TELEPHONE
(808) 524-4900

FAX
(808) 526-6473

July 11, 1989

Lawrence M. Noble, Esq.
General Counsel
George F. Rishel, Esq.
Acting Associate General Counsel
Patty Reilly, Esq.
Staff Attorney
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

89 JUL 17 PM 3:53

24043571000

Dear Counsel:

Re: MUR-2892, Y. Y. Valley Corporation

Thank you for allowing Y. Y. Valley Corporation ("Y. Y. Valley") an extension of time up to and including July 17, 1989 within which to respond to your letter dated June 6, 1989 regarding the above-referenced matter. Enclosed please find the Statement of Designation of Counsel executed by Y. Y. Valley authorizing our law firm to receive any notifications and other communications from the Federal Election Commission ("Commission") and to act on behalf of Y. Y. Valley.

The response of Y. Y. Valley is based upon the following documents received from your office:

1. Letter to Y. Y. Valley from Lois G. Lerner dated June 6, 1989;

2. Description of Preliminary Procedures for Processing Complaints filed with the Commission;

3. Letter to George F. Rishel from Barbara Locricchio dated May 23, 1989; and

4. Letter to D. L. McDonald and Lawrence Noble from Anthony P. Locricchio dated May 3, 1989 with Exhibits A through Z, Exhibits AA through ZZ, Exhibits A1 through A8 and Exhibits 1 through 4 ("Complaint").

If we are missing any documents not above-described but part of the record, please inform our office at your earliest convenience.

Assuming the above documents constitute all that is part of the record in MUR 2892, it appears Anthony P. Locricchio and others ("Complainants") are alleging that Y. Y. Valley may have violated the Federal Election Campaign Act of 1971, as amended ("the Act") because in Count 16 of the Complaint it is alleged that Y. Y. Valley is owned by Han Kuk Chan, a foreign national, who made a contribution in the amount of $2,000.00 on June 27, 1988 to the Frank Fasi Mayoral Campaign.

Y. Y. Valley requests that the Complaint be dismissed and no action be taken against it in the above-referenced matter for the following reasons.

I. THE ACT, AND REGULATIONS PROMULGATED THEREBY, DOES NOT APPLY TO STATE AND LOCAL ELECTIONS.

A. The Act Regulates Only Federal Elections.

The Act is entitled the Federal Election Campaign Act and refers to candidates as those individuals seeking "Federal Office" 2 U.S.C. §431(2). Federal Office refers to the "office of President or Vice President, or of Senator or Representative, in, or Delegate or Resident Commissioner to, the Congress." 2 U.S.C. §431(3). A contribution is defined as "any gift, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office." 2 U.S.C. §431(8)(A). [Emphasis added] These definitions apply to all sections of the Act, and therefore, only apply to contributions for elections to Federal office. Since the alleged contribution was to Frank Fasi Mayoral Campaign, the Act does not apply because a local election was involved, not a Federal election.

B. Other Specific Provisions of the Act Cover Only Federal Elections.

The Act and rules prescribed thereunder supercede and preempt all provisions of State law as they relate to election

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to Federal office. 2 U.S.C. §453. If the Act intended to supercede and preempt State law with respect to State and local elections, Congress could have easily included language to that effect. However, Congress did not intend to have the Act apply to State and local elections. See Pollard v. Board of Police Commissioners, 665 S.W. 2d 333, 336-338 (Mo. 1984) cert den. 473 U.S. 907. (Congress only intended to have 2 U.S.C. §453 apply to state statutes imposing restrictions on candidates for federal office); Washington Ed. Ass'n v. Smith, 638 P.2d 77, 82 (Wash. 1981). (The Act affects only Federal elections and State law governs State elections.)

Another section of the Act that relates to statements and reports to State officers required to be filed only refers to candidates for Federal office. 2 U.S.C. §439(a)(2)(A) and (B). If the Act was intended to apply to State and local elections, statements and reports on those elections would also be included in the filing requirement. The fact that statements and reports for State and local elections are not required by the statutory scheme of the Act necessarily implies that Congress never intended to have it supercede State law in this regard.

State and local elections in the State of Hawaii are governed by Hawaii Revised Statutes. §11-1 et seq. Pursuant to statutory authority, the lieutenant governor for the State of Hawaii has promulgated rules and regulations to govern State and local elections. The Hawaii State Campaign Spending Commission has been empowered by the lieutenant governor to publish booklets and forms for use by candidates and political action committees in State and local elections. Nothing in these booklets and forms, or in Hawaii law, precludes Y. Y. Valley from making contributions to candidates for State and local office. Cf. Cort v. Ash, 422 U.S. 66, 84-85 (1975) (Where State law allows political contributions in State elections, the Court is reluctant to extend a federal right of recovery even if it is a violation under federal law). Therefore, Y. Y. Valley is neither in violation of the Act nor State law by making a contribution to the Frank Fasi Mayoral Campaign.

2404357102

C. The Legislative History of the Act Refers to Only Federal Elections.

The Act became effective on February 7, 1972 as P.L. 92-225, 86 Stat. 3. It was amended in 1976 to include the prohibition of foreign nationals from making contributions to candidates for Federal office. P.L. 94-283, Title I, §112(2), 90 Stat. 493. Nowhere in the legislative history to this amendment is there any reference that Congress intended it to apply to State and local elections. See S. Rep. No. 677, 94th Cong., 2nd Sess. 2 (1976).

This section (2 U.S.C. §441e) was originally part of Title 18 (formerly 18 U.S.C. §613). Title 18 also dealt with regulation of elections for Federal office. See 18 U.S.C. §591 (repealed 1980). The definitions of "Candidate", "Federal Office" and "Contributions" in Title 18 are virtually identical to those contained in the Act. Therefore, when Section 441e was transferred from Title 18, it came from a statutory scheme that regulated only Federal elections. The Commission cannot exercise jurisdiction over contributions by foreign nationals to candidates running for State and local offices without further statutory authority.

D. Since the Act Applies Only to Federal Elections, the Commission's Rules Cannot Encompass More and Extend Coverage to State and Local Elections.

As previously discussed, the plain language of the Act, its statutory scheme, and case law interpretation, indicates it relates to only Federal elections. However, the Commission's rules purport to make the Act also applicable to State and local elections. Specifically, the rules of the Commission provide that:

> A foreign national shall not directly or through any other person make a contribution, or expressly or impliedly promise to make a contribution, in connection with a convention, caucus, primary, general, special, or runoff election in connection with any local, State or Federal public office.

11 C.F.R. §110.4(a)(1) [Emphasis added]

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The rule making authority of the Commission is conferred upon it by the Act. 2 U.S.C. §§438(a)(8) and 438(d). Since the act relates to only Federal elections, any rule which exceeds this scope is invalid. Chrysler Corporation v. Brown, 441 U.S. 281, 295-309 (1979); State of California v. Block, 663 F.2d 855, 860 (9th Cir. 1981). Any interpretation other than the Commission's rules relate to only Federal elections is impermissible. Orloski v. Federal Election Commission, 795 F.2d 156, 161-64 (D.C. Cir. 1986).

II. CONTRIBUTIONS HAVE BEEN RETURNED BY THE CANDIDATES.

The Frank Fasi Mayoral Campaign, as is evident from the exhibits submitted by the Complainants, has returned those contributions it received from, among other persons, Y. Y. Valley. Consequently, no action is required by the Commission.

Based upon the foregoing, Y. Y. Valley respectfully requests that the Commission take no action against it because (a) the Act does not apply to State and local elections and (b) find there is no current violation of the Act because the contributions made by Y. Y. Valley have been returned by the Frank Fasi Mayoral Campaign. Alternatively, if the Commission finds reason to investigate this matter further, Y. Y. Valley requests conciliation with the Commission. Y. Y. Valley also requests that this matter remain confidential in accordance with the Act.

Very truly yours,

HONG, IWAI AND HULBERT

By for Neil F. Hulbert

NFH:et

Enclosure

7404357100 4

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2892

NAME OF COUNSEL: Neil F. Hulbert

ADDRESS: Suite 2200, Pauahi Tower
1001 Bishop Street
Honolulu, Hawaii 96813

TELEPHONE: 524-4900

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

6/27/89
Date

Kevin Hayashida
Signature

RESPONDENT'S NAME: Y. Y. Valley Corporation

ADDRESS: 581 Kamoku Street, Suite 2404
Honolulu, HI 96826

HOME PHONE:

BUSINESS PHONE: 225-7954

2043571005

06C3435

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE SERVICES BRANCH
89 JUL 17 AM 10:38

GEORGE S. W. HONG
DONALD K. IWAI
NEIL F. HULBERT*
CAROL LEE HONG
JEFFREY C. WILK
ROY K. KAWANO
HARLAN Y. KIMURA

*A LAW CORPORATION

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ATTORNEYS AT LAW
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(808) 528-5473

July 11, 1989

Lawrence M. Noble, Esq.
General Counsel
George F. Rishel, Esq.
Acting Associate General Counsel
Patty Reilly, Esq.
Staff Attorney
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 JUL 17 PM 3:53

Dear Counsel:

Re: MUR-2892, Mokuleia Land Company

Thank you for allowing Mokuleia Land Company ("Mokuleia") an extension of time up to and including July 17, 1989 within which to respond to your letter dated June 6, 1989 regarding the above-referenced matter. Enclosed please find the Statement of Designation of Counsel executed by Mokuleia authorizing our law firm to receive any notifications and other communications from the Federal Election Commission ("Commission") and to act on behalf of Mokuleia.

The response of Mokuleia is based upon the following documents received from your office:

1. Letter to Mokuleia from Lois G. Lerner dated June 6, 1989;

2. Description of Preliminary Procedures for Processing Complaints filed with the Commission;

3. Letter to George F. Rishel from Barbara Locricchio dated May 23, 1989; and

4. Letter to D. L. McDonald and Lawrence Noble from Anthony P. Locricchio dated May 3, 1989 with Exhibits A through Z, Exhibits AA through ZZ, Exhibits A1 through A8 and Exhibits 1 through 4 ("Complaint").

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If we are missing any documents not above-described but part of the record, please inform our office at your earliest convenience.

Assuming the above documents constitute all that is part of the record in MUR 2892, it appears Anthony P. Locricchio and others ("Complainants") are alleging that Mokuleia may have violated the Federal Election Campaign Act of 1971, as amended ("the Act") because in Count 44 of the Complaint it is alleged that Mokuleia's parent company is based in Tokyo, Japan, and made a contribution in the amount of $2,000.00 on September 14, 1987 to the Frank Fasi Mayoral Campaign.

Mokuleia requests that the Complaint be dismissed and no action be taken against it in the above-referenced matter for the following reasons.

I. THE ACT, AND REGULATIONS PROMULGATED THEREBY, DOES NOT APPLY TO STATE AND LOCAL ELECTIONS.

A. The Act Regulates Only Federal Elections.

The Act is entitled the Federal Election Campaign Act and refers to candidates as those individuals seeking "Federal Office" 2 U.S.C. §431(2). Federal Office refers to the "office of President or Vice President, or of Senator or Representative, in, or Delegate or Resident Commissioner to, the Congress." 2 U.S.C. §431(3). A contribution is defined as "any gift, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office." 2 U.S.C. §431(8)(A). [Emphasis added] These definitions apply to all sections of the Act, and therefore, only apply to contributions for elections to Federal office. Since the alleged contribution was to Frank Fasi Mayoral Campaign, the Act does not apply because a local election was involved, not a Federal election.

B. Other Specific Provisions of the Act Cover Only Federal Elections.

The Act and rules prescribed thereunder supercede and preempt all provisions of State law as they relate to election

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to Federal office. 2 U.S.C. §453. If the Act intended to supercede and preempt State law with respect to State and local elections, Congress could have easily included language to that effect. However, Congress did not intend to have the Act apply to State and local elections. See Pollard v. Board of Police Commissioners, 665 S.W. 2d 333, 336-338 (Mo. 1984) cert den. 473 U.S. 907. (Congress only intended to have 2 U.S.C. §453 apply to state statutes imposing restrictions on candidates for federal office); Washington Ed. Ass'n v. Smith, 638 P.2d 77, 82 (Wash. 1981). (The Act affects only Federal elections and State law governs State elections.)

Another section of the Act that relates to statements and reports to State officers required to be filed only refers to candidates for Federal office. 2 U.S.C. §439(a)(2)(A) and (B). If the Act was intended to apply to State and local elections, statements and reports on those elections would also be included in the filing requirement. The fact that statements and reports for State and local elections are not required by the statutory scheme of the Act necessarily implies that Congress never intended to have it supercede State law in this regard.

State and local elections in the State of Hawaii are governed by Hawaii Revised Statutes. §11-1 et seq. Pursuant to statutory authority, the lieutenant governor for the State of Hawaii has promulgated rules and regulations to govern State and local elections. The Hawaii State Campaign Spending Commission has been empowered by the lieutenant governor to publish booklets and forms for use by candidates and political action committees in State and local elections. Nothing in these booklets and forms, or in Hawaii law, precludes Mokuleia from making contributions to candidates for State and local office. Cf. Cort v. Ash, 422 U.S. 66, 84-85 (1975) (Where State law allows political contributions in State elections, the Court is reluctant to extend a federal right of recovery even if it is a violation under federal law). Therefore, Mokuleia is neither in violation of the Act nor State law by making a contribution to the Frank Fasi Mayoral Campaign.

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C. The Legislative History of the Act Refers to Only Federal Elections.

The Act became effective on February 7, 1972 as P.L. 92-225, 86 Stat. 3. It was amended in 1976 to include the prohibition of foreign nationals from making contributions to candidates for Federal office. P.L. 94-283, Title I, §112(2), 90 Stat. 493. Nowhere in the legislative history to this amendment is there any reference that Congress intended it to apply to State and local elections. See S. Rep. No. 677, 94th Cong., 2nd Sess. 2 (1976).

This section (2 U.S.C. §441e) was originally part of Title 18 (formerly 18 U.S.C. §613). Title 18 also dealt with regulation of elections for Federal office. See 18 U.S.C. §591 (repealed 1980). The definitions of "Candidate", "Federal Office" and "Contributions" in Title 18 are virtually identical to those contained in the Act. Therefore, when Section 441e was transferred from Title 18, it came from a statutory scheme that regulated only Federal elections. The Commission cannot exercise jurisdiction over contributions by foreign nationals to candidates running for State and local offices without further statutory authority.

D. Since the Act Applies Only to Federal Elections, the Commission's Rules Cannot Encompass More and Extend Coverage to State and Local Elections.

As previously discussed, the plain language of the Act, its statutory scheme, and case law interpretation, indicates it relates to only Federal elections. However, the Commission's rules purport to make the Act also applicable to State and local elections. Specifically, the rules of the Commission provide that:

> A foreign national shall not directly or through any other person make a contribution, or expressly or impliedly promise to make a contribution, in connection with a convention, caucus, primary, general, special, or runoff election in connection with any local, State or Federal public office.

11 C.F.R. §110.4(a)(1) [Emphasis added]

2043571009

The rule making authority of the Commission is conferred upon it by the Act. 2 U.S.C. §§438(a)(8) and 438(d). Since the act relates to only Federal elections, any rule which exceeds this scope is invalid. Chrysler Corporation v. Brown, 441 U.S. 281, 295-309 (1979); State of California v. Block, 663 F.2d 855, 860 (9th Cir. 1981). Any interpretation other than the Commission's rules relate to only Federal elections is impermissible. Orloski v. Federal Election Commission, 795 F.2d 156, 161-64 (D.C. Cir. 1986).

II. CONTRIBUTIONS HAVE BEEN RETURNED BY THE CANDIDATES.

The Frank Fasi Mayoral Campaign, as is evident from the exhibits submitted by the Complainants, has returned those contributions it received from, among other persons, Mokuleia. Consequently, no action is required by the Commission.

Based upon the foregoing, Mokuleia respectfully requests that the Commission take no action against it because (a) the Act does not apply to State and local elections and (b) find there is no current violation of the Act because the contributions made by Mokuleia have been returned by the Frank Fasi Mayoral Campaign. Alternatively, if the Commission finds reason to investigate this matter further, Mokuleia requests conciliation with the Commission. Mokuleia also requests that this matter remain confidential in accordance with the Act.

Very truly yours,

HONG, IWAI AND HULBERT

By for Neil F. Hulbert

NFH:et

Enclosure

2043571010

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2892

NAME OF COUNSEL: Neil F. Hulbert

ADDRESS: Suite 2200, Pauahi Tower
1001 Bishop Street
Honolulu, HI 96813

TELEPHONE: 524-4900

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

6/28/89
Date

Signature

RESPONDENT'S NAME: Mokuleia Land Company

ADDRESS: 68-540 Farrington Highway
Honolulu, HI 96791

HOME PHONE:

BUSINESS PHONE: 637-8088

2404357101 1

26C 3449

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

89 JUL 18 AM 10:45

HONG, IWAI AND HULBERT
ATTORNEYS AT LAW
SUITE 2200, PAUAHI TOWER
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GEORGE S. W. HONG
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CAROL LEE HONG
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ROY K. KAWANO
HARLAN Y. KIMURA

* A LAW CORPORATION

July 11, 1989

Lawrence M. Noble, Esq.
General Counsel
George F. Rishel, Esq.
Acting Associate General Counsel
Patty Reilly, Esq.
Staff Attorney
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 JUL 18 PM 12:15

Dear Counsel:

Re: MUR-2892, Royal Hawaiian Country Club, Inc.

Thank you for allowing Royal Hawaiian Country Club ("Royal Hawaiian") an extension of time up to and including July 17, 1989 within which to respond to your letter dated June 6, 1989 regarding the above-referenced matter. Enclosed please find the Statement of Designation of Counsel executed by Royal Hawaiian authorizing our law firm to receive any notifications and other communications from the Federal Election Commission ("Commission") and to act on behalf of Royal Hawaiian.

The response of Royal Hawaiian is based upon the following documents received from your office:

1. Letter to Royal Hawaiian from Lois G. Lerner dated June 6, 1989;

2. Description of Preliminary Procedures for Processing Complaints filed with the Commission;

3. Letter to George F. Rishel from Barbara Locricchio dated May 23, 1989; and

4. Letter to D. L. McDonald and Lawrence Noble from Anthony P. Locricchio dated May 3, 1989 with Exhibits A through Z, Exhibits AA through ZZ, Exhibits A1 through A8 and Exhibits 1 through 4 ("Complaint").

2043571012

If we are missing any documents not above-described but part of the record, please inform our office at your earliest convenience.

Assuming the above documents constitute all that is part of the record in MUR 2892, it appears Anthony P. Locricchio and others ("Complainants") are alleging that Royal Hawaiian may have violated the Federal Election Campaign Act of 1971, as amended ("the Act") because in Count 52 of the Complaint it is alleged that Royal Hawaiian is owned by Han Kuk Chan, a foreign national, who made a contribution in the amount of $2,000.00 on September 4, 1987 to the Frank Fasi Mayoral Campaign.

Royal Hawaiian requests that the Complaint be dismissed and no action be taken against it in the above-referenced matter for the following reasons.

I. THE ACT, AND REGULATIONS PROMULGATED THEREBY, DOES NOT APPLY TO STATE AND LOCAL ELECTIONS.

A. The Act Regulates Only Federal Elections.

The Act is entitled the Federal Election Campaign Act and refers to candidates as those individuals seeking "Federal Office" 2 U.S.C. §431(2). Federal Office refers to the "office of President or Vice President, or of Senator or Representative, in, or Delegate or Resident Commissioner to, the Congress." 2 U.S.C. §431(3). A contribution is defined as "any gift, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office." 2 U.S.C. §431(8)(A). [Emphasis added] These definitions apply to all sections of the Act, and therefore, only apply to contributions for elections to Federal office. Since the alleged contribution was to Frank Fasi Mayoral Campaign, the Act does not apply because a local election was involved, not a Federal election.

B. Other Specific Provisions of the Act Cover Only Federal Elections.

The Act and rules prescribed thereunder supercede and preempt all provisions of State law as they relate to election

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to Federal office. 2 U.S.C. §453. If the Act intended to supercede and preempt State law with respect to State and local elections, Congress could have easily included language to that effect. However, Congress did not intend to have the Act apply to State and local elections. See Pollard v. Board of Police Commissioners, 665 S.W. 2d 333, 336-338 (Mo. 1984) cert den. 473 U.S. 907. (Congress only intended to have 2 U.S.C. §453 apply to state statutes imposing restrictions on candidates for federal office); Washington Ed. Ass'n v. Smith, 638 P.2d 77, 82 (Wash. 1981). (The Act affects only Federal elections and State law governs State elections.)

Another section of the Act that relates to statements and reports to State officers required to be filed only refers to candidates for Federal office. 2 U.S.C. §439(a)(2)(A) and (B). If the Act was intended to apply to State and local elections, statements and reports on those elections would also be included in the filing requirement. The fact that statements and reports for State and local elections are not required by the statutory scheme of the Act necessarily implies that Congress never intended to have it supercede State law in this regard.

State and local elections in the State of Hawaii are governed by Hawaii Revised Statutes. §11-1 et seq. Pursuant to statutory authority, the lieutenant governor for the State of Hawaii has promulgated rules and regulations to govern State and local elections. The Hawaii State Campaign Spending Commission has been empowered by the lieutenant governor to publish booklets and forms for use by candidates and political action committees in State and local elections. Nothing in these booklets and forms, or in Hawaii law, precludes Royal Hawaiian from making contributions to candidates for State and local office. Cf. Cort v. Ash, 422 U.S. 66, 84-85 (1975) (Where State law allows political contributions in State elections, the Court is reluctant to extend a federal right of recovery even if it is a violation under federal law). Therefore, Royal Hawaiian is neither in violation of the Act nor State law by making a contribution to the Frank Fasi Mayoral Campaign.

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C. The Legislative History of the Act Refers to Only Federal Elections.

The Act became effective on February 7, 1972 as P.L. 92-225, 86 Stat. 3. It was amended in 1976 to include the prohibition of foreign nationals from making contributions to candidates for Federal office. P.L. 94-283, Title I, §112(2), 90 Stat. 493. Nowhere in the legislative history to this amendment is there any reference that Congress intended it to apply to State and local elections. See S. Rep. No. 677, 94th Cong., 2nd Sess. 2 (1976).

This section (2 U.S.C. §441e) was originally part of Title 18 (formerly 18 U.S.C. §613). Title 18 also dealt with regulation of elections for Federal office. See 18 U.S.C. §591 (repealed 1980). The definitions of "Candidate", "Federal Office" and "Contributions" in Title 18 are virtually identical to those contained in the Act. Therefore, when Section 441e was transferred from Title 18, it came from a statutory scheme that regulated only Federal elections. The Commission cannot exercise jurisdiction over contributions by foreign nationals to candidates running for State and local offices without further statutory authority.

D. Since the Act Applies Only to Federal Elections, the Commission's Rules Cannot Encompass More and Extend Coverage to State and Local Elections.

As previously discussed, the plain language of the Act, its statutory scheme, and case law interpretation, indicates it relates to only Federal elections. However, the Commission's rules purport to make the Act also applicable to State and local elections. Specifically, the rules of the Commission provide that:

> A foreign national shall not directly or through any other person make a contribution, or expressly or impliedly promise to make a contribution, in connection with a convention, caucus, primary, general, special, or runoff election in connection with any local, State or Federal public office.

11 C.F.R. §110.4(a)(1) [Emphasis added]

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The rule making authority of the Commission is conferred upon it by the Act. 2 U.S.C. §§438(a)(8) and 438(d). Since the act relates to only Federal elections, any rule which exceeds this scope is invalid. Chrysler Corporation v. Brown, 441 U.S. 281, 295-309 (1979); State of California v. Block, 663 F.2d 855, 860 (9th Cir. 1981). Any interpretation other than the Commission's rules relate to only Federal elections is impermissible. Orloski v. Federal Election Commission, 795 F.2d 156, 161-64 (D.C. Cir. 1986).

II. CONTRIBUTIONS HAVE BEEN RETURNED BY THE CANDIDATES.

The Frank Fasi Mayoral Campaign, as is evident from the exhibits submitted by the Complainants, has returned those contributions it received from, among other persons, Royal Hawaiian. Consequently, no action is required by the Commission.

Based upon the foregoing, Royal Hawaiian respectfully requests that the Commission take no action against it because (a) the Act does not apply to State and local elections and (b) find there is no current violation of the Act because the contributions made by Royal Hawaiian have been returned by the Frank Fasi Mayoral Campaign. Alternatively, if the Commission finds reason to investigate this matter further, Royal Hawaiian requests conciliation with the Commission. Royal Hawaiian also requests that this matter remain confidential in accordance with the Act.

Very truly yours,

HONG, IWAI AND HULBERT

By Maria J. Kimura
for Neil F. Hulbert

NFH:et

Enclosure

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 2892

NAME OF COUNSEL: Neil F. Hulbert

ADDRESS: Suite 2200, Panahi Tower
1001 Bishop Street
Honolulu, Hawaii 96813

TELEPHONE: 524-4900

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

6/27/89
Date

Signature

RESPONDENT'S NAME: Royal Hawaiian Country Club, Inc.

ADDRESS: 581 Kamoku Street, Suite 2404
Honolulu, HI 96826

HOME PHONE:

BUSINESS PHONE: 225-7954

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July 14, 1989

VIA DHL COURIER

Federal Election Commission
Office of General Counsel
999 E Street, N.W.
Washington, D.C. 20463

Attn: Patty Reilly

Re: MUR 2892
Hachidai USA, Inc.

Dear Ms. Reilly:

Our law firm has been retained by Hachidai USA, Inc. ("Hachidai") to respond to the above-referenced matter.

ISSUE

The complaint brought by Anthony P. Locricchio and others essentially alleges that contributions were made in violation of the Federal Election Campaign Act to Mayor Frank Fasi's election campaign by a domestic Hawaii corporation which is wholly owned by a foreign corporation. The complaint specifically refers to a contribution by Hachidai of $2,000 which was reported by the Friends For Fasi state campaign committee in 1988. See Exhbit J of the complaint.

Therefore, the issue is whether the Federal Election Campaign Act disallows a domestic Hawaii corporation from making state campaign contributions if it is a wholly owned subsidiary of a foreign corporation.

FACTS

Hachidai is a Hawaii corporation and its principal place of business is in Honolulu, Hawaii. It is a wholly-owned subsidiary of Hachidai Sangyo Kabushiki Kaisha,

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which is a Japan corporation with its principal place of business in Japan. Hachidai's revenues are derived from its real estate and business operations in Hawaii.

On March 16, 1988, Hachidai made a two thousand dollar ($2,000) contribution to Friends for Fasi which is the focus of the complaint filed against Hachidai. This contribution was and is the only campaign contribution made by Hachidai to any local political campaign in the State of Hawaii, and Hachidai has never made a campaign contribution in any state or federal elections.

In making this contribution, Hachidai had no intent to violate any federal law and was acting in accordance with the long-standing belief in Hawaii that the Federal Election Committee did not apply to state or local campaigns.

Due to the surrounding public controversy over foreign contribution earlier this year, Hachidai has decided not to make any further campaign contributions until the matter is resolved.

APPLICABLE LAW

1. U.S. Constitution

The Tenth Amendment to the U.S. Constitution states:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The Tenth Amendment has been interpreted by the U.S. Supreme Court as reserving to the states the power to regulate state and local elections. In Oregon v. Mitchell, 400 U.S. 112, 91 S. Ct. 260, 27 L.Ed.2d 272 (1970), the Supreme Court struck down a provision of the federal Voting Rights Act which had lowered the voting age from 21 to 18 in state and local elections. While recognizing that Congress has ultimate supervisory power over congressional, presidential and vice-presidential elections, the plurality opinion of the Court written by Justice Black stated:

> On the other hand, the Constitution was also intended to preserve to the States the power that even the Colonies had to establish and maintain their own separate and independent governments,

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> except insofar as the Constitution itself commands otherwise. ... No function is more essential to the separate and independent existence of the States and their governments than the power to determine within the limits of the Constitution the qualifications of their own voters for state, county, and municipal offices and the nature of their own machinery for filling local public offices. ... It is a plain fact of history that the framers never imagined that the national Congress would set the qualifications for voters in every election from President to local constable or village alderman. It is obvious that the whole Constitution reserves to the States the power to set voter qualifications in state and local elections, except to the limited extent that the people through constitutional amendments have specifically narrowed the powers of the States. Amendments Fourteen, Fifteen, Nineteen, and Twenty-four, each of which has assumed that the States had general supervisory power over state elections, are express limitations on the power of the States to govern themselves. And the Equal Protection Clause of the Fourteenth Amendment was never intended to destroy the States' power to govern themselves... In interpreting what the Fourteenth Amendment means, the Equal Protection Clause should not be stretched to nullify the States' powers over elections which they had before the Constitution was adopted and which they have retained throughout our history.

Oregon v. Mitchell, supra, 400 U.S. at 125-126, 27 L.Ed. 2d at 281-282.

The particular State right at issue in the Oregon case was the right to set voter qualifications in state and local elections which is specifically recognized by Article I, §2 of the Constitution. The Supreme Court, however, also generally recognized the States' rights under the Tenth Amendment to "establish and maintain their own separate and independent governments," including the right to generally govern their own state and local elective process, unless specifically limited otherwise by other provisions of the Constitution.

Only where the States' Tenth Amendment right to govern state and local elections conflicted with other

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rights expressly guaranteed by the Consititution did the Supreme Court in Oregon find it necessary to override the States' sovereign powers. Because the right to vote regardless of race or color is expressly provided by the Fifteenth Amendment to the U.S. Constitution, the Court validated another portion of the federal Voting Rights Act which prohibited states from using literacy tests in "any Federal, State, or local election." 42 U.S.C. §1973b(a). The Court reasoned that Congress could have found that the literacy tests were being used to discriminatorily disfranchise voters on account of their race in violation of the right to vote guaranteed by the Fifteenth Amendment and that nationwide discrimination required nationwide legislation. In the absence of such a specific countervailing provision of the Constitution, however, it is doubtful that the literacy test ban provision under federal law would have prevailed over the States' Tenth Amendment right to control its elective process. See 72 Am. Jur. 2d, States, Territories, and Dependencies, §§ 16-18 (1974).

The mere fact that there is foreign involvement is not sufficient justification for the federal government to override a State's Tenth Amendment right to govern its own elective process. Article I, §§9 and 10 of the U.S. Constitution gives the federal government the exclusive right to control immigration and naturalization, regulate foreign commerce, enter into foreign treaties and agreements, or lay duties on imports and exports. The Constitution, however, does not give the federal government exclusive control over all matters involving foreigners. Since the Tenth Amendment specifically reserves to the States whatever "powers not delegated to the United States by the Constitution, nor prohibited by it to the States," the States have the right to regulate foreign nationals in other areas not expressly delegated to the federal government.

For example, in Terrace v. Thompson, 263 U.S. 197, 44 S.Ct. 15, 68 L.Ed. 255 (1923), the U.S. Supreme Court recognized the States' right to control alien land ownership within its borders and upheld a Washington state constitutional provision which prohibited the ownership of land by aliens other than those who in good faith have declared their intention to become citizens of the United States. The Court reasoned that the 14th Amendment:

> does not take away from the state those powers of police that were reserved at the time of the

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> adoption of the Constitution.... And in the exercise of such powers the state has wide discretion in determining its own public policy and what measures are necessary for its own protection and properly to promote the safety, peace and good order of its people. And, while Congress has exclusive jurisdiction over immigration, naturalization and the disposal of the public domain, each state, in the absence of any treaty provision to the contrary, has power to deny aliens the right to own land within its borders.

Id., 263 U.S. at 217. Although the Supreme Court did not specifically refer to the Tenth Amendment, it expressly recognized a state's "reserved" right to determine its own public policy and take actions to promote "the good order of its people."

If a State has the reserved right to control alien land ownership within its own borders, it should similarly have the right to determine public policy in matters concerning its own governance, i.e., whether or not foreign contributions will be permitted with respect to its own state and local elections. In the absence of a Constitutional provision to the contrary, the federal government is without authority to interfere with the States' Tenth Amendment right to control state and local elective processes. Since there is no conflicting constitutional provision, a federal ban on foreign campaign contributions in state and local elections would be an unconstitutional infringement upon the States' Tenth Amendment right to govern themselves.

2. Federal Election Campaign Act

The Federal Election Campaign Act clearly prohibits contributions by foreign nationals to candidates for federal office. Section 319 of the Act (2 U.S.C. §441d) states in relevant part:

> Contributions by foreign nationals. (a) It shall be unlawful for a foreign national directly or through any other person to make any contribution of money or other thing of value, or to promise expressly or impliedly to make any such contribution, in connection with an election to any political office or in connection with any primary election, convention, or caucus held to select

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candidates for any political office; or for any person to solicit, accept, or receive any such contribution from a foreign national.

This prohibition on foreign contributions, however, should be applied only to federal campaigns, and not to state or local elections. The Federal Election Campaign Act by its title as well as the plain language of its provisions was intended to address only federal elections. For example, the definition of "contributions" refers to "any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office." Sec. 301(8)(A) (2 U.S.C. 431) (emphasis added). Similarly, in prohibiting foreign contributions "in connection with any primary election, convention, or caucus held to select candidates for any political office," the Act has defined "candidates" to mean "an individual who seeks nomination for election, or election, to Federal office." Sec. 319 (2 U.S.SC. §441d); Sec. 301(2) (2 U.S.C. §431) (emphasis added).

Most importantly, the preemption clause at Section 403 of the Act (2 U.S.C. 454) does not propose to preempt state law with respect to state or local elections and states, "The provisions of this Act, and of rules prescribed under this Act, supersede and preempt any provision of State law with respect to election to Federal office." (Emphasis added). Likewise, the definition of "Federal office" says nothing of state or local public offices and is limited to the "office of the President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress." Section 301(3) (2 U.S.C. §431).

Because the Federal Election Law does not specifically prohibit foreign contributions to be made in state or local elections and there is no showing that the enforcement of another constitutional provision requires the abrogation of the States' rights which have been reserved under the Tenth Amendment, the FEC Act's prohibition of foreign contributions should be narrowly read to apply only in federal elections, and should not be unconstitutionally extended to cover state or local elections.

3. Foreign Agents Registration Act

The Federal Election Law refers to the Federal Agents Registration Act in defining the term "foreign

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national." 2 U.S.C. §441d (b) provides:

> As used in this section, the term "foreign national" means --
>
> (1) a foreign principal, as such term is defined by section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b)), except that the term "foreign national" shall not include any individual who is a citizen of the United States; or
>
> (2) an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 101 (a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)).

The Foreign Agent Registration Act, 22 U.S.C. §611(b), defines "foreign principal" as including:

> (1) a government of a foreign country and a foreign political party;
>
> (2) a person outside the United States, unless it is established that such person is an individual and a citizen of and domiciled within the United States, or that such person is not an individual and is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States; and
>
> (3) a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country.

Nothing in the Foreign Agents Registration Act evidences Congressional intent to specifically regulate state or local elections. Although the territorial application clause of the Act (22 U.S.C. §619) provides that it applies to the states, the true intent of this provision seems to be simply to designate the geographical areas where the Act will be applied, i.e., throughout the United States as well as within its foreign possessions and territories. The actual activities which the Act is designed to regulate,

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however, are primarily espionage or political propaganda which affect foreign or domestic policies of the federal government, not the states.

When read as a whole, the Act's exclusive concern with federal activities is evident since it refers throughout to the policies, agencies, officials and employees of the federal government and is silent as to those of the states. For example, the definition of a foreign agent includes a person within the United States who represents the interests of a foreign principal "before any agency or official of the Government of the United States." 22 U.S.C. §611(c)(1)(iv) (emphasis added). The registration and filings required by the Act are to be made with the U.S. Attorney General. 22 U.S.C. §§612 and 614. A foreign agent must disclose that he is registered before distributing political propaganda or requests to any agency or official of the United States government. See section heading to 22 U.S.C. §614(e). A foreign agent appearing "before any committee of Congress" must also furnish the committee with a copy of his most recent foreign agent registration statement. 22 U.S.C. §614(f).

The Act exempts attorneys from its requirements when they are involved in "the legal representation of a disclosed foreign principal before any court of law or any agency of the Government of the United States". 22 U.S.C. §613(g). This is a significant change from an earlier draft of this exemption which included legal representation before the courts or administrative agencies "of any State or political subdivision thereof." See House Report No. 1470, 2 U.S. Cong. & Admin. News '66, 2397, 2408.

The statutory definition of the term "political activities" is limited to the dissemination of political propaganda and any other activity which is intended to "influence any agency or official of the Government of the United States or any section of the public within the United States with reference to formulating, adopting, or changing the domestic or foreign policies of the United States or with reference to the political or public interest, policies, or relations of a government of a foreign country or a foreign political party." 22 U.S.C. §611(o) (emphasis added).

House Report No. 1470, supra, implicitly recognizes that the Act applies only to attempts to influence the federal government and not the states since it defines the

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word "agency" as used in the Act as referring to "every unit in the legislative and executive branches of the Government, including congressional committees." It further defines the word "official" to include "Members and officers of both Houses of Congress as well as officials in the executive branch." Id. at 2402 (emphasis added).

The House Report explains the intent of the Act as being "to protect the interests of the United States by requiring complete public disclosure by persons acting for or in the interests of foreign principals where their activities are political in nature or border on the political." Id. at 2398. But the report expressly recognizes that the political activities meant to be regulated by the Act are limited those which seek to influence:

> (1) formulating, adopting, or changing the foreign or domestic policies of our Government, or
>
> (2) the political or public interests, policies or relations of a foreign government or a foreign political party.

Id. at 2402.

In defining the phrase "political or public interests, policies, or relations," the House Report states:

> It is the committee's understanding that the phrase refers to matters which on the domestic governmental level would be called a policy matter, in the international context may be called questions concerning a country's foreign relations, and in the context of party politics may be termed matters involving the national interest.

Id. at 2403.

From the above-referenced statute and the House committee report, it is clear that the Foreign Agents Registration Act was intended to cover matters of national or international concern, rather than merely state or local issues. Because undue foreign influence over federal elected officials affect national or international policies, the Act may be used to evidence Congressional intent to prohibit foreign campaign contributions in federal elections.

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But the same cannot be said of state or local elections. There is nothing in the Act or the accompanying Congressional committee reports which evidences an intent to regulate foreign agents' conduct before state governments if there is no impact upon national interests. Additionally, state and local elected officials do not set national or international policy, as those powers have been delegated to Congress and the Executive Branch. Therefore, the Foreign Agents Registration Act should not be claimed to evidence Congressional intent to prohibit foreign campaign contributions in state or local elections.

Moreover, to use the Foreign Agents Registration Act as the reason to limit the State's reserved power to regulate its own elections would be a travesty of the Constitution. The Foreign Agents Registration Act is involved only because the Federal Election Campaign Act has used it to simply define "foreign nationals." Neither of these acts specifically propose to regulate state or local elections with respect to foreign campaign contributions. In the absence of such specific statutory authority, much less any countervailing constitutional authority, the States' Tenth Amendment right to govern their own state and local elections should not be abrogated.

4. Voting Rights Act

Rather than looking to the Foreign Agents Registration Act to determine Congressional intent as to whether or not the FEC Act's prohibition against foreign contributions was meant to apply in state and local elections, the Commission should look at the federal Voting Rights Act of 1965. The Voting Rights Act is not only similar in subject matter to the FEC Act, but has also been reviewed by the U.S. Supreme Court with respect to the constitutionality of several of its provisions in the Oregon case, supra.

The statutory language as well as the legislative history to the Voting Rights Act would provide clear guidance as to Congressional intent in interpreting the FEC Act. 42 U.S.C. §1973i(c) of the Voting Rights Act makes it unlawful to give false information for voter registration purposes and contains the following proviso limiting its jurisdiction to federal elections only:

> Provided, however, That this provision shall be applicable only to general, special, or primary

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> elections held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United State House of Representatives, Delegate from the District of Columbia, Guam, or the Virgin Islands, or Resident Commissioner of the Commonwealth of Puerto Rico.

Senator Williams, the original sponsor of the false registration provision (amendment no. 82), did not propose this proviso as it was his intent that the false registration provisions would apply to all states and in all elections. 111 Cong. Rec. 8424 (1965). Therefore, concerns such as the following by Senator Hart were raised as to the constitutionality of federal restrictions in state and local elections:

> Mr. President, [amendment no. 82] ... applies to State and local elections, as well as to the Federal elections. That question, whether Congress has the power to insure fair election procedures in State and local elections, unless they are related to insuring the guarantees under the 14th and 15th amendments, is a very open one and a very serious one. This is the second reason which persuades us to hope that the amendment will not be agreement to.

111 Cong. Rec. 8431 (1965).

To alleviate the concerns raised by Senator Hart, Senator Ervin proposed the proviso above and stated:

> I am in favor of amendment No. 82. However, in my opinion amendment No. 82 in its present form is unconstitutional because it is not restricted to Federal elections. By the term "Federal elections", I mean elections in which presidential electors and Members of the U.S. Senate and Members of the U.S. House of Representatives are chosen.
>
> The only effect of my amendment would be to confine the application of amendment No. 82 to Federal elections and thereby make it constitutional under the interpretation placed on the 15th amendment by the Supreme Court of the United States in a number of cases.

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111 Cong. Rec. 8975 (1965) (emphasis added).

Thus, the statutory language and legislative history of the Voting Rights Act makes it clear that Congress did not intend to abrogate the States' constitutional right to govern state and local elections.

Presumably, when Congress enacted the Federal Election Campaign Act in 1971, it was aware of the constitutional issues concerning States' rights in governing state and local elections since it had considered such issues in debating the Voting Rights Act of 1965 and a portion of the latter Act had been found by the Supreme Court to be an unconstitutional infringement of States' rights in the 1970 Oregon case. If it had been Congress's intent to apply the FEC Act's foreign contribution prohibition to state and local elections, it logically would have expressly stated so rather than impairing a constitutionally recognized right of the States by mere implication. Therefore, the fact that 2 U.S.C. §441d does not specifically apply to state and local elections should be viewed as Congressional intent to not affect the States' Tenth Amendment right to regulate its own elections.

5. FEC Regulations

In light of the discussion above, the FEC's regulation at 11 CFR §110.4 goes beyond its statutory authority to promulgate rules to carry out the purposes of the federal Act. Section 307(8) (2 U.S.C. §437d). The relevant portion of 11 CFR §110.4 states:

> §110.4. Prohibited contributions.
>
> (a)(1) A foreign national shall not directly or through any other person make a contribution, or expressly or impliedly promise to make a contribution, in connection with a convention, caucus, primary, general, special or runoff election in connection with any local, state or Federal public office.

(Emphasis added).

Although the Commission could try to justify this far-reaching regulation on the basis that Section 319 prohibits foreign contributions in connection with "any

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political office," such an interpretation goes beyond the scope of the matter intended to be regulated by the Act itself and unconstitutionally preempts the States' sovereign right to regulate state and local elections.

Moreover, the Commission's regulation is inconsistent with its interpretations of other provisions of the Act. For example, Section 317 (2 U.S.C. §441c) makes it unlawful for federal contractors to make contributions "to any political party, committee, or candidate for public office or to any person for any political purpose of use." While this statutory language is similar to if not broader than the provisions of Section 319, the Commission's regulations limit Section 317's application to only federal office and states that the "prohibition does not apply to contributions or expenditures in connection with State or local elections." FEC Regulations Section 115.2(a).

For the foregoing reasons, it is our contention that the scope of the Commission's regulations at 11 CFR §110.4 is impermissibly overbroad, and the prohibition against foreign contributions should not be applied to state and local elections.

6. FEC Advisory Opinions

Even if the Commission declines to narrow the scope of its regulations to apply to contributions only in federal elections, Hachidai's actions have fallen within the ambit of permissible activity under the FEC's prior advisory opinions.

In numerous advisory opinions, the Commission has permitted candidates for state or local elections to accept contributions from domestic corporations with their principal place of business in the United States, even if they were wholly or substantially owned by foreign nationals. See AO 1985-3 (CCH §5809); AO 1983-19 (CCH §5722); AO 1983-31 (CCH §5735); AO 1982-10 (CCH §5651); AO 1982-34 (CCH §5678); AO 1980-100 (CCH §5548); AO 1981-36 (CCH §5632); AO 1980-111 (CCH §5560); AO 1978-21 (CCH §5327). The Commission has consistently reasoned that a domestic company which is a discrete corporate entity with its principal place of business in the United States would not be considered a "foreign national" subject to the prohibition of 2 U.S.C. §441e.

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Note that the Commission has specifically permitted a PAC to be formed by a trade association which included foreign members. In AO 1980-111, the Commission found that the trade association would not be considered a foreign national because it was an American corporation with its principal place of business in the U.S. Consequently, the Association was able to establish a separate segregated fund which could make campaign contributions (apparently for federal elections) without violating the prohibitions of §441e. See also AO 1981-36 (trade association incorporated and situated in California permitted by Commission to establish a PAC and fund it with general membership dues from persons which included non-voting foreign nationals).

7. Hawaii Campaign Spending Law

Because of the belief that the Federal Election Campaign Act applied only to federal elections and did not apply to state or local elections, the Executive Director since 1976 of the Hawaii State Campaign Spending Commission has been advising persons for years that contributions by foreign nationals are permitted under state law and was under the belief that the federal prohibition of foreign contributions applied only to federal elections and not to state and local elections. See attached affidavit of Jack Gonzales. In fact, as Mr. Gonzales points out in his affidavit, he has even received information from the FEC's staff that the Federal Election Law applies only to federal elections, and not to state or local elections.

Nothing in the Hawaii law prohibits contributions by foreign nationals in state and local elections. See Hawaii Revised Statutes Chapter 11.

APPLICATION OF LAW TO PRESENT CASE:

If the foreign contribution ban is found to be limited to federal campaigns, then the complaint against Hachidai should be dismissed since there was no contribution made to any federal campaign.

Even if the Commission continues to apply the foreign contribution ban to state and local elections, the complaint against Hachidai should be dismissed for the following reasons. First, Hachidai cannot be considered as a foreign national. Hachdai is a discrete corporate entity organized under the laws of the State of Hawaii and has its principal place of business in the United States.

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Second, there was no intent on the part of Hachidai to violate federal law. Hachidai did not attempt to hide its campaign contribution and in fact, reported it to the State Campaign Spending Commission as required by Hawaii law. Moreover, in making campaign contributions, Hachidai was acting in accordance with the long-standing belief in this State that the federal prohibition against campaign contributions did not apply to state or local elections. (See Affidavit of Jack Gonzales.)

Finally, as a result of the public controversy over foreign contributions at the beginning of this year, Hachidai has decided to not make any more campaign contributions until this matter is resolved. Clearly, therefore, there is and was no intent on the part of Hachidai to violate the Federal Election Law.

CONCLUSION:

In light of the state and federal law and cases above and the long-standing belief in Hawaii that foreign contributions were permissible in state and local elections, Hachidai respectfully requests that the complaint against it be dismissed without further investigation on the basis that federal law does not preempt state control of this area.

Alternatively, Hachidai requests that the Commission find that it has not violated Section 319 of the Federal Election Campaign Act (2 U.S.C. §441d) since Hachidai is not a foreign corporation, but is a discrete corporate entity organized under the laws of Hawaii and having its principal place of business in Hawaii.

If we can be of further assistance, please feel free to contact the undersigned.

Sincerely,

ALAN M. GODA
for
KOBAYASHI, WATANABE,
SUGITA, KAWASHIMA & GODA

AMG/AKM (2400F)
Enclosures

cc: Akira Kato

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STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

AFFIDAVIT OF AKIRA KATO

AKIRA KATO, being first duly sworn upon oath deposes and says that:

1. He has been the Vice-President of HACHIDAI USA, INC. ("Hachidai") since January, 1989, and has been involved with Hachidai in an advisory capacity through his concurrent employment with Hachidai Sangyo Kabushiki Kaisha since January, 1988.

2. Hachidai is a Hawaii corporation with its principal place of business in Honolulu, Hawaii.

3. The entire stock of Hachidai is owned by Hachidai Sangyo Kabushiki Kaisha, which is a foreign corporation with its principal place of business in Japan.

4. The only campaign contribution made by Hachidai in any federal, state or local election in the United States was a $2,000 contribution to Friends for Fasi made on March 16, 1988.

5. At the time Hachidai made its contribution to Friends for Fasi, Hachidai believed that it was proper and not against the law for it to make a campaign contribution to a person seeking election or reelection to a state or local office or his political committee.

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6. In making the campaign contribution, Hachidai was acting in accordance with the long-standing belief in the State of Hawaii that the Federal Election Committee did not apply to state or local elections.

7. As a result of the public controversy over foreign contribution which first arose in January if this year, Hachidai has decided to make no further campaign contributions until the matter is resolved.

Futher Affiant sayeth naught.

Dated: Honolulu, Hawaii, July 14, 1989.

Akira Kato
AKIRA KATO

Subscribed and sworn to before me
this 14th day of July, 1989.

[illegible]
Notary Public
State of Hawaii

My commission expires: 10-21-89

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STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

AFFIDAVIT OF JACK GONZALES

JACK GONZALES, being first duly sworn upon oath deposes and says that:

1. He is and has been the Executive Director of the Hawaii State Campaign Spending Commission ("Commission") since 1976;

2. As Executive Director of the Commission, he is responsible for the administration and enforcement of the State Campaign Spending Law, §11-191, et. seq., Hawaii Revised Statutes.

3. The position of the State Campaign Spending Commission has always been that the federal election laws applied only to federal elections, and did not apply to state or local elections.

4. Until January, 1989, your affiant has advised the public in his capacity as the Executive Director of the State Campaign Spending Commission it was the Commission's position that the federal election laws did not apply to state or local elections, and that Hawaii state law did not prohibit contributions by foreign nationals in state or local elections.

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5. Following local news reports in January, 1989 which questioned whether the federal election laws applied in state and local elections, your affiant made an anonymous inquiry to the Federal Election Commission and was told by an unknown staffperson that the Federal Election Law does not apply to state or local elections.

6. Hawaii law does not prohibit foreign contributions in state or local elections.

7. Hawaii law permits corporate contributions in state or local elections.

Further affiant sayeth naught.

Dated: Honolulu, Hawaii, this 14th day of July, 1989.

JACK GONZALES

Subscribed and sworn to before me this 14th day of July, 1989.

Notary Public
First Judicial Circuit
State of Hawaii

My commission expires: 8/2/1989

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06C3423

KOBAYASHI, WATANABE, SUGITA, KAWASHIMA & GODA
ATTORNEYS AT LAW
HAWAII TOWER, 8th FLOOR
745 FORT STREET
HONOLULU, HAWAII 96813-5880
TELEPHONE (808) 544-8300

Kevin S.C. Cheng*
Alan M. Goda*
Lyle Y. Herada*
J. Douglas Ing*
Cheryl K. Kakazu*
James Kawashima*
Bert T. Kobayashi, Jr.*
John T. Komeiji*
Wray H. Kondo*
Benjamin A. Kudo*
Dale W. Lee*
Ronald Y. K. Leong*
Lex R. Smith*
Kenneth Y. Sugita*
Robert T. Takamatsu*
Jeffrey N. Watanabe*
Cynthia Winegar*
Randall Y. Yamamoto*

*A Law Corporation

Jan M. L. Y. Ahn
Ferdinand G. Aranza
Kara Feldman
Wendell H. Fuji
Charles W. Gall
Roseanne M. Gee
Lyle S. Hosoda
Robert K. Ichikawa
David B. Kaapu
Donna Y. Kanemaru
Pamela J. Larson
Michael A. Lorusso
Alan K. Maeda
David L. Monroy
Janeen A. Olds
Fred Troncone

OF COUNSEL
George R. Ariyoshi
Bert T. Kobayashi, Sr.
Russell K. Kono

Facsimile: (808) 544-8399
Telex: 8602396585 MCI
MCI Mail: 2396585
ABA / Net: ABA2281

July 14, 1989

BY DHL COURIER

Federal Election Commission
Office of General Counsel
999 E Street, N.W.
Washington, D. C. 20463

Attention: Patty Reilly

Re: MUR 2892
Ohbayashi Hawaii Corporation

Dear Ms. Reilly:

This letter presents the response of Ohbayashi Hawaii Corporation to the May 3, 1989 Complaint filed by Anthony Locricchio with the Federal Election Commission.

In pertinent part, Locricchio alleges that a one thousand dollar ($1,000) contribution made by Ohbayashi Hawaii Corporation to Friends for Fasi on or about July 6, 1988 and an earlier one thousand dollar ($1,000) contribution made by Ohbayashi Hawaii Corporation to Friends for Fasi on or about August 24, 1987 are improper and illegal. See: Pages 4 and 9 of the Complaint and Exhibits "E" and "RR" to the Complaint, respectively. Frank Fasi is the Mayor of the City and County of Honolulu, State of Hawaii.

At the outset it should be noted that on or about March 29, 1989, Mr. Locricchio filed a similar Complaint with the Federal Election Commission regarding contributions to Citizens for John D. Waihee. See: Federal Election Commission Complaint MUR 2846 and the response by Ohbayashi Hawaii thereto dated May 23, 1989. John Waihee is the Governor of the State of Hawaii.

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OFFICE OF GENERAL COUNSEL
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As in MUR 2846, the allegations by Locricchio against Ohbayashi Hawaii Corporation are without merit. The allegations are not supported by the law or the facts and circumstances relevant to Ohbayashi Hawaii Corporation (hereinafter "Ohbayashi Hawaii").

Based on the following facts, authorities and analysis, Ohbayashi Hawaii submits that the Federal Election Commission should find that no action should be taken against Ohbayashi Hawaii in response to the Locricchio Complaint in MUR 2892.

FACTS

The following are undisputed and pertinent facts.

(1) Ohbayashi Hawaii Corporation is a Hawaii corporation. Ohbayashi Hawaii was formed in 1972.

(2) Ohbayashi Hawaii is a wholly owned subsidiary of Ohbayashi Gumi, a Japanese corporation.

(3) Ohbayashi Hawaii has continuously done business in the State of Hawaii since 1972. Ohbayashi Hawaii is principally engaged in the construction of homes, hotels and commercial buildings and real estate development.

(4) The President of Ohbayashi Hawaii, Toshiharu Hino, and the Vice-President of Ohbayashi Hawaii, Norihide Okazaki have been granted permanent resident alien status by the United States Immigration and Naturalization Service. The Secretary-Treasurer of Ohbayashi Hawaii is Eiichi Iwasaki. Mr. Iwasaki is an American citizen.

(5) Norman Quon is a consultant retained by Ohbayashi Hawaii to assist with and manage the development of a 160 home residential and recreational project on the island of Oahu. Mr. Quon is an architect and an American citizen.

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(6) Norman Quon recommended to Ohbayashi Hawaii that it make contributions to the Friends for Fasi, Citizens for Waihee and contributions to other persons (or their political committees) seeking elected office in the State of Hawaii.

(7) The President of Ohbayashi Hawaii followed the recommendation of its consultant, Norman Quon, and made the two $1,000 contributions to Friends for Fasi which is the subject of the Locricchio Complaint.

(8) Ohbayashi also followed the recommendation of its consultant, Norman Quon, and made other contributions to persons seeking elected office in the State of Hawaii.

(9) Friends for Fasi is a political committee formed to receive contributions, make disbursements and promote the election of Frank Fasi to the office of Mayor for the City and County of Honolulu, State of Hawaii.

See: Affidavit of Toshiharu Hino attached hereto and in MUR 2846 and the Affidavit of Norman Quon submitted in MUR 2846.

AUTHORITIES

1. Federal Election Campaign Act of 1971

The Federal Election Campaign Act of 1971, 2 U.S.C., §431 et. seq., prohibits contributions by foreign nationals to candidates for federal office. Section 319 of the Act (2 U.S.C. §441e) states in relevant part:

> Contributions by foreign nationals. (a) It shall be unlawful for a foreign national directly or through any other person to make any contribution of money or other thing of value, or to promise expressly or impliedly to make any such contribution, in connection with an election to any political office or in connection with any primary election, convention, or caucus held to select candidates for any political office; or for any person to solicit, accept, or receive any such contribution from a foreign national.

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Ohbayashi Hawaii submits that the above prohibition on foreign contributions should be applied only to elections for federal offices, and not to state or local elections.

The Federal Election Campaign Act by its title as well as the plain language of its provisions was intended to address only federal elections. For example, the definition of "contributions" refers to "any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office." Section 301(8)(A) of the Act (2 U.S.C. 431) (emphasis added).

Similarly, with respect to foreign contributions made "in connection with any primary election, convention, or caucus held to select candidates for any political office," the Act has defined "candidates" to mean "an individual who seeks nomination for election, or election, to Federal office." Sections 301(2) and 319 of the Act (2 U.S.C. §§ 431 and 441d) (emphasis added).

Importantly, the preemption clause at Section 403 of the Act (2 U.S.C. 454) states, "The provisions of this Act, and of rules prescribed under this Act, supersede and preempt any provision of State law with respect to election to Federal office." (emphasis added).

Finally, the term "Federal office" does not refer to any state or local public offices and is limited to the "office of the President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress." Section 301(3) of the Act (2 U.S.C. §431).

Therefore, it is our impression that Section 319 of the Federal Election Campaign Act of 1971 does not apply to the particular situation presented in this case.

Additionally, the term "foreign national" for purposes of applying the prohibition against contributions is defined at Section 319 of the Act (2 U.S.C.441e(b)(2)) as meaning:

> (2) an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 101(a)(20) of the Immigration and Nationality Act.

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As noted above, two of the officers of Ohbayashi Hawaii hold permanent resident status. The remaining officer of the company is an American citizen.

2. Hawaii Campaign Spending Law

Based upon the belief that the Federal Election Campaign Act applied only to federal elections, the Executive Director of the Hawaii State Campaign Spending Commission has advised persons that contributions by foreign nationals to candidates for elected office in the State of Hawaii is permissible.

Mr. Locricchio concedes this fact in his Complaint in MUR 2846. See: Page 7 of the Complaint in MUR 2846 ("... the Commission should be aware that the State Campaign Spending Commissioner in Hawaii has reportedly advised state and local candidates for office that the federal law in this area did not apply to Hawaii persons running for State or Local offices."

It is our further opinion that Hawaii law does not prohibit contributions by foreign nationals to candidates in state and local elections. See: Chapter 11 of the Hawaii Revised Statutes (regarding Elections, Generally).

3. Federal Election Commission Regulations

Federal Election Commission ("FEC") regulation, 11 CFR §110.4, states the following in pertinent part:

> §110.4. Prohibited contributions.
>
> (a)(1) A foreign national shall not directly or through any other person make a contribution, or expressly or impliedly promise to make a contribution, in connection with a convention, caucus, primary, general, special or runoff election in connection with any local, state or Federal public office.

(emphasis added).

In promulgating FEC regulation §110.4, the Commission appears to literally interpret the term "any political office" contained in section 319 of the Federal Election Campaign Act. However, based on the plain

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language of the Act (as set forth above), we believe that such an interpretation extends beyond the scope of the matter intended to be regulated by the Act and also impermissibly preempts or infringes upon the States' control over local elections.

Additionally, the Commission's interpretation of section 319 appears to be inconsistent with its interpretations of other provisions of the Act. For example, Section 317 of the Act (2 U.S.C. §441c) makes it unlawful for federal contractors to make contributions "to any political party, committee, or candidate for public office or to any person for any political purpose of use."

Thus, and despite statutory language similar to, if not broader than the provisions of Section 319 of the Act, the Commission's regulations limit the application of Section 317 to only federal offices and declares that the "prohibition does not apply to contributions or expenditures in connection with State or local elections." See: FEC Regulations Section 115.2(a).

Based on the foregoing, it is our contention that the scope of the Commission's prohibition at 11 CFR §110.4 is impermissibly overbroad, and that the prohibition against foreign contributions should not be applied to state and local elections.

4. Federal Election Commission Advisory Opinions

The two $1,000 contributions by Ohbayashi Hawaii to Friends for Fasi are permissible based upon previous Advisory Opinions issued by the Federal Election Commission.

In the past, the Commission permitted candidates for state or local elections to accept contributions from domestic corporations with their principal place of business in the United States, even if they were wholly or substantially owned by foreign nationals in the following advisory opinions. See: AO 1985-3 (CCH §5809); AO 1983-19 (CCH §5722); AO 1983-31 (CCH §5735); AO 1982-10 (CCH §5651); AO 1982-34 (CCH §5678); AO 1980-100 (CCH §5548); AO 1981-36 (CCH §5632); AO 1980-111 (CCH §5560); AO 1978-21 (CCH §5327).

The Commission has held that a domestic company which is a discrete corporate entity with its principal

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place of business in the United States would not be considered a "foreign national" subject to the prohibition of Section 319 of the Act (2 U.S.C. §441e). However, the Commission has cautioned that the persons who will exercise decision-making authority on behalf of such domestic corporations must not be "foreign national(s)."

ANALYSIS

Ohbayashi Hawaii made two $1,000 contributions to Friends for Fasi, the political committee responsible for receiving contributions, making disbursements and promoting Frank Fasi as and to be reelected Mayor of the City and County of Honolulu, State of Hawaii. There is nothing improper or illegal about the Ohbayashi Hawaii contributions based on the following.

For purposes of this case, Ohbayashi Hawaii relies upon the Affidavit of Toshiharu Hino attached hereto and incorporates by reference the Affidavits of Toshiharu Hino and Norman Quon which were submitted in MUR 2846.

First, the prohibition against contributions by foreign nationals contained in the Federal Election Campaign Act of 1971 does not apply to the election for Governor of the State of Hawaii. The Act does not preempt applicable state law.

Second, and even assuming arguendo that the Act does apply to an election for state or local office (and Ohbayashi Hawaii does not concede this fact), the evidence in this case establishes the following pertinent facts.

(1) Ohbayashi Hawaii is a Hawaii corporation and has been engaged in the construction and real estate development business in the State of Hawaii for the past 12 years. Ohbayashi Hawaii is a wholly owned subsidiary of a Japanese corporation, Ohbayashi Corporation.

(2) The President and Vice-President of Ohbayashi Hawaii hold permanent resident status by the U.S. Department of Immigration and Naturalization Service.

(3) The Treasurer of Ohbayashi Hawaii is an American citizen.

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(4) Ohbayashi Hawaii made the contributions to Friends for Fasi at the recommendation of its consultant, Norman Quon. Mr. Quon is also an American citizen.

(5) Ohbayashi's decision to follow the recommendation of Mr. Quon was made by the company's President, Toshiharu Hino. Mr. Hino holds permanent resident status.

Based on the above facts, Ohbayashi Hawaii is not a "foreign national" within the definition and scope of section 319 of the Federal Election Campaign Act (2 U.S.C. §441e).

The present situation involving Ohbayashi Hawaii is no different from the situations presented in the FEC Advisory Opinions referred to herein. Ohbayashi Hawaii is a discrete Hawaii corporation. The person responsible for making the recommendation to Ohbayashi to make a contribution to Friends for Fasi is an American citizen. The President of Ohbayashi Hawaii (holds permanent resident status and) merely followed the recommendation and advice of its American consultant.

Under the above facts and circumstances, the prohibition contained in section 319 of the Federal Election Campaign Act (2 U.S.C. §441e) is inapplicable to Ohbayashi Hawaii.

Finally, there is absolutely no evidence to suggest that Ohbayashi Hawaii acted with an improper motive or with the knowledge that the contributions made to Friends for Fasi may be in violation of federal law. On the contrary, the evidence establishes that Ohbayashi Hawaii acted entirely in good faith and solely in reliance upon the company's retained consultant.

CONCLUSION

Based upon the foregoing facts, authorities and analysis, Ohbayashi Hawaii respectfully submits that as in the case of MUR 2846, the Office of the General Counsel should report to the Federal Election Commission and recommend that the Commission find that there is no reason to believe that the Locricchio Complaint sets forth a possible violation of the Federal Election Campaign Act of

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1971, and close the file with respect to Ohbayashi Hawaii in the above-referenced matter.

Please contact the undersigned if you have any questions or require additional information. Thank you for your consideration of this response on behalf of our client.

Very truly yours,

KEVIN S.C. CHANG
for
KOBAYASHI, WATANABE,
SUGITA, KAWASHIMA & GODA

KSCC:me

Enclosure
(Affidavit of Toshiharu Hino)

cc: Ohbayashi Hawaii Corporation
(with enclosure)

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AFFIDAVIT OF TOSHIHARU HINO

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

TOSHIHARU HINO, being first duly sworn, deposes and states:

1. He is the President of Ohbayashi Hawaii Corporation (hereinafter "Ohbayashi Hawaii").

2. Ohbayashi Hawaii is a Hawaii corporation and has been in existance since 1972.

3. Ohbayashi Hawaii maintains offices at 1001 Bishop Street, Suite 2680, Honolulu, Hawaii 96813 and is engaged primarily in the construction of residences, hotels and commercial buildings and real estate development.

4. Ohbayashi Hawaii is a wholly owned subsidiary of Ohbayashi Corporation, a Japanese corporation.

5. The Vice-President of Ohbayashi Hawaii is Norihide Okazaki and the Secretary-Treasurer of Ohbayashi Hawaii is Eiichi Iwasaki.

6. Affiant and Norihide Okazaki have been granted permanent resident status by the United States Immigration and Naturalization Service. Eiichi Iwasaki is an American citizen.

7. In the fall of 1987, Ohbayashi Hawaii retained the services of Norman Y. Quon as a consultant to assist Ohbayashi

Hawaii and manage the company's development of a 160 unit residential and recreational project on the north shore of the island of Oahu. Mr. Quon is an American citizen.

8. Mr. Quon recommended that Ohbayashi Hawaii make contributions to candidates for election or reelection to public offices in the State of Hawaii or their respective political committees.

9. Mr. Quon recommended that Ohbayashi Hawaii make a contribution to Friends for Fasi. Frank Fasi is the Mayor of the City and County of Honolulu, State of Hawaii. He was elected to office in 1984.

10. Ohbayashi Hawaii followed the recommendation of Norman Quon and made a one thousand dollar ($1,000) contribution to Friends for Fasi in approximately August 1987 and a second one thousand dollar ($1,000) contribution to Friends for Fasi in approximately July 1988. Consistent with Mr. Quon's recommendation and advice, Ohbayashi also made contributions to Citizens for Waihee (the political committee for the Governor of the State of Hawaii) and other candidates for election or reelection to state or local offices or their respective political committees.

11. Your affiant signed the $1,000 contribution checks drawn on the Bank of Hawaii account of Ohbayashi Hawaii Corporation.

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12. Ohbayashi Hawaii Corporation made the contributions to Friends for Fasi because of the recommendation of Norman Quon.

13. At the time Ohbayashi Hawaii made its contribution to Friends for Fasi, your affiant believed that it was proper and not against the law for Ohbayashi Hawaii Corporation to make a campaign contribution to a person seeking election or reelection to a state or local office or his political committee.

Further Affiant sayeth naught.

TOSHIHARU HINO

Subscribed and sworn to before me
this 14th day of July 1989.

L.S.

Notary Public, State of Hawaii

My commission expires: 11-9-92

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RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE SERVICES BRANCH

89 JUL 18 AM 9:31

GREEN, NING, LILLY, & JONES

Attorneys at Law, A Law Corporation
707 Richards Street, Suite 700, Honolulu, Hawaii 96813
(808) 528-1100

Howard R. Green
Ke-ching Ning
Michael A. Lilly
Stephen A. Jones

Lynnette T. Oka

MAILING ADDRESS
P. O. Box 3439
Honolulu, Hawaii 96801

TELECOPIER
(808) 531-2415

July 14, 1989

Mr. George F. Rishel
Acting Associate General Counsel
Federal Election Commission
Washington, D.C. 20463

Attn: Patty Reilley

RE: ~~MUR 2846~~ 2842 Friends of Frank Fasi

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 JUL 18 PM 12:15

Gentlemen:

You have forwarded to us a complaint filed on May 30, 1989 (dated May 3, 1989 and notarized on May 23, 1989), in which it is alleged that in 1987-88, illegal contributions were made from some 68 different contributors.

In our letter dated June 6, 1989 to the Commission responding to the April 11, 1989 complaint made regarding some of the same contributions, we informed you that the campaign had decided long prior to the time of that complaint to return those contributions. The items previously responded to, are reflected in the counts 1, 32, 39, 40, 41, and 63 in the May 30, 1989 complaint.

The newest complaint, however, contained numerous new allegations. Some of those cover other contributions which the campaign had also previously returned. Following is a list of those contributions, and attached are copies of checks indicating the funds had been returned. The contributions, and the check exhibit numbers are as follows:

1. Contribution of Hirofumi Ohnishi in the amount of $2,000 made on October 5, 1987 (Count 47) Exhibit A

2. Contribution of Eiji Sakemoto in the amount of $2,000 made on September 30, 1987 (Count 54). Exhibit A

3. Contribution of Kenji Sakemoto in the amount of $2,000 made on September 30, 1987 (Count 55). Exhibit A.

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4. Contribution of Isamu Yamaguchi in the amount of $2,000 made on September 30, 1987 (Count 61). Exhibit B.

5. Contribution of Katsumi Yamaguchi in the amount of $2,000 on September 30, 1987 (Count 62). Exhibit B

6. Contribution of Y.Y. Valley Corporation in the amount of $2,000 made on June 27, 1988 (Count 16). Exhibit C.

7. Contribution of Hiroaki Fushimi in the amount of $2,000 made on September 4, 1987 (Count 26). Exhibit C.

8. Contribution of Royal Hawaiian Country Club in the amount of $2,000 made on September 4, 1987 (Count 52). Exhibit C.

9. Contribution of Shoichi Kaneda in the amount of $2,000 made on September 4, 1987 (Count 36). Exhibit D.

10. Contribution of Seinosuke Yoshida in the amount of $2,000 made on August 31, 1987 (Count 67). Exhibit D.

11. Contribution of Minami Group (USA), Inc. in the amount of $1,000 on March 16, 1988 (Count 14).

12. Contribution of Daiei Hawaii Investments Inc. in the amount of $250 on September 11, 1987 (Count 25).

Contributions numbered 1-5 were returned on September 1, 1988. Contributions numbered 6-10 were returned on October 17, 1988. Contributions 11 and 12 are in the process of refund, because the contributors, upon receiving correspondence from the Federal Election Commission requested refund of the amounts.

Contributions from the individuals listed in the remaining counts were not previously suspected as foreign contributions. Because the campaign does not know the status of these individuals, the campaign has requested information from them regarding their status.

Attached is the form of letter being sent to each of the contributors requesting the information. Upon receiving responses, or if after 30 days we have not received a response,

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we will make a determination regarding the campaign's position and will inform the Commission with regard to our belief relative to these contributions.

Because there are quite a number of contributions to evaluate and this is the first time the issue has arisen, it may take a few days beyond the recommended amount of time set forth in 11 C.F.R. §103(b)(1).

However, since the campaign has passed, the timeliness of response does not seem so acute and it seems reasonable for the Commission to allow us further time to August 15, 1989 to determine the status of each of these contributions.

Therefore, we request the Commission to defer any action until these evaluations have been completed and we have determined the status of the contributions. We anticipate that all responses should be received by August 15, 1989.

Sincerely,

Howard R. Green

Enclosure

cc: Friends of Frank Fasi
George Hong

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GREEN, NING, LILLY, & JONES

Attorneys at Law, A Law Corporation
707 Richards Street, Suite 700, Honolulu, Hawaii 96813
(808) 528-1100

Howard R. Green
Ke-ching Ning
Michael A. Lilly
Stephen A. Jones

Lynnette T. Oka

MAILING ADDRESS
P. O. Box 3439
Honolulu, Hawaii 96801

TELECOPIER
(808) 531-2415

July 14, 1989

Gentlemen:

As you know, you made a contribution to Friends of Frank Fasi in connection with the political campaign of Mayor Frank Fasi in 1987-88. The campaign and Mayor Fasi appreciate this expression of support.

Nevertheless, a complaint has been filed with the Federal Elections Commission alleging, among other things, that your contribution to the campaign was an illegal contribution, for, or on behalf of a foreign national.

This law firm, Green, Ning, Lilly and Jones, has been engaged by the campaign to assist in determining the truth of these allegations and advise the campaign as to the proper course of action, and to respond to the complaint lodged with the Federal Election Commisaion. In order to do so, we are requesting your help so that we can evaluate the legality of your contribution.

If the campaign determines that the contribution was illegal, the funds will be promptly returned to you.

To help you respond, we have prepared the following summary:

In brief, a campaign contribution may be illegal under the law if,

1. It is made by a foreign national.

2. It is made by someone else as agent for a foreign national.

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3. It is made by an American company which is owned by a foreign national either with funds from the foreign national or as a result of directions from the foreign national.

A foreign national is defined for purposes of the election law as follows:

1. a citizen of another country who does not have a green card (permanent residence permit);

2. a foreign corporation or other business or legal entity; or

3. a foreign government.

A contribution made by a local company that is owned by a foreign national is legal and proper, so long as it was not made with funds provided for that purpose by the foreign national, and so long as none who is a foreign national participated in the decision to make the contribution.

If on the basis above, you believe that your contribution was not that of a foreign national, we ask that you write back to us as soon as possible to advise us, so that we can respond to the Federal Election Commission. In your response, please state the reasons for your conclusion that your contribution was not that of a foreign national. We would like to hear from you no later than August 1, 1989.

If on the basis of the above, you are not sure if your contribution was that of a foreign national, you may call our office (Green, Ning, Lilly & Jones) and we will do our best to answer any questions you have. You may rather wish to consult with your own counsel. Our number is 528 1100 in Honolulu. You should ask either for attorney Lynnette Oka or attorney Howard R. Green.

It seems apparent that if illegal contributions were made, they were made inadvertently, and accepted without knowledge of the relevant facts. But now that we are all aware of the situation, we will appreciate your cooperation in resolving the situation lawfully.

Sincerely,

Howard R. Green

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GREEN, NING, LILLY, & JONES

Attorneys at Law, A Law Corporation
707 Richards Street, Suite 700, Honolulu, Hawaii 96813
(808) 528-1100

Howard R. Green
Ke-ching Ning
Michael A. Lilly
Stephen A. Jones

Lynnette T. Oka

MAILING ADDRESS
P. O. Box 3439
Honolulu, Hawaii 96801

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(808) 531-2415

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OFFICE SERVICES BRANCH

89 JUL 24 AM 10:00

July 17, 1989

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

89 JUL 24 AM 8:40

Mr. George F. Rishel
Acting Associate General Counsel
Federal Election Commission
999 E St. N. W.
Washington, D.C. 20463

Attn: Patty Reilley

Re: MUR 2846 Friends of Frank Fasi

Gentlemen:

Please find enclosed the Friends for Fasi Statement of Designation of Counsel.

Sincerely,

Howard R. Green

HOWARD R. GREEN

HRG:rsh

Enclosure

24043571054

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2846 FRIENDS OF FRANK FASI

NAME OF COUNSEL: HOWARD R. GREEN
GREEN, NING, LILLY & JONES

ADDRESS: SUITE 700, OCEAN VIEW CENTER
707 RICHARDS STREET
HONOLULU, HAWAII 96813

TELEPHONE: (808) 528-1100

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

JUNE 9, 1989
Date

Randall Kamiya
Signature RANDALL KAMIYA

RESPONDENT'S NAME: FRIENDS FOR FASI

ADDRESS: 100 N. BERETANIA STREET NO. 203
HONOLULU, HAWAII 96817

HOME PHONE: ------

BUSINESS PHONE: 943-3187 or 943-3439

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RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT
99 JUL 17 PM 4:24

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Citizens for Waihee) MURs 2846 and 2892
Friends of Fasi, et. al.)

GENERAL COUNSEL'S REPORT **SENSITIVE**

I. BACKGROUND

The Office of the General Counsel received a complaint on April 11, 1989, alleging thirty persons, as foreign nationals, impermissibly contributed to state elections in violation of 2 U.S.C. § 441e. The majority of these persons were alleged to have contributed to Citizens for Waihee, a Hawaii State committee of the governor. Respondents were notified of the complaint. Following extensions of time, the last response was due on June 18, 1989.1/

On May 30, 1989, this Office received a second complaint from the same complainants alleging approximately 60 other persons, as foreign nationals, impermissibly contributed to the campaign of Frank Fasi, the mayor of Honolulu. Twelve of these persons are also named respondents in MUR 2846. All respondents were notified of the complaint. To date, approximately eight extensions of time have been granted. The latest response is due July 18, 1989.

The two matters intersect on a number of issues of fact and law. As previously noted, almost half of the respondents in MUR 2846 are respondents in MUR 2892. Additionally, the responses

1/ Two respondents have not been located because they are not available at the addresses provided by the complainants. This Office is continuing efforts to locate them.

2043571056

received to date in both matters address the applicability of the FECA to state and local elections, and its constitutionality as so applied. Given these common questions of fact and law, this Office believes that these matters would be addressed most expeditiously in a combined report. Accordingly, upon receipt of all responses, this Office will report to the Commission.

Date 7/17/89

Lawrence M. Noble
General Counsel

Staff Person: Patty Reilly

9404357105 7

OGC 3455

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

89 JUL 20 PM 12:06

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

SUYEKI OKUMURA
ROY E. TAKUSHI
JAMES T. FUNAKI
JOSEPH K. WEE
SHUICHI MIYASAKI
ALFRED M. K. WONG
ROBERT M. EHRHORN, JR.
DICKSON C. H. LEE
PETER T. STONE
JAMES N. H. YEE
AARON S. YOO

SUITE 1400
GROSVENOR CENTER
733 BISHOP STREET
HONOLULU, HAWAII 96813
TELEPHONE: (808) 543-9800
FACSIMILE: (808) 599-1960

July 17, 1989

Federal Election Commission
Washington, D.C. 20463

Attention: Lawrence M. Noble
General Counsel

RE: MUR 2892
Sony Hawaii

Dear Sir:

This letter refers to our previous request for an extension to respond to the complaint filed in the above referenced matter.

By letter dated July 12, 1989, which we only received on July 17, 1989, the FEC granted an extension to July 17, 198[illegible]

We have not had the opportunity to complete our revie[illegible] of the matter and request a further extension to July 31, 1989 to respond to the complaint.

Our client is a domestic corporation which is doing business in the State of Hawaii. Sony Hawaii is a division of Sony Corporation of America, which is engaged in the sale of audio and video components.

We are in the process of verifying the facts. In that connection, we previously raised jurisdictional and constitutional defenses to the complaint and reallege and incorporate those defenses if a further extension is not granted. Furthermore, where the complaint names other respondents, the defenses filed by other respondents are incorporated by reference to the extent that such defenses may be applicable to our client.

4904V

24043571058

Under Hawaii laws, a domestic corporation may make contributions to the campaign of candidates for state and local offices. We are informed that our client is a domestic corporation and any contributions made by it was neither from nor not made at the direction of a foreign national.

Very truly yours,

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

By _____
Dickson C.H. Lee

DCHL:en

24043571059

06C3487

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

SUITE 1400
GROSVENOR CENTER
733 BISHOP STREET
HONOLULU, HAWAII 96813

TELEPHONE: (808) 543-0800
FACSIMILE: (808) 599-1060

SUTEKI OKUMURA
ROY E. TAKUSHI
JAMES T. FUNAKI
JOSEPH K. WEE
SHUICHI MIYASAKI
ALFRED M. K. WONG
ROBERT M. EHRHORN, JR.
DICKSON C. H. LEE
PETER T. STONE
JAMES N. H. YEE
AARON S. YOO

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
89 JUL 20 PM 12:06

July 17, 1989

Federal Election Commission
Washington, D.C. 20463

Attention: Lawrence M. Noble
General Counsel

RE: MUR 2892
Universal Express Co. (Hawaii), Ltd.

89 JUL 20 PM 12:06

Dear Sir:

This letter refers to our previous request for an extension to respond to the complaint filed in the above referenced matter.

By letter dated July 12, 1989, which we only received on July 17, 1989, the FEC granted an extension to July 17, 1989.

We have not had the opportunity to complete our review of the matter and request a further extension to July 31, 1989 to respond to the complaint.

Our client is a domestic corporation which is doing business in the State of Hawaii. Universal Express Co. (Hawaii), Ltd. owns and operates a hotel in Waikiki.

We are in the process of verifying the facts. In that connection, we previously raised jurisdictional and constitutional defenses to the complaint and reallege and incorporate those defenses if a further extension is not granted. Furthermore, where the complaint names other respondents, the defenses filed by other respondents are incorporated by reference to the extent that such defenses may be applicable to our client.

4904V

24043571060

Under Hawaii laws, a domestic corporation may make contributions to the campaign of candidates for state and local offices. We are informed that our client is a domestic corporation and any contributions made by it was neither from nor not made at the direction of a foreign national.

Very truly yours,

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

By _____
Dickson C.H. Lee

DCHL:en

24043571051

OGC 3521

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

SUYEKI OKUMURA
ROY E. TAKUSHI
JAMES T. FUNAKI
JOSEPH R. WEE
SHUICHI MIYASAKI
ALFRED M. K. WONG
ROBERT M. EHRHORN, JR.
DICKSON C. H. LEE
PETER T. STONE
JAMES N. H. YEE
AARON S. YOO

SUITE 1400
GROSVENOR CENTER
733 BISHOP STREET
HONOLULU, HAWAII 96813
TELEPHONE (808) 543-[illegible]
FACSIMILE (808) 599-[illegible]

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE SERVICES BRANCH
89 JUL 24 AM 9:55

July 17, 1989

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 JUL 24 AM 9:40

Federal Election Commission
Washington, D.C. 20463

Attention: Lawrence M. Noble
General Counsel

RE: MUR 2892
Queen Kapiolani Hotel

Dear Sir:

This letter refers to our previous request for an extension to respond to the complaint filed in the above referenced matter.

By letter dated July 12, 1989, which we only received on July 17, 1989, the FEC granted an extension to July 17, 1989.

We have not had the opportunity to complete our review of the matter and request a further extension to July 31, 1989 to respond to the complaint.

Our client is a domestic corporation which is doing business in the State of Hawaii. Queen Kapiolani owns and operates a hotel in Waikiki.

We are in the process of verifying the facts. In that connection, we previously raised jurisdictional and constitutional defenses to the complaint and reallege and incorporate those defenses if a further extension is not granted. Furthermore, where the complaint names other respondents, the defenses filed by other respondents are incorporated by reference to the extent that such defenses may be applicable to our client.

4904V

24043571062

Under Hawaii laws, a domestic corporation may make contributions to the campaign of candidates for state and local offices. We are informed that our client is a domestic corporation and any contributions made by it was neither from nor not made at the direction of a foreign national.

Very truly yours,

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

By _____
Dickson C.H. Lee

DCHL:en

24043571063

DOC 2518

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE SERVICES BRANCH
89 JUL 24 AM 9:49

PAUL, JOHNSON, ALSTON & HUNT

ATTORNEYS AT LAW A LAW CORPORATION

HONOLULU OFFICE
(808) 524-1212
Suite 1300, Pacific Tower
1001 Bishop Street
Post Office Box 4438
Honolulu, Hawaii 96812-4438
Cable: PACIFICLAW
Telex: PACLAW 634377
FAX: (808) 524-4591
FAX: (808) 526-1554

MAUI OFFICE
(808) 242-6644
101 H.O.E.A. Building
2145 Kaohu Street
Post Office Box 870
Wailuku, Hawaii 96793-0870
FAX: (808) 244-9775

July 19, 1989

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 JUL 24 AM 9:41

Lawrence M. Noble, Esq.
General Counsel
Lois G. Lerner, Esq.
Associate General Counsel
Patty Reilley, Esq.
Staff Attorney
Federal Election Commission
999 East Street, NW
Washington, DC 20463

Re: MUR-2892, Tetsuo Yasuda, aka Han Soo Chun

Dear Counsel:

This confirms my telephone conversation with Patty Riley on July 19, 1989 regarding the above matter. Pursuant to our discussion, I will respond on behalf of Tetsuo Yasuda within 15 days of July 19, 1989, which is August 3, 1989. Tetsuo Yasuda has signed a statement of designation of counsel in MUR-2846. I have been authorized to respond on his behalf in this matter. Thank you for your cooperation in this matter.

Sincerely yours,

Chad K. Taniguchi

2862I/dr

cc: Tetsuo Yasuda

2 4 0 4 3 5 7 1 0 6 4

HONOLULU James T. Paul, David A. Johnson, Paul Alston, William S. Hunt, Corey Y. S. Park, Shelby Anne Floyd, Louise K. Y. Ing, Sheryl L. Nicholson, Chad Taniguchi, Ellen Godbey Carson, Robyn B. Chun, Everett S. Kanashige, Elizabeth Kent, Stuart L. Gasner, Mel Nakamoto
MAUI Dennis Nies, William M. McKeon

06C 3531

Partington and Foley

ATTORNEYS AT LAW

2450 PACIFIC TOWER, 1001 BISHOP STREET
HONOLULU, HAWAII 96813

TELEPHONE (808) 526-8500
FAX (808) 545-2435

EARLE A. PARTINGTON
DANIEL R. FOLEY

OF COUNSEL
YVES-LOUIS SAGE
B.P. 20238
PAPEETE, TAHITI
Licensed to practice
in French Polynesia

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE SERVICES BRANCH

89 JUL 24 AM 11:02

July 19, 1989

Patty Reilly
Staff Attorney
Federal Election Commission
999 F Street, N.W.
Washington, D.C. 20463

89 JUL 28 AM 8:53
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

Re: MUR 2892
Shoichi Kaneda
Itsuo Koshiba
Seinosuke Yoshida
Eiman Yamamoto
Hiroaki Fushimo

Dear Ms. Reilly:

This letter is to confirm our telephone conversation of today. I have received packages from your Commission in the above entitled actions. The packages were not sent to the above named persons but to Central Pacific Bank.

I have been contacted by a representative of these named persons to represent them in this matter. I will be sending copies of your letter and statement of designation of counsel to each of the above named.

I request an extension to August 8, 1989, to respond to the Commission's letters in the above entitled actions.

Thank you for your consideration in this matter.

Sincerely,

Daniel R. Foley

Daniel R. Foley

DRF/mm

7404357106 5

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

July 28, 1989

Daniel L. Foley, Esquire
Partington & Foley
2450 Pacific Tower
1001 Bishop Street
Honolulu, Hawaii 96813

RE: MUR 2892
Shoichi Kaneda
Itsuo Koshiba
Seinosuke Yoshida
Eiman Yamamoto
Hiroaki Fushimo

Dear Mr. Foley:

This is in response to your letter dated July 19, 1989, which we received on July 25, 1989, requesting an extension of five days respond to the complaint in the above-captioned matter. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on August 8, 1989.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

2404357106 6

HAND DELIVERED

06C 359P

FEDERAL ELECTION COMMISSION
MAIL ROOM

89 JUL 31 PM 3:05

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

SUYEKI OKUMURA
ROY E. TAKUSHI
JAMES T. FUNAKI
JOSEPH K. WEE
SHUICHI MIYASAKI
ALFRED M.K. WONG
ROBERT M. EHRHORN, JR.
DICKSON C.H. LEE
PETER T. STONE
JAMES N.H. YEE
AARON S. YOO

SUITE 1400
GROSVENOR CENTER
733 BISHOP STREET
HONOLULU, HAWAII 96813

TELEPHONE (808) 543-9800
FACSIMILE (808) 599-1960

July 27, 1989

Federal Election Commission
General Counsel's Office
Washington, D.C. 20463

Attention: Patty Reilly

RE: MUR 2892

Client: Sony Hawaii Company

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 JUL 31 PM 4:06

Dear Ms. Reilly:

This letter refers to the complaint filed in the above referenced matter.

Enclosed is the "Statement of Designation of Counsel" form which designates our law firm to represent Sony Hawaii Company in the above proceeding.

The following answer is submitted in response to the complaint filed in the above captioned matter.

A. SONY IS NOT A "FOREIGN NATIONAL"

The allegation that it is unlawful for a "foreign national" to make a contribution to the campaign of a candidate for local office under the Act immediately raises the issue of whether the FEC has the jurisdiction, power and authority over such a matter.

4934V

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However, it is not necessary for the FEC to address those issues at least with respect to our client where our client is not a "foreign national". 1/

Our client is a domestic corporation which made an $800.00 contribution to the campaign of Frank Fasi for the office of Mayor of the City and County of Honolulu. While our client is a subsidiary of a foreign corporation, the FEC previously concluded that a domestic corporation is not a foreign national even if it is a wholly-owned subsidiary of a foreign corporation so long as the parent corporation does not provide funds for the political contribution and the subsidiary is not controlled by the parent with respect to the subsidiary's decision to make a contribution. A.O. 1985-3, Fed. Election Camp. Fin. Guide (CCH) Para. 5809 (March 4, 1985)

As stated in the Affidavit of Don Kim, the parent corporation to our client neither provided the funds to make such a contribution nor did it exercise any control or have any part in the decision to make such a contribution. The decision to make such a contribution was solely his.

2 4 0 4 3 5 7 1 0 0 8

1/ 2 U.S.C. Sec. 44le. defines "foreign national" as follows:

"(b) As used in this section, the term 'foreign national' means-

(1) a foreign principal, as such term is defined by section 611(b) of Title 22, except that the term 'foreign national' shall not include any individual who is a citizen of the United States; or

(2) an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of Title 8."

Clearly the complaint is without any merit as to our client and should be dismissed.

B. THE ACT DOES NOT APPLY TO CONTRIBUTIONS TO THE CAMPAIGN OF A CANDIDATE FOR LOCAL OFFICE

The involvement of the FEC in a matter involving a contribution to the campaign of a candidate for local office raises immediate legal issues as to whether the FEC has jurisdiction, power and authority to regulate such a matter. In that connection, the following defenses are raised in response to the complaint.

1. The complaint fails to state a claim upon which any relief can be granted or any action can be taken.

2. The FEC lacks jurisdiction over the subject matter and over the person of our client. In that connection, this response should not be construed as an appearance by our client and is at the most, a special appearance by our client.

3. The regulation of matters involving contributions to the campaigns of candidates for state and local offices is reserved to the respective states under the the 10th Amendment to the United States Constitution. Any preemption provision of the Act is specifically limited to contributions to the campaigns of candidates for Federal office.

   In Hawaii, the contributions to the campaigns of candidates for state and local offices are governed by Chapter 11 Hawaii Revised Statutes and, in particular, Hawaii Revised Statutes Sections 11-191 et seq. pertaining to election campaign contributions and expenditures.

2404357 1069

4. The Federal Election Campaign Act of 1971 ("Act"), on its face and as evidenced by its legislative history and intent, is expressly limited to matters involving federal elections and does not apply to matters involving state or local elections.

The FEC exceeded its rulemaking authority when it promulgated 11 CFR 110.4 which attempts to extend the Act to cover contributions by foreign nationals to the campaign of a candidate for state and local office. In that regard, a rule promulgated by an agency to carry out a law cannot go beyond the scope of the law. Consequently, where the FEC has exceeded its rulemaking authority by promulgating 11 CFR 110.4, that rule is invalid.

5. The Act, including the practice and procedures for applying the Act and the presumptions and burden of proof created thereunder, violates rights of speech and due process afforded under the 1st, 5th and 14th Amendments to the United States Constitution.

Furthermore, the Act is vague and overly broad and is therefore unenforceable where it is being applied to regulate contributions to the campaign of a candidate for local office.

5. The complaint arises out of the complainants' administrative and legal challenges to prevent the development of a golf course in their neighborhood. Our client has nothing to do with the development of that golf course. Complainants have not exhausted their administrative and/or judicial remedies under state and local laws.

6. Where the complaint was filed against numerous other respondants who may be similarly situated, all other legal defenses raised by or on behalf of such respondants are incorporated by reference.

3 4 0 4 3 5 7 1 0 7 0

Based upon the foregoing, the complaint is without merit and should be dismissed or the FEC should recommend that no action is warranted on the complaint as it applies to our client.

Very truly yours,

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

By _____
Dickson C.H. Lee

DCHL:en
Enclosures

cc: Sony Hawaii Company

24043571071

STATEMENT OF DESIGNATION OF COUNSEL

NSR 2892

NAME OF COUNSEL: OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

ADDRESS: 733 Bishop Street, Suite 1400
Honolulu, Hawaii 96813

TELEPHONE: (808) 543-9800

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

July 21, 1989
Date

Don Kim
Signature

Don Kim
Director and Controller
Sony Hawaii Company

RESPONDENT'S NAME: Sony Hawaii Company

ADDRESS: 960 Mapunapuna Street
Honolulu, Hawaii 96819

HOME PHONE:

BUSINESS PHONE: (808) 834-6611

> 2404357107/2

AFFIDAVIT OF DON KIM

STATE OF HAWAII)
) ss.
CITY AND COUNTY OF HONOLULU)

DON KIM states under oath as follows:

1. His name is DON KIM.

2. He is a resident of the City and County of Honolulu, State of Hawaii.

3. He is a United States citizen.

4. He is employed by Sony - Hawaii Division ("Company") which has been engaged in the business of distributing audio and video electronic equipment in the State of Hawaii for many years.

5. He is Director and Controller of the Company and is making this affidavit in that capacity. Except as otherwise stated, he has personal knowledge of the matters set forth herein.

6. The Company is a division of Sony Corporation of America, a corporation organized under the laws of the State of Delaware.

7. With reference to the complaint filed in the above captioned matter, the Company made an $800.00 contribution to the campaign of Frank Fasi for re-election as Mayor of the City and County of Honolulu out of the Company's own funds. None of such funds was provided by a foreign national or foreign principal.

2043710/3

8. The Company was not directed by a foreign national or foreign principal to make the contribution to the campaign of Mr. Fasi. A foreign national or foreign principal did not control any decision of the Company to make any contributions to the campaign of Mr. Fasi.

9. The decision to make the contribution to the campaign of Mr. Fasi was made by Affiant.

Further Affiant sayeth naught.

DATED: Honolulu, Hawaii, July 21, 1989.

Don Kim

DON KIM

Subscribed and sworn to before me
this 21st day of July, 1989.

Nancy A. Ceyebara

Notary Public, State of Hawaii

My Commission expires: MAY 27, 1992

2404357107 4

HAND DELIVERED

06C3597

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

89 JUL 31 AM 9:24

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

SUYEKI OKUMURA
ROY E. TAKUSHI
JAMES T. FUNAKI
JOSEPH K. WEE

SHUICHI MIYASAKI
ALFRED M.K. WONG
ROBERT M. EHRHORN, JR.
DICKSON C.H. LEE

PETER T. STONE
JAMES N.H. YEE
AARON S. YOO

SUITE 1400
CROSVENOR CENTER
733 BISHOP STREET
HONOLULU, HAWAII 96813

TELEPHONE (808) 543-9800
FACSIMILE (808) 599-1960

July 27, 1989

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 JUL 31 PM 4:06

Federal Election Commission
General Counsel's Office
Washington, D.C. 20463

Attention: Patty Reilly

RE: MUR 2892

Client: Matsuzato Hawaii, Inc. dba Queen Kapiolani Hotel

Dear Ms. Reilly:

This letter refers to the complaint filed in the above referenced matter.

Enclosed is the "Statement of Designation of Counsel" form which designates our law firm to represent Matsuzato Hawaii, Inc. dba Queen Kapiolani Hotel in the above proceeding.

The following answer is submitted in response to the complaint filed in the above captioned matter.

A. MATSUZATO HAWAII, INC. IS NOT A "FOREIGN NATIONAL"

The allegation that it is unlawful for a "foreign national" to make a contribution to the campaign of a candidate for local office under the Act immediately raises the issue of whether the FEC has the jurisdiction, power and authority over such a matter.

4933V

2043571075

However, it is not necessary for the FEC to address those issues at least with respect to our client where our client is not a "foreign national". 1/

Our client is a domestic corporation which made a $250.00 contribution to the campaign of Frank Fasi for the office of Mayor of the City and County of Honolulu. While our client is a subsidiary of a foreign corporation, the FEC previously concluded that a domestic corporation is not a foreign national even if it is a wholly-owned subsidiary of a foreign corporation so long as the parent corporation does not provide funds for the political contribution and the subsidiary is not controlled by the parent with respect to the subsidiary's decision to make a contribution. A.O. 1985-3, Fed. Election Camp. Fin. Guide (CCH) Para. 5809 (March 4, 1985)

As stated in the Affidavit of Shigeru Tomita, the parent corporation to our client neither provided the funds to make such a contribution nor did it exercise any control or have any part in the decision to make such a contribution. The decision to make such a contribution was solely his.

2043571076

1/ 2 U.S.C. Sec. 441e. defines "foreign national" as follows:

"(b) As used in this section, the term 'foreign national' means-

(1) a foreign principal, as such term is defined by section 611(b) of Title 22, except that the term 'foreign national' shall not include any individual who is a citizen of the United States; or

(2) an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of Title 8."

Clearly the complaint is without any merit as to our client and should be dismissed.

B. THE ACT DOES NOT APPLY TO CONTRIBUTIONS TO THE CAMPAIGN OF A CANDIDATE FOR LOCAL OFFICE

The involvement of the FEC in a matter involving a contribution to the campaign of a candidate for local office raises immediate legal issues as to whether the FEC has jurisdiction, power and authority to regulate such a matter. In that connection, the following defenses are raised in response to the complaint.

1. The complaint fails to state a claim upon which any relief can be granted or any action can be taken.

2. The FEC lacks jurisdiction over the subject matter and over the person of our client. In that connection, this response should not be construed as an appearance by our client and is at the most, a special appearance by our client.

3. The regulation of matters involving contributions to the campaigns of candidates for state and local offices is reserved to the respective states under the the 10th Amendment to the United States Constitution. Any preemption provision of the Act is specifically limited to contributions to the campaigns of candidates for Federal office.

   In Hawaii, the contributions to the campaigns of candidates for state and local offices are governed by Chapter 11 Hawaii Revised Statutes and, in particular, Hawaii Revised Statutes Sections 11-191 et seq. pertaining to election campaign contributions and expenditures.

24043571077

4. The Federal Election Campaign Act of 1971 ("Act"), on its face and as evidenced by its legislative history and intent, is expressly limited to matters involving federal elections and does not apply to matters involving state or local elections.

   The FEC exceeded its rulemaking authority when it promulgated 11 CFR 110.4 which attempts to extend the Act to cover contributions by foreign nationals to the campaign of a candidate for state and local office. In that regard, a rule promulgated by an agency to carry out a law cannot go beyond the scope of the law. Consequently, where the FEC has exceeded its rulemaking authority by promulgating 11 CFR 110.4, that rule is invalid.

5. The Act, including the practice and procedures for applying the Act and the presumptions and burden of proof created thereunder, violates rights of speech and due process afforded under the 1st, 5th and 14th Amendments to the United States Constitution.

   Furthermore, the Act is vague and overly broad and is therefore unenforceable where it is being applied to regulate contributions to the campaign of a candidate for local office.

5. The complaint arises out of the complainants' administrative and legal challenges to prevent the development of a golf course in their neighborhood. Our client has nothing to do with the development of that golf course. Complainants have not exhausted their administrative and/or judicial remedies under state and local laws.

6. Where the complaint was filed against numerous other respondants who may be similarly situated, all other legal defenses raised by or on behalf of such respondents are incorporated by reference.

2404357108

Based upon the foregoing, the complaint is without merit and should be dismissed or the FEC should recommend that no action is warranted on the complaint as it applies to our client.

Very truly yours,

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

By _____
Dickson C.H. Lee

DCHL:en
Enclosures

cc: Matsuzato Hawaii, Inc.

24043571079

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2892

NAME OF COUNSEL: OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

ADDRESS: 733 Bishop Street, Suite 1400
Honolulu, Hawaii 96813

TELEPHONE: (808) 543-9800

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

July 10, 89
Date

Michio Wada
Signature Michio Wada

RESPONDENT'S NAME: Matsuzato Hawaii, Inc. dba Queen Kapiolani Hotel
c/o Quality-Inn Hotel Waikiki, Suite 300

ADDRESS: 175 Paokalani Avenue
Honolulu, Hawaii 96815

HOME PHONE:

BUSINESS PHONE: (808) 923-5000

2404357108 0

AFFIDAVIT OF SHIGERU TOMITA

STATE OF HAWAII)
) ss.
CITY AND COUNTY OF HONOLULU)

SHIGERU TOMITA states under oath as follows:

1. His name is SHIGERU TOMITA.

2. He is a resident of the City and County of Honolulu, State of Hawaii.

3. He is a United States citizen.

4. He is employed by Matsuzato Hawaii, Inc. ("Company") that owns and operates the Queen Kapiolani Hotel which has been in existence in Honolulu, Hawaii for many years.

5. He is General Manager of the Company and is making this affidavit in that capacity. Except as otherwise stated, he has personal knowledge of the matters set forth herein.

6. The Company is a domestic corporation which is organized under the laws of the State of Hawaii.

7. With reference to the complaint filed in the above captioned matter, the Company made a $250.00 contribution to the campaign of Frank Fasi for re-election as Mayor of the City and County of Honolulu out of the Company's own funds. None of such funds was provided by a foreign national or a foreign principal.

2 4 0 4 3 5 7 1 0 3 1

8. The Company was not directed by a foreign national or foreign principal to make the contribution to the campaign of Mr. Fasi. A foreign national or foreign principal did not control any decision of the Company to make any contribution to the campaign of Mr. Fasi.

9. The decision to make the contribution to the campaign of Mr. Fasi was made by Affiant.

Further Affiant sayeth naught.

DATED: Honolulu, Hawaii, July 19, 1989.

SHIGERU TOMITA

Subscribed and sworn to before me
this 19th day of July, 1989.

Notary Public, State of Hawaii

My Commission expires: Oct. 1, 1992

9404357110082

HAND DELIVERED

89 JUL 31 AM 9:24

89C3596

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

SUYEKI OKUMURA
ROY E. TAKUSHI
JAMES T. FUNAKI
JOSEPH K. WEE

SHUICHI MIYASAKI
ALFRED M. K. WONG
ROBERT M. EHRHORN, JR.
DICKSON C. H. LEE

PETER T. STONE
JAMES N. H. YEE
AARON S. YOO

SUITE 1400
GROSVENOR CENTER
733 BISHOP STREET
HONOLULU, HAWAII 96813

TELEPHONE (808) 545-9800
FACSIMILE (808) 599-1960

July 27, 1989

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 JUL 31 PM 4:06

Federal Election Commission
General Counsel's Office
Washington, D.C. 20463

Attention: Patty Reilly

RE: MUR 2892

Client: Universal Express Co. (Hawaii), Ltd.

Dear Ms. Reilly:

This letter refers to the complaint filed in the above referenced matter.

Enclosed is the "Statement of Designation of Counsel" form which designates our law firm to represent Universal Express Co. (Hawaii), Ltd. in the above proceeding.

The following answer is submitted in response to the complaint filed in the above captioned matter.

A. UNIVERSAL EXPRESS CO. (HAWAII), LTD. IS NOT A "FOREIGN NATIONAL"

The allegation that it is unlawful for a "foreign national" to make a contribution to the campaign of a candidate for local office under the Act immediately raises the issue of whether the FEC has the jurisdiction, power and authority over such a matter.

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However, it is not necessary for the FEC to address those issues at least with respect to our client where our client is not a "foreign national". 1/

Our client is a domestic corporation which made a $500.00 contribution to the campaign of Frank Fasi for the office of Mayor of the City and County of Honolulu. While our client is a subsidiary of a foreign corporation, the FEC previously concluded that a domestic corporation is not a foreign national even if it is a wholly-owned subsidiary of a foreign corporation so long as the parent corporation does not provide funds for the political contribution and the subsidiary is not controlled by the parent with respect to the subsidiary's decision to make a contribution. A.O. 1985-3, Fed. Election Camp. Fin. Guide (CCH) Para. 5809 (March 4, 1985)

As stated in the Affidavit of Masatoshi Nitta, the parent corporation to our client neither provided the funds to make such a contribution nor did it exercise any control or have any part in the decision to make such a contribution. The decision to make such a contribution was solely his.

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1/ 2 U.S.C. Sec. 441e. defines "foreign national" as follows:

"(b) As used in this section, the term 'foreign national' means-

(1) a foreign principal, as such term is defined by section 611(b) of Title 22, except that the term 'foreign national' shall not include any individual who is a citizen of the United States; or

(2) an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of Title 8."

Clearly the complaint is without any merit as to our client and should be dismissed.

B. THE ACT DOES NOT APPLY TO CONTRIBUTIONS TO THE CAMPAIGN OF A CANDIDATE FOR LOCAL OFFICE

The involvement of the FEC in a matter involving a contribution to the campaign of a candidate for local office raises immediate legal issues as to whether the FEC has jurisdiction, power and authority to regulate such a matter. In that connection, the following defenses are raised in response to the complaint.

1. The complaint fails to state a claim upon which any relief can be granted or any action can be taken.

2. The FEC lacks jurisdiction over the subject matter and over the person of our client. In that connection, this response should not be construed as an appearance by our client and is at the most, a special appearance by our client.

3. The regulation of matters involving contributions to the campaigns of candidates for state and local offices is reserved to the respective states under the the 10th Amendment to the United States Constitution. Any preemption provision of the Act is specifically limited to contributions to the campaigns of candidates for Federal office.

   In Hawaii, the contributions to the campaigns of candidates for state and local offices are governed by Chapter 11 Hawaii Revised Statutes and, in particular, Hawaii Revised Statutes Sections 11-191 et seq. pertaining to election campaign contributions and expenditures.

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4. The Federal Election Campaign Act of 1971 ("Act"), on its face and as evidenced by its legislative history and intent, is expressly limited to matters involving federal elections and does not apply to matters involving state or local elections.

   The FEC exceeded its rulemaking authority when it promulgated 11 CFR 110.4 which attempts to extend the Act to cover contributions by foreign nationals to the campaign of a candidate for state and local office. In that regard, a rule promulgated by an agency to carry out a law cannot go beyond the scope of the law. Consequently, where the FEC has exceeded its rulemaking authority by promulgating 11 CFR 110.4, that rule is invalid.

5. The Act, including the practice and procedures for applying the Act and the presumptions and burden of proof created thereunder, violates rights of speech and due process afforded under the 1st, 5th and 14th Amendments to the United States Constitution.

   Furthermore, the Act is vague and overly broad and is therefore unenforceable where it is being applied to regulate contributions to the campaign of a candidate for local office.

5. The complaint arises out of the complainants' administrative and legal challenges to prevent the development of a golf course in their neighborhood. Our client has nothing to do with the development of that golf course. Complainants have not exhausted their administrative and/or judicial remedies under state and local laws.

6. Where the complaint was filed against numerous other respondants who may be similarly situated, all other legal defenses raised by or on behalf of such respondents are incorporated by reference.

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Based upon the foregoing, the complaint is without merit and should be dismissed or the FEC should recommend that no action is warranted on the complaint as it applies to our client.

Very truly yours,

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

By _____
Dickson C.H. Lee

DCHL:en
Enclosures

cc: Universal Express Co. (Hawaii), Ltd.

24043571067

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2892

NAME OF COUNSEL: OKUMURA TAKUSHI FUNAKI & HEE
ATTORNEYS AT LAW
A LAW CORPORATION

ADDRESS: 733 Bishop Street, Suite 1400
Honolulu, Hawaii 96813

TELEPHONE: (808) 543-9800

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

7/7/89
Date

Signature
Masatoshi Nitta
Vice President and
General Manager

RESPONDENT'S NAME: Universal Express Co. (Hawaii), Ltd.

ADDRESS: 2586 Kalakaua Avenue
Honolulu, Hawaii 96815

HOME PHONE:

BUSINESS PHONE: (808) 923-0411

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AFFIDAVIT OF MASATOSHI NITTA

STATE OF HAWAII)
) ss.
CITY AND COUNTY OF HONOLULU)

MASATOSHI NITTA states under oath as follows:

1. His name is MASATOSHI NITTA.

2. He is a resident of the City and County of Honolulu, State of Hawaii.

3. He is a permanent resident alien who has been living and working in Hawaii since 1973.

4. He is and has been since 1976 employed by Universal Express Co. (Hawaii), Ltd. ("Company") which owns and operates the Park Shore Hotel.

5. He is Vice President and General Manager of the Company and is making this affidavit in that capacity. Except as otherwise stated, he has personal knowledge of the matters set forth herein.

6. The Company is a domestic corporation which is organized under the laws of the State of Hawaii.

7. With reference to the complaint filed in the above captioned matter, the Company made a $500.00 contribution to the campaign of Frank Fasi for re-election as Mayor of the City and County of Honolulu out of the Company's own funds. None of such funds was provided by a foreign national or foreign principal.

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8. The Company was not directed by a foreign national or foreign principal to make the contribution to the campaign of Mr. Fasi. A foreign national or foreign principal did not control any decision of the Company to make any contribution to the campaign of Mr. Fasi.

9. The decision to make the contribution to the campaign of Mr. Fasi was made by Affiant.

Further Affiant sayeth naught.

DATED: Honolulu, Hawaii, July 26, 1989.

MASATOSHI NITTA

Subscribed and sworn to before me
this 26th day of July, 1989.

Frances H. Iwata
Notary Public, State of Hawaii

My Commission expires: Oct. 1, 1992

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06C 3595

DAMON KEY BOCKEN LEONG KUPCHAK

A LAW CORPORATION

Attorneys at Law

1600 Pauahi Tower
1001 Bishop Street
Honolulu, Hawaii 96813

Telephone (808) 531-8031
Telex 6-14807 DKBLK 6-14807
Facsimile (808) 533-2242
Cable Address: ADMIRAL

R. Charles Bocken
Clinton K.Y. Ching
C. F. Damon, Jr.
Eric W. Eggerss
Eric O. Fidler
Kamala J. Evans
Gerhard Fruhbeck
Diane D. Hastert
Charles W. Key
Christine A. Kubota
Kenneth R. Kupchak
Denis C.H. Leong
Laurel K.S. Lee
James C. McWhinnie
Francis K. Mukai
Douglas D. Chanlah
Robert H. Thomas
Jaclyn V. Wood
Michael A. Wakida
Michael J. Yoder

July 25, 1989

89 JUL 31 AM 9:16
FEDERAL ELECTION COMMISSION
OFFICE SERVICES BRANCH

Federal Election Commission
999 E. Street Northwest
Washington, D.C. 20463

Attention: Patti Reilly, Esq.

Re: Leyton House (Hawaii), Inc. - MUR 2892

Dear Ms. Reilly:

This letter constitutes Leyton House (Hawaii), Inc.'s response to your June 6, 1989 letter, received June 13, 1989, in the above-referenced investigation.

Leyton House (Hawaii), Inc. is a Hawaii corporation whose principal place of business is 2255 Kuhio Avenue, Suite 1002, Honolulu, Hawaii, 96815. The stock of Leyton House (Hawaii), Inc. is owned by Mr. Akira Akagi, who is a citizen and resident of Japan.

89 JUL 31 PM 1:06
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FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

Leyton House (Hawaii), Inc. did contribute five hundred dollars ($500.00) to the Friends for Fasi campaign by check dated August 7, 1987. The contribution was for tickets to a fundraising event.

At the time the contribution was made, the vice-president and general manager in charge of Leyton House (Hawaii), Inc. was Mr. Toshiaki Takahashi. Mr. Takahashi was a lawful permanent resident of the United States when the contribution was made in August 1987. As the vice-president and managing director, Mr. Takahashi exercised complete control over the day-to-day operations of Leyton House (Hawaii), Inc.. His authority included the ability to make contributions or purchase tickets to events such as this one. The only control exercised by Mr. Akagi during this period was input on major policy decisions. The deciscion to make the contribution in August, 1987, was made by Mr. Takahashi without input or advice from Mr. Akagi or any other foreign national.

Mr. Takahashi was unaware that the purchasing of the fundraising tickets, and thus the contribution to the Friends for Fasi campaign, could constitute a violation of the Federal Election laws. Leyton House (Hawaii), Inc.

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did not expect to and has not received any benefits stemming from this contribution. It did not have any special interest legislation, permits or license applications before the City & County of Honolulu at the time the contribution was made.

Considering the facts and circumstances involved in this case, the small size of the contribution, and that the corporation was not seeking any favors from the Fasi administration, the Commission should take no action against Leyton House (Hawaii), Inc.

If you have any questions regarding this matter, please feel free to contact our office.

Very truly yours,

DAMON KEY BOCKEN LEONG KUPCHAK

Clinton K. L. Ching
Douglas D. Osterloh

CKLC/DDO:mcp

cc: Leyton House (Hawaii), Inc.
Attn: Kenneth K. Nakamura

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Of Counsel:
DAMON KEY BOCKEN LEONG KUPCHAK
Attorneys at Law
A Law Corporation

CLINTON K. L. CHING 516-0
DOUGLAS D. OSTERLOH 4708-0
1600 Pauahi Tower
1001 Bishop Street
Honolulu, Hawaii 96813
Telephone: 531-8031

Attorneys for LEYTON HOUSE
(HAWAII), INC.

BEFORE THE FEDERAL ELECTION COMMISSION

Matter Under Review Of	)	MUR No. 2892
	)	
LEYTON HOUSE (HAWAII), INC.	)	AFFIDAVIT OF KENNETH K.
	)	NAKAMURA
	)	
	)	
	)	

AFFIDAVIT OF KENNETH K. NAKAMURA

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

KENNETH K. NAKAMURA, being first duly sworn on oath, deposes and says:

1. That I am a citizen of the United States and a resident of Honolulu, Hawaii.

2. That I am an employee of Leyton House (Hawaii), Inc., and have been since July 1, 1986.

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3. That I am presently the Secretary and General Manager of Leyton House (Hawaii), Inc.

4. That Leyton House (Hawaii), Inc. made a contribution of five hundred dollars ($500.00) to the Friends for Fasi campaign dated August 7, 1987.

5. That the contribution was made from corporate earnings and was not from funds supplied from off-shore.

6. That in August 1987, when the contribution to Friends for Fasi was made, Mr. Toshiaki Takahashi was the Vice President and General Manager of, and a Director of, Leyton House (Hawaii), Inc.

7. That Mr. Takahashi is a lawful permanent resident of the United States.

8. That Mr. Takahashi has since resigned from Leyton House (Hawaii), Inc. and is believed to be presently residing in Tokyo, Japan.

9. That we have attempted to contact Mr. Takahashi and have received no response.

10. That the Vice President and General Manager exercises complete control of the day-to-day operations of Leyton House (Hawaii), Inc., with input from the sole stockholder, Mr. Akira Akagi, or the Japan sister corporation, only on major policy considerations.

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11. That to the best of my knowledge, noone who was a "foreign national," as that term is defined in 2 USC § 441e, had any input in the decision to make the contribution to Friends for Fasi.

12. That the FIVE HUNDRED DOLLAR ($500.00) contribution made on August 7, 1987, was for tickets for a fundraising event.

13. That to the best of my knowledge, the officers and directors of the corporation were unaware that it could be a possible violation of the Federal Election Laws for Leyton House (Hawaii), Inc. to make a contribution to a political campaign by purchasing tickets to a fundraising event.

14. That the corporation did not have any matters pending before the City & County of Honolulu or the Fasi administration at that time, and did not expect to receive any special favors in return for their contribution.

FURTHER AFFIANT SAYETH NAUGHT.

KENNETH K. NAKAMURA

Subscribed and sworn to before me
this 28 day of July, 1989.

Notary Public, State of Hawaii

My Commission Expires: 12.4.89

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OGC 3666

CADES SCHUTTE FLEMING & WRIGHT

ATTORNEYS AT LAW

HONOLULU, HAWAII OFFICE
P.O. BOX 939
HONOLULU, HAWAII 96808
1000 BISHOP STREET
HONOLULU, HAWAII 96813
TELECOPIER: (808) 531-8738
(808) 536-7984
TELEX: 7238589
CABLE: LEX
TELEPHONE: (808) 521-9200

July 31, 1989

WRITER'S DIRECT DIAL NUMBER

521-9332

RECEIVED
FEDERAL ELECTION COMMISSION
89 AUG -4 AM 9:30

Patty Reilly, Esq.
Office of the General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 2892

Dear Ms. Reilly:

On April 11, 1989, the Federal Election Commission ("FEC") received a complaint alleging possible violations of the Federal Election Campaign Act of 1971 (the "Act"), by a number of individuals and corporations who made contributions to Honolulu Mayor Frank Fasi's campaign in 1987. We represent one of the parties named in the complaint, ANA Hotels Hawaii, Inc. ("ANAHH"). An original copy of the Statement of Designation of Counsel is enclosed. The complaint alleges that ANAHH violated 2 U.S.C. § 441(e), the provision prohibiting foreign nationals from making political contributions.

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 AUG -4 PM 1:01

The FEC should dismiss the complaint against ANAHH for the following reasons:

1. ANAHH is not a "foreign national" within the meaning of the Act.

2. The FEC lacks jurisdiction over matters involving a local election and contributions made to a candidate running for local office.

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3. Assuming there is jurisdiction, the facts in this case do not warrant prosecution or the imposition of a civil penalty.

DISCUSSION

I. ANAHH Is Not A "Foreign National" Within The Meaning Of The Act.

2 U.S.C. § 441(e) provides:

> (a) It shall be unlawful for a foreign national directly or through any other person to make any contribution of money or other thing of value, or to promise expressly or impliedly to make any such contribution, in connection with an election to any political office or in connection with any primary election, convention, or caucus held to select candidates for any political office; or for any person to solicit, accept, or receive any such contribution from a foreign national.
>
> (b) As used in this section, the term "foreign national" means -
>
> (1) A foreign principal, as such term is defined by section 611(b) of Title XXII, except that the terms "foreign national" shall not include any individual who is a citizen of the United States; or
>
> (2) An individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of Title VIII.

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"Foreign principal" is defined in 22 U.S.C. § 611(b), which provides:

> The term "foreign principal" includes -
>
> (1) A government of a foreign country and a foreign political party;
>
> (2) A person outside the U.S., unless it is established that such person is an individual and a citizen of and domiciled within the United States, or that such person is not an individual and is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States; and
>
> (3) A partnership, association, corporation, organization, or other combination of persons organized under laws or having its principal place of business in a foreign country.

ANAHH was incorporated under the laws of the State of Hawaii in January 1979 in connection with its acquisition of the "Sheraton Makaha Resort Hotel and Country Club" (the "Hotel Facility") situated in Makaha Valley, on the island of Oahu, State of Hawaii. The stock of the ANAHH is owned by two related Japan corporations, All Nippon Airways Co., Ltd. and ANA Enterprises, Ltd. All Nippon Airways Co., Ltd. is the parent company of ANA Enterprises, Ltd.

Since 1979, ANAHH has owned and operated the Hotel Facility, which is presently managed by The Sheraton Corporation.

Millie M. Ludwick is the Owner's Representative in Hawaii. She is a United States citizen and has been employed by ANAHH since 1980. She is a full time resident

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of the State of Hawaii. As the Owner's Representative, she is involved in overseeing the management of the Hotel Facility. The political contribution to Mayor Fasi's campaign was authorized by Ms. Ludwick, pursuant to the authority granted to her as the Owner's Representative. The contribution was made without any prior consultation or approval from the corporate officers in Japan or the shareholders of ANAHH. In addition, the decision to make a contribution does not require shareholder approval or that the funds be provided by ANAHH's shareholders.

The FEC has clearly determined that a domestic corporation, such as ANAHH, is not a foreign national for the purposes of § 441(e) even if it is a wholly-owned subsidiary of a foreign corporation, so long as the parent corporation does not provide funds for the political contribution and the subsidiary is not controlled by the parent with respect to the subsidiary's decision to make a contribution. A.O. 1985-3 Fed. Election Camp. Fin. Guide (CCH) ¶ 5809 (March 4, 1985); A.O. 1981-36, December 8, 1981.

In the instant case, the parent corporations did not provide any funds for the political contribution made to Mayor Fasi's campaign. As detailed in Millie Ludwick's affidavit (see Exhibit A), ANAHH makes all of its political contributions out of its own funds without any grant of funds from the parent corporation. Furthermore, ANAHH is not controlled by the parent corporation with respect to ANAHH's decisions to make contributions. The decisions to make any political contributions are made solely by Millie Ludwick as the Owner's Representative of ANAHH, and not by the corporate officers in Japan or the parent corporations. Since ANAHH does not fall under the definition of a "foreign national," ANAHH cannot be held liable under the Act for any violations relating to contributions by a foreign national.

II. The FEC Lacks Jurisdiction Over The Contributions Made To State And Local Elections.

A. Statutory Construction Mandates that § 441(e) Was Not Intended to Apply To State or Local Elections

2 U.S.C. § 441(e) does not expressly apply to state and local elections. Although the term "political office"

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is not defined by the Act, the terms "contribution" and "candidate" are so defined. The latter terms are operative only in connection with an election for federal office. 2 U.S.C. § 431(2), (8)(A). No mention of state or local office is made in the aforementioned definitions. The general rule of statutory construction is that when a word is defined by the statute, any other meaning not expressed is excluded. National Wildlife Federation v. Gorsuch, 693 F.2d 156, 172 (D.C. Cir. 1982)(quoting Colautti v. Franklin, 439 U.S. 379, 392 n.10 (1979). Therefore, the definitions of the terms "contribution" and "candidate" preclude the FEC from interpreting § 441(e) as being applicable to state or local offices.

Moreover, the Act expressly qualifies "political office" to include state and local office in 2 U.S.C. § 431(8)(xi). Thus if § 441(e) was meant to apply the state and local offices, the Congress would have expressly included state and local offices in § 441(e).

The confusion surrounding the question of whether § 441(e) of the Act applies to state or local elections is reflected in the introduction of a bill in Congress by Representative Patricia Saiki. Her bill seeks to amend 441(e) by striking out "political office" and inserting in lieu thereof "federal office or any state office (including any local office) ..." H.R. 1540 (see Exhibit C). Numerous other bills have been introduced locally to resolve this ambiguity as well. Thus, the Act should not be construed to apply to state or local elections.

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B. The FEC Lacks Jurisdiction In This Case

The Act applies only to contributions by foreign nationals to federal office and does not authorize the FEC to apply the Act to local elections.

It is well-settled that "state law is nullified to the extent it actually conflicts with federal law." Friends of Phil Gramm, 587 F.Supp. 769 (1984); Fidelity Federal Savings & Loan Association v. De La Cuesta, 45 L.Ed.2d 664 (1982). In this case, there is no "actual conflict" between

the state and federal laws because the Act only applies to federal elections. The concern for preserving the integrity of the Act's enforcement procedures undoubtedly played a prominent role in Congress' decision to write a preemption provision into the Act. That provision provides:

> The provisions of this Act, and of rules prescribed under this Act, supersede and preempt any provision of State law with respect to election to Federal office (emphasis added).

2 U.S.C. § 453.

In this case, an election to federal office is not involved. Since the provisions of the Act expressly apply only to federal elections, the FEC lacks jurisdiction over the instant matter.

This response to your June 6, 1989 letter is not intended to be, and should not be construed to be, a waiver of the defense that the FEC lacks jurisdiction over the subject matter of this case in any further civil proceedings.

III. Assuming the FEC Has Jurisdiction, A Civil Penalty Should Not Be Assessed

Assuming proper jurisdiction, the facts in this case do not mandate that a civil penalty be imposed. There is no evidence of an intent to violate the law by AMAHH. In addition, state officials having jurisdiction over campaign spending laws did not give notice that a donation by a company with foreign ties would be illegal. The Executive Director of the State Campaign Spending Commission, Jack M.K. Gonzales, was unaware of the Act until the present controversy came to light in early 1989. He had regularly advised candidates and contributors in Hawaii that such donations were permissible under State law. See Honolulu Advertiser, January 28, 1989, page A 1 (see Exhibit B). Under Hawaii State law, there is no provision against corporate contributions from foreign nationals, "so corporations here give freely to State and local candidates." Honolulu Advertiser, January 28, 1989, page A 4

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(see Exhibit B). Mr. Gonzales further stated that he believed the FEC had no jurisdiction in State or local elections. "We always believed the Federal election laws apply to Federal elections only." (see Exhibit B).

Although ignorance of a law may not be a defense to a violation thereof, the circumstances in this case do not warrant prosecution or the imposition of a penalty. The contribution in this case involves a de minimus amount, and the contribution was made openly in compliance with state law, and in accordance with various state officials' understanding of state and federal law. As indicated in Ms. Ludwick's affidavit, ANAHH's records show that the amount contributed to Mayor Fasi's last campaign was $250.00, and not $500.00. The publicity surrounding this issue has served an educational purpose in making people aware of the scope of the Act to true "foreign nationals" within the meaning of the Act. As set forth above, ANAHH is not a true "foreign national" within the meaning of the Act. No valid purpose would therefore be served in prosecuting the Complaint against ANAHH, given the specific facts applicable to ANAHH.

The complainants in this case have been engaged in a well-publicized "political" dispute with Mayor Fasi and his city administration with respect to a proposed golf course development in Honolulu. (This fact is also disclosed in the Complaint itself.) In filing the Complaint, complainants have obviously made no effort to distinguish between those entities or persons who are "foreign nationals" within the meaning of the Act, and those who are not. The complainants have wrongfully assumed that every foreigner or foreign-related entity is a "foreign national" under the Act. By taking aggressive prosecutorial action against ANAHH and others similarly situated, the FEC will only serve to deter valid contributions by foreign-related persons of entities who are not "foreign nationals" within the meaning of the Act.

Depending on what procedural and substantive due process rights are observed by the FEC in prosecuting the Complaint against ANAHH, we believe fundamental rights under the 1st, 5th and 14th Amendments to the United States Constitution may be violated under the facts of this case.

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CONCLUSION

ANAHH cannot be held liable for a violation of the Act because it is not a "foreign national" under the Act. Second, the FEC lacks jurisdiction to adjudicate claims arising under state and local election campaign violations. Finally, the imposition of any penalty in this case is unwarranted under the facts of this case. For the foregoing reasons, the Complaint against ANAHH should be dismissed.

Very truly yours,

Larry T. Takumi
for
CADES SCHUTTE FLEMING & WRIGHT

Attorney for ANA Hotels
Hawaii, Inc.

4280I

24043571103

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2892

NAME OF COUNSEL: Larry T. Takumi, Nicholas C. Dreher, Carol L. W. Hee

ADDRESS: Cades Schutte Fleming & Wright
P. O. box 939
Honolulu, Hawaii 96808

TELEPHONE: (808) 521-9332

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

6/22/89
Date

Millie M. Ludwick
Signature
Millie M. Ludwick
Owners Representative

RESPONDENT'S NAME: ANA HOTELS HAWAII, INC.

ADDRESS: 84-626 Makaha Valley Road
Waianae, Hawaii 96792

HOME PHONE:

BUSINESS PHONE: 808 695-9511

2404357111 04

EXHIBIT A

AFFIDAVIT OF MILLIE M. LUDWICK

MILLIE M. LUDWICK, being first duly sworn on oath, says that:

1. I am the Owner's Representative of ANA Hotels Hawaii, Inc. ("ANAHH") and have personal knowledge of the facts attested to herein.

2. I am a United States citizen and have been employed by ANAHH since 1980. I am also a full-time resident of the State of Hawaii.

3. ANAHH was incorporated under the laws of the State of Hawaii in January 1979. All of the stock of ANAHH is owned by All Nippon Airways Co., Ltd. and ANA Enterprises Ltd., both Japan corporations.

4. As the Owner's Representative, I am responsible for overseeing the management of the Sheraton Makaha Resort Hotel and Country Club situated in Makaha Valley, on the Island of Oahu, State of Hawaii.

5. I have the authority to make political contributions without prior consultation or approval by ANAHH's corporate officers or ANAHH's shareholders in Japan.

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6. The political contribution made in the amount of $250.00 to Honolulu Mayor Frank Fasi's campaign was authorized by me. This decision did not require any executive approval or shareholder approval in Japan, nor did the shareholders provide any funds for this purpose.

7. The contribution to Mayor Fasi's campaign was made without intent to violate any provision of any law (either state or federal) relating to election contributions.

FURTHER AFFIANT SAYETH NAUGHT.

Millie M. Ludwick

MILLIE M. LUDWICK

Subscribed and sworn to before me
this 31st day of July, 1989.

Susan Ann S. Goodwin

Notary Public, State of Hawaii

My commission expires: 4/4/90

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olulu Advertiser

Neighbor Island Edition

EXHIBIT B

J.S. says...

ays foreign donations illegal

Stunning revelation could affect many of state's politicians

AP photo

By James Dooley
Advertiser Staff Writer

Political donations by most foreign nationals to state and local election campaigns have been illegal in Hawaii since 1971, a federal official in Washington, D.C., said yesterday.

That declaration shatters assumptions that many federal, state and county officials in Hawaii have held for years.

The state campaign spending commission director, Jack M.K. Gonzales, said he was unaware of the law. He said he has regularly advised candidates and contributors here that such donations were permissible under state law.

"The federal law is clear and it supersedes state and local laws," said Sharon Snyder, assistant press officer for the Federal Elections Commission in Washington.

"It is permissible for foreign nationals who have permanent resident status in this country to contribute to political campaigns," Snyder said. But all other non-citizens are forbidden from making such donations, she said. And candidates are prohibited from soliciting or accepting such donations, she added.

Snyder referred further questions about the legal ramifications to the U.S. Attorney's Office in Hawaii.

U.S. Attorney Daniel Bent said last night that he was not familiar with the specifics of the matter. But he added, "This is something we are interested in. We'll make a statement soon as to what the law provides."

Bent noted that federal election law applies primarily to federal elections. But he noted that the question of foreign nationals contributing to American political campaigns at any level "is apparently one that Congress felt very strongly about when it enacted this law."

The law itself states in part that foreign nationals may not make contributions "in connection with an election to any political office ..."

And FEC regulations state that such contributions can't be made "in connection with a convention, caucus, primary, general, special or runoff election in connection with any local, state

See Foreign, Page A-4

...y hinted that he might ...er 1989. He also de... ...raise for members of Congress, federal judges and high-ranking bureaucrats in his first news conference as president. Story on Page B-1.

...urse developer seen departing soon

...U.S. Immigra... ...rvice into the ... golf course ... continuing. ...Yasuda has a ...d he "will be ...n," INS Di... ...ng said last

...vidence in... ...d a coca by

fuller statement on this next week."

Two law enforcement agencies told The Advertiser Yasuda was convicted of a larceny charge in Japan some 30 years ago.

Like other Korean nationals living and working in Japan, Yasuda was obliged to take a Japanese name, according to his lawyer Donald Iwai. Iwai has steadfastly denied that Yasuda has a criminal record.

INS agent Ben Alexander said yesterday evening that Yasuda and his attorney met with an INS agent, who speaks fluent Japanese, for about 6½ hours may be the case with Yasuda — could be subject to deportation or criminal prosecution, INS agents said.

There have been many such cases brought here and there is at least one pending now in federal court.

A Japanese national sent home last year by the INS is Kiso Matsumoto, president of an Osaka-based company that purchased the Turtle Bay Hilton resort and other Hawaiian real estate for $200 million last year.

Matsumoto is a former member of a Japanese organized crime group, an re-

Matsumoto was stripped of his visa and returned to Japan last year after he admitted failing to disclose a 30-year-old criminal record in Japan. Federal officials said Matsumoto might be allowed to return to Hawaii if he re-applies for entry, but he is not believed to have done so yet.

Yasuda, described as a millionaire from Osaka, Japan, reportedly made his fortune in vending machines and real estate. He is in the process of building the Royal Hawaiian Country Club in Maunawili Valley near Kailua. Preliminary work on the two 18-hole golf

From Page One

or federal public office."

Questions about the federal law were raised publicly yesterday in The Advertiser by Mayor Frank Fasi. He said he learned about the statute last October, and ordered that all funds donated to his campaign by known foreign nationals be returned.

State Attorney General Warren Price, whose office represents the state campaign spending commission, said last night he was generally "aware of federal prohibitions against contributions by foreign nationals." And he said an analysis of the questions would be prepared next week.

Exactly how much has been contributed to candidates here in state and local elections by foreign nationals is a question no one was prepared to answer, or even speculate about, yesterday. But it is believed the figure is substantial and has increased considerably in recent years with the heavy influx of Japanese investment money in Hawaii.

Fasi himself said he ordered the return last October of $22,000 in campaign funds contributed by Yasuo Yasuda, a Japan-based golf course developer here, and a group of Yasuda's corporate executives.

It is known that Yasuda is a Korean citizen and doesn't hold permanent resident status in this country. In fact, he may be compelled by U.S. immigration officials to leave the country as soon as next week.

Yasuda and two of his executives also contributed $1,000 each in 1987 to Gov. John Waihee's campaign organization and three other Yasuda executives gave $2,000 each to the Waihee campaign in November 1986, according to state records.

Waihee press secretary Carolyn Tanaka said yesterday, "As far as the Waihee campaign is concerned, it strictly adheres to state and federal law. We are looking into the matter further. We will do what we are instructed to do by the proper authorities."

The Waihee and Fasi campaign reports list numerous contributions from a variety of individuals who may be foreign nationals, but who also may hold "green cards" from U.S. immigration that give them permanent resident status here. There is no way of telling from the records themselves.

For instance, Waihee's campaign reported receipt in 1986 of a $1,000 contribution from an individual named H.J. Hyun, who listed a residential address in Seoul. He could be a Korean national, but he could also be a U.S. citizen living in Korea.

Both the Fasi and Waihee campaigns also list numerous

interpretation of the legality of such contributions under federal law was unclear yesterday.

Snyder said from Washington that it would be prudent for candidates who are offered money from such corporations to decline it until its legality is clarified.

Gonzales said, "A reasonable doubt has been raised about the propriety of receiving personal and corporate contributions from foreign nationals, so we'll raise that doubt with anyone who inquires."

Federal law prohibits corporate contributions of any sort in federal elections, but is silent on state and local elections. There is no such prohibition in state law, so corporations are free to give freely to state and local candidates.

Gonzales pointed out that the state campaign spending commission does not represent the Federal Election Commission in Hawaii.

The FEC has always insisted that inquiries about federal election procedures be referred to Washington, Gonzales said. The FEC is a small federal agency with limited staffing and has no regional offices around the country, he pointed out.

And, until contacted by The Advertiser yesterday, Gonzales believed the FEC had no jurisdiction in state or local elections.

"We always believed the federal election laws apply to federal elections only," he said.

If the FEC does demonstrate that foreign nationals should not have been contributing to state and local candidates in Hawaii for the past 18 years, it will also have to find a remedy for the situation, Gonzales said.

The federal law says offenses can be remedied by "informal methods of conference, conciliation and persuasion." But the FEC can also impose civil fines of up to $5,000 per unintentional violation and $10,000 for each "knowing and willful" violation.

EXHIBIT C

101ST CONGRESS
1ST SESSION

H. R. 1540

To amend the Federal Election Campaign Act of 1971 to clarify the coverage of a provision that prohibits contributions by foreign nationals in elections for Federal, State, and local offices, and to provide for an additional prohibition on contributions by foreign nationals in initiative, referendum, and recall elections.

IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 1989

Mrs. SAIKI introduced the following bill; which was referred to the Committee on House Administration

---

A BILL

To amend the Federal Election Campaign Act of 1971 to clarify the coverage of a provision that prohibits contributions by foreign nationals in elections for Federal, State, and local offices, and to provide for an additional prohibition on contributions by foreign nationals in initiative, referendum, and recall elections.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 319(a) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441e(a)) is amended—

(1) by striking out "political office" the first place it appears and inserting in lieu thereof "Federal office

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or any State office (including any local office), in connection with any initiative, referendum, or recall election,".

(2) by striking out "political office" the second place it appears and inserting in lieu thereof "Federal office or any State office (including any local office)".

O

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RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

PAUL, JOHNSON, ALSTON & HU[illegible]

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FAX: (808) 244-9775

August 3, 1989

Lawrence M. Noble, Esq.
General Counsel
Lois G. Lerner, Esq.
Associate General Counsel
Patty Reilly, Esq.
Staff Attorney
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 AUG -7 PM 1:02

Re: MUR-2892, Yasuo Yasuda, aka Han Kuk Chun

Dear Counsel:

This letter responds to Ms. Lerner's letter of June 6, 1989, regarding the complaint by Anthony P. Locricchio and others ("Complainants") dated May 3, 1989.

Based on the complaint referenced above, it appears the Complainants are claiming that Yasuo Yasuda, a Korean citizen and resident of Japan, may have violated the Federal Election Campaign Act of 1971, as amended ("the Act") because, among other allegations, he is listed as having made a contribution to the Frank Fasi mayoral campaign on August 31, 1987 in the amount of $2,000.

Yasuo Yasuda requests that the complaint be dismissed and no action be taken against him in this matter for the following reasons:

1. The Act and the regulations cannot be applied to State and local elections.

a. The Act on its face regulates only Federal elections. The Act is entitled the Federal Election Campaign Act. "Candidate" is defined in the Act as an individual seeking "Federal office." 2 U.S.C. § 431(2). Similarly, "contribution" is defined as "any gift . . . for the purpose of influencing any election for Federal office."

HONOLULU James T. Paul, David A. Johnson, Paul Alston, William S. Hunt, Corey Y. S. Park, Shelby Anne Floyd, Louise K. Y. Ing, Sheryl L. Nicholson, Chad Taniguchi, Ellen Godbey Carson, Robyn B. Chun, Everett S. Kanesnige, Elizabeth Kent, Mel Nakamoto, Judith L. Neustedter
MAUI: Dennis Niles, William M. McKeon

2 U.S.C.§ 431(8)(A)(i). These definitions apply to all sections of the Act. When these definitions are applied to 2 U.S.C.§ 441e, the section prohibiting "contributions" by foreign nationals, it is clear that in contrast to certain limitations on "contributions" by American citizens, residents, or corporations, any "contributions" to candidates for Federal office by foreign nationals are prohibited. Nowhere in the Act, however, are contributions to candidates for State and local office mentioned as being regulated by the Act. It is an accepted rule of statutory construction that the plain language of a statute governs where there is no ambiguity in the statute. Furthermore, courts strive to interpret language in one section of a statute consistent with the language of other sections and with the statute as a whole. Yamaguchi v. State Farm Mutual Auto Ins. Co., 706 F.2d 940, 947 (9th Cir. 1983).

b. The structure of the Act covers only Federal elections. The Act only supersedes and preempts provisions of State law with respect to election to Federal office. 2 U.S.C.§ 453. If the Act was intended to apply to State and local elections, it would have superseded and preempted provisions of State law with respect to election to State and local office as well. There is no preemption of State law with respect to candidates for State and local office because such regulation was not intended. See Pollard v. Board of Police Commissioners, 665 S.W.2d 333, 336, 338 (Mo. 1984) (purpose of the Act is to promote fair practices in the conduct of election campaigns for Federal political offices; Congress did not intend to preempt a broad field of State law); Washington Education Association v. Smith, 638 P.2d 77, 82 (Wash. 1981) (Act affects Federal elections only; State law governs State elections).

The Hawaii State Campaign Spending Commission provides a compilation of applicable campaign rules and regulations for interested parties. Nothing in these rules, or in Hawaii State law, precludes a foreign national from making contributions to candidates for State or local office. The Act should not be stretched to preclude donations in State elections where donors are put on notice by State law that such donations are valid. Cf. Cort v. Ash, 422 U.S. 66, 84 - 85 (1975) (if State law permits corporate contributions in State elections, court is necessarily

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reluctant to imply Federal violation if corporate contributions made in Federal election.)

Another section of the Act, concerned with statements and reports to State officers required to be filed, only refers to statements and reports in connection with candidates for Federal office, not State or local offices. 2 U.S.C.§ 439(2)(A)(B). If the Act was intended to apply to State and local offices, statements and reports would necessarily be required for those offices. The fact they are not required indicates that contributions to candidates for State and local offices were not intended to be covered by the Act.

c. The Act's legislative history only refers to Federal elections. The Act was enacted in 1971. It was amended in 1976 to include 2 U.S.C.§ 441e regarding contributions by foreign nationals. The 1976 amendments were instituted to cure problems raised in Buckley v. Valeo, 424 U.S. 1 (1976), related to the method of appointing the Commission. S. Rep. No. 677, 94th Cong., 2nd Sess. 2 (1976). Nowhere in the legislative history is regulation of State and local elections discussed.

Section 441e was transferred to Title 2 in 1976 from 18 U.S.C. § 613. When Section 441e was transferred in 1976, however, Title 18 also concerned only regulation of elections for Federal office. "Candidate" was defined as one seeking "Federal office," 18 U.S.C.§ 591(b), and "contribution" likewise was defined as "a gift . . . for the purpose of influencing . . . election to Federal office . . ." 18 U.S.C.§ 591(e)(1) (repealed in 1980). Therefore, when Section 441e was transferred from Title 18, it came from a statutory scheme that regulated only Federal elections. Authority over contributions made to State and local candidates cannot be added to that section or to the Act without further statutory authorization.

d. The Act has been interpreted by caselaw to govern Federal elections. As stated in Orloski v. Federal Election Commission, 795 F.2d 156, 163 (D.C. Cir. 1986), the purpose of the Act is "to limit spending in Federal election campaigns."

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e. If the Act only governs Federal elections, the Commission's rules cannot exceed the scope of the Act and extend coverage to State and local elections. As discussed above, the Act itself is by its plain language, structure, legislative history, and by caselaw interpretation, applicable only to Federal elections. The Commission's rules purport, however, to make the Act applicable to State and local elections also. As 11 C.F.R.§ 110.4(a)(1) states:

> A foreign national shall not directly or through any other person make a contribution, or expressly or impliedly promise to make a contribution, in connection with a convention, caucus, primary, general, special, or runoff election in connection with any local, State or Federal public office.

Although the authority for this rule is supposed to be 2 U.S.C.§ 441e, that section does not refer to State or local elections. Because the Act defines the scope of the FEC's rulemaking authority, any rule which exceeds the scope of its statutory authority is invalid. Chrysler Corporation v. Brown, 441 U.S. 281, 295 - 309 (1979); State of California v. Block, 663 F.2d 855, 860 (9th Cir. 1981). Based on the plain language, structure, and legislative history of the Act, the rule is an impermissible interpretation of the Act. Orloski v. Federal Election Commission, 795 F.2d 156, 161 - 64 (D.C. Cir. 1986).

3. Contributions have been returned by the candidates. As is evident from the exhibits submitted by the Complainants, those involved in State and local campaigns in Hawaii, including candidates, donors, and the State Campaign Spending Commission, were not aware that contributions by foreign nationals could be considered prohibited for State and local campaigns. In response to issues raised by the Complainants, however, the contributions have been returned by the candidates.

Based on the foregoing reasons, Yasuo Yasuda requests that the Commission (a) take no action against him because the Act does not apply to local elections, (b) find no reason to believe that the complaint sets forth a possible violation of the Act and, accordingly, that the Commission close the file in the matter. Alternatively, should the

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Commission find reason to investigate this matter further, Yasuo Yasuda requests conciliation with the Commission. Yasuo Yasuda requests that this matter remain confidential in accordance with the Act.

Sincerely yours,

Chad K. Taniguchi

Chad K. Taniguchi

cc: Yasuo Yasuda

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RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

PAUL, JOHNSON, ALSTON & HU[illegible]

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August 3, 1989

Lawrence M. Noble, Esq.
General Counsel
Lois G. Lerner, Esq.
Associate General Counsel
Patty Reilly, Esq.
Staff Attorney
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 AUG -7 PM 1:02

Re: MUR-2892, Tetsuo Yasuda, aka Han Soo Chun

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MAUI: Dennis Niles, William M. McKeon

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reluctant to imply Federal violation if corporate contributions made in Federal election.)

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Based on the foregoing reasons, Tetsuo Yasuda requests that the Commission (a) take no action against him because the Act does not apply to local elections, (b) find no reason to believe that the complaint sets forth a possible violation of the Act and, accordingly, that the Commission close the file in the matter. Alternatively, should the

2404357119

Commission find reason to investigate this matter further, Tetsuo Yasuda requests conciliation with the Commission. Tetsuo Yasuda requests that this matter remain confidential in accordance with the Act.

Sincerely yours,

Chad K. Taniguchi

Chad K. Taniguchi

cc: Tetsuo Yasuda

27411

24043571120

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT

89 AUG -7 PM 3:57

BEFORE THE FEDERAL ELECTION COMMISSION **SENSITIVE**

In the Matter of)
Citizens for Waihee)
Friends of Fasi, et al.) MURs 2846 and 2892

GENERAL COUNSEL'S REPORT

I. BACKGROUND

The Office of the General Counsel received a complaint on April 11, 1989, alleging that thirty persons, as foreign nationals, impermissibly contributed to state elections in violation of 2 U.S.C. § 441e. The majority of these persons were alleged to have contributed to Citizens for Waihee, a Hawaii state committee of the governor.

On May 30, 1989, this Office received a second complaint alleging approximately sixty other alleged foreign nationals had impermissibly contributed to the Campaign of Frank Fasi, the mayor of Honolulu. On July 18, 1989, after evaluating the complaints and initial responses, this Office informed the Commission that due to common issues of fact and law, both matters would be addressed in a combined report.

Recently, it has come to the attention of this Office that the notifications of the complaint to certain respondents in MUR 2892 were delayed due to an incomplete address provided by the complainants. Counsel for these respondents notified this Office, explained the delay, and requested a five day extension of time until August 8, 1989 to respond. Under this circumstance, this

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Office granted the requested extension. Accordingly, after receiving and analyzing these latest responses, this Office will report to the Commission with appropriate recommendations.

8/7/89
Date

Lawrence M. Noble
General Counsel

Staff assigned: Patty Reilly

24043571122

OGC 3738

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89 AUG 11 AM 10:40

Partington and Foley
ATTORNEYS AT LAW
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EARLE A. PARTINGTON
DANIEL R. FOLEY

OF COUNSEL
YVES-LOUIS SAGE
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August 8, 1989

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GEN. COUNSEL

89 AUG 11 PM 3:50

Patty Reilly
Staff Attorney
Federal Election Commission
999 F Street, N.W.
Washington, D.C. 20463

Re: MUR 2892
Shoichi Kaneda
Itsuo Koshiba
Seinosuke Yoshida
Eiman Yamamoto
Hiroaki Fushimo

Dear Ms. Reilly:

I am in receipt of a July 28, 1989, letter from your General Counsel, Lawrence M. Noble, granting my request for an extension to August 8, 1989, to respond to the complaint in the above-captioned matter. Thank you for your assistance in this matter.

Unfortunately, I have not been able to contact any of the above-named persons in the complaint and have not received any signed designations of counsel authorizing me to file a response to the complaint.

I have attempted to contact these persons, inform them of your complaint, and receive signed designations of counsel through Central Pacific Bank where you sent the complaint. I am informed that these named persons will be contacted and advised to sign the designations of counsel and return them to me.

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I will be leaving Hawaii on vacation August 9, 1989, and returning on August 22, 1989. I request another extension to September 1, 1989, to respond to the complaint.

Thank you for your consideration.

Sincerely,

Daniel R. Foley

Daniel R. Foley

DRF/mm

2404357124

06C37755

GEM OF HAWAII, INC.

August 9, 1989

Mr. Lawrence M. Noble
General Counsel
Federal Elections Commission
999 East Street N.W.
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 AUG 15 PM 12:56

Dear Mr. Noble:

SUBJECT: POLITICAL CONTRIBUTIONS

GEM of Hawaii, Inc. is seeking clarification on the legality of political contributions made by corporations with foreign ties. We sought information from the State of Hawaii Campaign Spending Commission, but was referred to the Federal Elections Commission; we were told that Federal laws preempt state laws in this area and the State Commission was very reluctant to elaborate any further.

We then spoke with Mr. Paul Kolesa of the Federal Elections Commission who referred us back to the State agency, and then advised us to write to you to obtain the information we need.

GEM of Hawaii, Inc. is incorporated in the State of Hawaii. We are a wholly-owned subsidiary of a Japanese firm. There are three Directors of this company, two of which are Japanese nationals. The President and Chief Executive Officer, who is also a Director, is an American.

Contributions that were made by GEM in the past were done through a political action committee, which is comprised of employees who are U.S. citizens and residents of the State of Hawaii. The source of funds for the committee is corporate; however, foreign nationals do not participate in decision-making on where contributions should be directed.

We request clarification on the following and would appreciate your expeditious response, as our political activities are currently being held in abeyance pending receipt of your advisement:

1/ Please inform us as to the legality of political contributions made by GEM of Hawaii, Inc.

1199 Dillingham Boulevard • Honolulu, Hawaii 96817
EXECUTIVE OFFICE: (808) 841-8224 • ADMINISTRATION: (808) 847-1126 • Fax: (808) 845-7769

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2/ Is the GEM PAC the proper vehicle in which to make these contributions?

3/ If the responses to the above are in the negative, what are GEM of Hawaii's options with regard to political contributions -- we would like to be able to continue to participate in Hawaii's political future.

Thank you for your kind attention to this matter. If there are any questions, please call me at (808) 841-6224.

Very truly yours,

Edean S Ring

Edean S. Ring
Chairman
GEM Political Action Committee

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FEDERAL ELECTION COMMISSION
MAIL ROOM

89 AUG 17 AM 10:15

GREEN, NING, LILLY, & JONES

Attorneys at Law, A Law Corporation
707 Richards Street, Suite 700, Honolulu, Hawaii 96813
(808) 528-1300

Howard R. Green
Ke-ching Ning
Michael A. Lilly
Stephen A. Jones

Lynnette T. Oka

MAILING ADDRESS
P. O. Box 3439
Honolulu, Hawaii 96801

TELECOPIER
(808) 531-2415

August 14, 1989

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

89 AUG 17 PM 3:19

Mr. George F. Rishel
Acting Associate General Counsel
Federal Election Commission
999 E. St. N.W.
Washington, D.C. 20463

Attn: Patty Reilley

Re: MUR 2846 Friends of Frank Fasi

Gentlemen:

As we have previously written you, we sent inquiries to each of the contributors identified in the complaints filed by Mr. Anthony Locricchio as contributors to the Fasi Campaign to request them to verify their status as contributors.

We have received back responses from all but three or four of the contributors with the following results. The responses can be broken into categories as follows:

Category I refers to contributions which were previously refunded by the campaign as I have identified for you in my prior letter. To recapitulate, the Category I contributions were as follows:

1. Contribution of Yasuo Yasuda in the amount of $2,000 on August 31, 1987 (Count 1).

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2. Contribution of Tetsuo Yasuda in the amount of $2,000 made on August 31, 1987 (Count 1).

3. Contribution of Eiman Yamamoto in the amount of $2,000 made on August 31, 1987 (Count 63).

4. Contribution of Itsuo Koshiba in the amount of $2,000 made on September 4, 1987 (Count 41).

5. Contribution of Hiroshi Kobayashi in the amount of $2,000 made on September 4, 1987 (Count 39).

6. Contribution of Masanori Kobayashi in the amount of $2,000 made on September 4, 1987 (Count 40).

7. Contribution of Yoshinori Hayashida in the amount of $2,000 made on September 4, 1987 (Count 32).

8. Contribution of Hirofumi Ohnishi in the amount of $2,000 made on October 5, 1987 (Count 47).

9. Contribution of Eiji Sakemoto in the amount of $2,000 made on September 30, 1987 (Count 54).

10. Contribution of Kenji Sakemoto in the amount of $2,000 made on September 30, 1987 (Count 55).

11. Contribution of Isamu Yamaguchi in the amount of $2,000 made on September 30, 1987 (Count 61).

12. Contribution of Katsumi Yamaguchi in the amount of $2,000 on September 30, 1987 (Count 62).

13. Contribution of Y.Y. Valley Corporation in the amount of $2,000 made on June 27, 1988 (Count 16).

14. Contribution of Hiroaki Fushimi in the amount of $2,000 made on September 4, 1987 (Count 26).

15. Contribution of Royal Hawaiian Country Club in the amount of $2,000 made on September 4, 1987 (Count 52).

16. Contribution of Shoichi Kaneda in the amount of $2,000 made on September 4, 1987 (Count 36).

17. Contribution of Seinosuke Yoshida in the amount of $2,000 made on August 31, 1987 (Count 67).

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18. Contribution of Minami Group (USA), Inc. in the amount of $1,000 on March 16, 1988 (Count 14).

19. Contribution of Daiei Hawaii Investments Inc. in the amount of $250 on September 11, 1987 (Count 25).

Contributions numbered 1 through 7 were returned on October 17, 1988. Contributions numbered 8 through 12 were returned on September 1, 1988. Contributions 13 through 17 were returned on October 17, 1988. Contributions 18 and 19 were recently refunded at the contributors request after receiving correspondence from the Federal Election Commission.

Category II includes contributions for which responses to our letter of inquiry were by telephone or in writing satisfied us that the contribution had not been made by or through a foreign national. With respect to Category II contributions, we are advising the Campaign to retain these moneys. Because of vacation schedule, the individuals who received a number of the communications departed without making appropriate affidavits relating to those communications. We will supplement this response immediately after the first of September with affidavits from our law office personnel. The Category II contributors are the following:

1. Contribution of Azabu Realty, Inc. in the amount of $2,000 made on August 2, 1988 (Count 6).

2. Contribution of CPB PAC-State in the amount of $500 made on October 17, 1988 (Count 4).

3. Contribution of Grosvernor International (Hawaii) Ltd. in the amount of $500 made on September 4, 1987 (Count 28).

4. Contribution of Hachidai USA, Inc. dba Coconut Island Properties in the amount of $2,000 made on March 16, 1988 (Count 10).

5. Contribution of Halekulani Corporation in the amount of $2,000 on December 20, 1988 (Count 2) and $2,000 on September 4, 1987 (Count 29).

6. Contribution of Hasegawa Komuten, Inc. in the amount of $250 made on August 4, 1987 (Count 30).

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7. Contribution of Hawaii Sekitei Corp. in the amount $1,000 made on August 24, 1987 (Count 31).

8. Contribution of Jet Hawaii, Inc. in the amount of $250 made on June 13, 1988 (Count 12); aggregate total of $500; and $250 made on September 14, 1987 (Count 35).

9. Contribution of Kauai Island Tours, Inc. in the amount of $250 made on June 13, 1988 (Count 13); for aggregate total of $750; and $500 made on September 14, 1987 (Count 37).

10. Contribution of Leyton House, Inc. in the amount of $500 made on September 4, 1987 (Count 42).

11. Contribution of Longevity International Enterprises Corp. in the amount of $250 made on September 4, 1987 (Count 68).

12. Contribution of Love's Bakery in the amount of $250 made on October 5, 1987 (Count 43).

13. Contribution of New Tokyo-Hawaii Restaurant Co., Ltd. in the amount of $500 made on September 4, 1987 (Count 45).

14. Contribution of Ohbayashi Hawaii Corporation in the amount of $1,000 made on September 12, 1988 (Count 5) and $1,000 made on August 24, 1987 (Count 46).

15. Contribution of Otaka, Inc. in the amount of $750 made on December 30, 1988; aggregate total of $2,750; $1,250 on August 2, 1988 for aggregate total of $2,000 (Count 20/21).

16. Contribution of Pacifico Creative Service in the amount of $500 made on September 4, 1987 (Count 48).

17. Contribution of Pan-Pacific Construction, Inc. in the amount of $1,500 made on March 16, 1988 (Count 18) and $500 made on August 2, 1988 (Count 19).

18. Contribution of Plaza Hotel in the amount of $2,000 made on September 14, 1987 (Count 50).

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19. Contribution of Saab-Scania of America, Inc. in the amount of $2,000 made on September 8, 1987 (Count 53).

20. Contribution of S.I.U. of N.A. in the amount of $500 made on December 30, 1988 (Count 3).

21. Contribution of Servco Pacific, Inc. in the amount of $250 made on August 20, 1987 (Count 56).

22. Contribution of Yokohama Okadaya Corp. in the amount of $100 made on July 6, 1988 (Count 17) and $500 made on August 31, 1987 (Count 66); aggregate amount of $600.

Category III contributions include those we have not been able to obtain adequate information even though they are available to us. We are advising the Campaign to refund all Category III contributions. Those refunds will be effected within the next two weeks and as soon as they have been, we will provide you with affidavits to that effect. The Category III contributions are as follows:

1. Contribution of All Nippon Airways in the amount of $500 made on July 27, 1987 (Count 24).

2. Contribution of ANA Hallo Tours in the amount of $250 made on July 27, 1987 (Count 22).

3. Contribution of ANA Hotels Hawaii, Inc. in the amount of $500 made on July 27, 1987 (Count 23).

4. Contribution of Coordination Council for North American Affairs in the amount of $250 (Count 7).

5. Contribution of Daiei Hawaii Investments, Inc. in the amount of $100 made on March 16, 1988; aggregate total of $350 (Count 8).

6. Contribution of International Commercial Bank of China in the amount of $500 made on September 4, 1987 (Count 33).

7. Contribution of Kintetsu International Express in the amount of $250 made on September 14, 1987 (Count 38).

8. Contribution of Mokuleia Land Co. in the amount of $2,000 made on September 14, 1987 (Count 44).

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9. Contribution of Pearl City Country Club in the amount of $250 made on August 24, 1987 (Count 49).

10. Contribution of Queen Kapiolani Hotel in the amount of $250 made on October 5, 1987 (Count 51).

11. Contribution of Royal Country Club in the amount of $2,000 made on August 31, 1987 (Count 65).

12. Contribution of Sony Hawaii in the amount of $300 made on July 6, 1988 (Count 15) and $500 made on September 8, 1987 (Count 57).

13. Contribution of Taiyo Hawaii Co. in the amount of $250 made on September 4, 1987 (Count 58).

14. Contribution of Tobishima Pacific, Inc. in the amount of $250 made on September 4, 1987 (Count 59).

15. Contribution of Universal Express in the amount of $500 made on July 28, 1987 (Count 60).

16. Contribution of Seinosuke Yoshida in the amount of $1,000 made on August 2, 1988; aggregate total of $2,000 (Count 9).

17. Contribution of Y.Y. Valley Corporation in the amount of $2,000 made on August 31, 1987 (Count 64).

Category IV contributors include those contributors on whom we are unable to obtain information because they wanted to deal directly with the Federal Election Commission themselves and, therefore, determinations with respect to their individual status cannot be made by us. We request that you advise us as to your evaluations with regards to the Category IV contributors so that we can determine to either retain the funds or pay them back. The Category IV contributions are the following:

1. Contribution of Gem Political Action Committee in the amount of $1,000 made on August 4, 1987 (Count 27).

2. Contribution of Japan Travel Bureau International, Inc. in the amount of $2,000 made on September 4, 1987 (Count 34).

Category V included one contributor whom we are unable to locate. We are not able to either ascertain the status of the

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individual or to return the money because we cannot find him. The Category V contributor is the following:

1. Contribution of Michisaburo Hayashi in the amount of $250 made on March 16, 1988 (Count 11).

I hope that the foregoing appropriately responds to the Commission's concerns with regard to the important issues raised here. Should the Commission have any questions with regards to the facts we have set forth or with the actions we have taken or propose to take, we would appreciate the opportunity to further discuss the matter to arrive at a conclusion completely acceptable to the Commission.

Sincerely,

Howard R. Green

HOWARD R. GREEN

HRG:rsh

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89 AUG 31 AM 10:32

Partington and Foley

ATTORNEYS AT LAW

2450 PACIFIC TOWER, 1001 BISHOP STREET
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EARLE A. PARTINGTON
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TELEPHONE (808) 526-9500
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OF COUNSEL
YVES-LOUIS SAGE
B.P. 20238
PAPEETE, TAHITI
Licensed to practice
in French Polynesia

August 28, 1989

Patty Reilly
Staff Attorney
Federal Election Commission
999 F Street, N.W.
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

89 AUG 31 AM 11:14

Re: MUR 2892
Shoichi Kaneda
Itsuo Koshiba
Seinosuke Yoshida
Eiman Yamamoto
Hiroaki Fushimo

Dear Ms. Reilly:

I have yet to receive a response to my August 8, 1989, letter requested an extension to September 1, 1989, to respond to the complaint in the above entitled matter.

Additionally I have not received designations of counsel from the above named individuals as of today. I am informed by a spokesperson above these individuals that I can expect to receive designations of counsel before the end of next month.

I am willing to represent these individuals if your Commission will allow me to file a response on their behalf once I have received their designations of counsel.

To date, none of the named individuals have received a copy of the complaint and packages your Commission forwarded to Central Pacific Bank. Please advise.

Sincerely,

Daniel R. Foley

Daniel R. Foley

DRF/mm

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GREEN, NING, LILLY, & JONES

Attorneys at Law, A Law Corporation
707 Richards Street, Suite 700, Honolulu, Hawaii 96813
(808) 528-1100

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Michael A. Lilly
Stephen A. Jones

Lynnette T. Oka

MAILING ADDRESS
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Honolulu, Hawaii 96801

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(808) 531-3415

September 1, 1989

Mr. George F. Rishel
Acting Associate General Counsel
Federal Election Commission
999 E. St. N.W.
Washington, D.C. 20463

Attn: Patty Reilley

Re: MUR 2846 Friends of Frank Fasi

Gentlemen:

Pursuant to the letter of August 14, 1989 of Howard R. Green, enclosed is my affidavit with attached exhibits.

We are recapitulating the information once again in this letter in order to make the data easier for you to follow. In our August 14, 1989 letter, the contributions in each category were not in the order as the complaint. Additionally, in Count 23, the contribution amount was incorrect. The correct amount, stated in the complaint, being $250,00.

The following is a recapitulation of each category.

Category I (previously refunded contributions):

Count 14: Contribution of Minami Group (USA), Inc. in the amount of $1,000 on March 16, 1988 (Exhibit 1).

Count 16: Contribution of Y.Y. Valley Corporation in the amount of $2,000 made on June 27, 1988: Refunded on October 17, 1988 (Exhibit 2).

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Count 25: Contribution of Daiei Hawaii Investments Inc. in the amount of $250 on September 11, 1987: (Exhibit 3).

Count 26: Contribution of Hiroaki Fushimi in the amount of $2,000 made on September 4, 1987: Refunded on October 17, 1988 (Exhibit 4).

Count 32. Contribution of Yoshinori Hayashida in the amount of $2,000 made on September 4, 1987: Refunded on October 17, 1988 (Exhibit 5).

Count 36: Contribution of Shoichi Kaneda in the amount of $2,000 made on September 4, 1987: Refunded on October 17, 1988 (Exhibit 6).

Count 39: Contribution of Hiroshi Kobayashi in the amount of $2,000 made on September 4, 1987: Refunded on October 17, 1988 (Exhibit 7).

Count 40: Contribution of Masanori Kobayashi in the amount of $2,000 made on September 4, 1987: Refunded on October 17, 1988 (Exhibit 8).

Count 41: Contribution of Itsuo Koshiba in the amount of $2,000 made on September 4, 1987: Refunded on October 17, 1988 (Exhibit 9).

Count 47: Contribution of Hirofumi Ohnishi in the amount of $2,000 made on October 5, 1987: Refunded on September 1, 1988 (Exhibit 10).

Count 52: Contribution of Royal Hawaiian Country Club in the amount of $2,000 made on September 4, 1987: Refunded on October 17, 1988 (Exhibit 11).

Count 54: Contribution of Eiji Sakemoto in the amount of $2,000 made on September 30, 1987: Refunded on September 1, 1988 (Exhibit 12).

Count 55: Contribution of Kenji Sakemoto in the amount of $2,000 made on September 30, 1987: Refunded on September 1, 1988 (Exhibit 13).

Count 61: Contribution of Isamu Yamaguchi in the amount of $2,000 made on September 30, 1987: Refunded on September 1, 1988 (Exhibit 14).

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Count 62: Contribution of Katsumi Yamaguchi in the amount of $2,000 on September 30, 1987: Refunded on September 1, 1988 (Exhibit 15).

Count 63: Contribution of Eiman Yamamoto in the amount of $2,000 made on August 31, 1987: Refunded on October 17, 1988 (Exhibit 16).

Count 64: Contribution of Tetsuo Yasuda in the amount of $2,000 made on August 31, 1987, also referred to in Count 1: Refunded on October 17, 1988 (Exhibit 2).

Count 65: Contribution of Yasuo Yasuda in the amount of $2,000 on August 31, 1987, also referred to in Count 1: Refunded on October 17, 1988 (Exhibit 1).

Count 67: Contribution of Seinosuke Yoshida in the amount of $2,000 made on August 31, 1987: Refunded on October 17, 1988 (Exhibit 17).

Category II (telephone conversation or letter writing satisfied us that the contribution had not been made by or through a foreign national):

Count 2: Contribution of Halekulani Corporation in the amount of $2,000 on December 20, 1988.

Count 3: Contribution of S.I.U. of N.A. in the amount of $500 made on December 30, 1988.

Count 4: Contribution of CPB PAC-State in the amount of $500 made on October 17, 1988.

Count 5: Contribution of Ohbayashi Hawaii Corporation in the amount of $1,000 made on September 12, 1988.

Count 6: Contribution of Azabu Realty, Inc. in the amount of $2,000 made on August 2, 1988.

Count 10: Contribution of Hachidai USA, Inc. dba Coconut Island Properties in the amount of $2,000 made on March 16, 1988.

Count 12: Contribution of Jet Hawaii, Inc. in the amount of $250 made on June 13, 1988, aggregate total of $500.

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Count 13: Contribution of Kauai Island Tours, Inc. in the amount of $250 made on June 13, 1988; for aggregate total of $750.

Count 17: Contribution of Yokohama Okadaya Corp. in the amount of $100 made on July 6, 1988.

Count 18: Contribution of Pan-Pacific Construction, Inc. in the amount of $1,500 made on March 16, 1988.

Count 19: Contribution of Pan-Pacific Construction, Inc. in the amount of $500 made on August 2, 1988.

Count 20: Contribution of Otaka, Inc. in the amount of $750 made on December 30, 1988.

Count 21: Contribution of Otaka, Inc. in the amount of $1,250 on August 2, 1988.

Count 28: Contribution of Grosvernor International (Hawaii) Ltd. in the amount of $500 made on September 4, 1987.

Count 29: Contribution of Halekulani Corporation in the amount of $2,000 on September 4, 1987.

Count 30: Contribution of Hasegawa Komuten, Inc. in the amount of $250 made on August 4, 1987.

Count 31: Contribution of Hawaii Sekitei Corp. in the amount $1,000 made on August 24, 1987.

Count 35: Contribution of Jet Hawaii, Inc. in the amount of $250 made on September 14, 1987.

Count 37: Contribution of Kauai Island Tours, Inc. in the amount of $500 made on September 14, 1987.

Count 42: Contribution of Leyton House, Inc. in the amount of $500 made on September 4, 1987.

Count 43: Contribution of Love's Bakery in the amount of $250 made on October 5, 1987.

Count 45: Contribution of New Tokyo-Hawaii Restaurant Co., Ltd. in the amount of $500 made on September 4, 1987.

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Count 45: Contribution of New Tokyo-Hawaii Restaurant Co., Ltd. in the amount of $500 made on September 4, 1987.

Count 46: Contribution of Ohbayashi Hawaii Corporation in the amount of $1,000 made on August 24, 1987.

Count 48: Contribution of Pacifico Creative Service in the amount of $500 made on September 4, 1987.

Count 50: Contribution of Plaza Hotel in the amount of $2,000 made on September 14, 1987.

Count 53: Contribution of Saab-Scania of America, Inc. in the amount of $2,000 made on September 8, 1987.

Count 56: Contribution of Servco Pacific, Inc. in the amount of $250 made on August 20, 1987.

Count 66: Contribution of Yokohama Okadaya Corp. in the amount of $500 made on August 31, 1987.

Count 68: Contribution of Longevity International Enterprises Corp. in the amount of $250 made on September 4, 1987.

Category III (refunds made due to inadequate information):

Count 7: Contribution of Coordination Council for North American Affairs in the amount of $250: Refunded on August 25, 1989 (Exhibit 18).

Count 15: Contribution of Sony Hawaii in the amount of $300 made on July 6, 1988: Refunded on August 25, 1989 (Exhibit 19).

Count 22: Contribution of ANA Hallo Tours in the amount of $250 made on July 27, 1987: Refunded on August 25, 1989 (Exhibit 20).

Count 23: Contribution of ANA Hotels Hawaii, Inc. in the amount of $250 made on July 27, 1987: Refunded on August 25, 1989 (Exhibit 21).

Count 24: Contribution of All Nippon Airways in the amount of $500 made on July 27, 1987: Refunded on August 25, 1989 (Exhibit 22).

Count 33: Contribution of International Commercial Bank of China in the amount of $500 made on September 4, 1988: Refunded on August 25, 1989 (Exhibit 23).

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Count 44: Contribution of Mokuleia Land Co. in the amount of $2,000 made on September 14, 1987: Refunded on August 25, 1989 (Exhibit 25).

Count 49: Contribution of Pearl City Country Club in the amount of $250 made on August 24, 1987: Refunded on August 25, 1989 (Exhibit 26).

Count 51: Contribution of Queen Kapiolani Hotel in the amount of $250 made on October 5, 1987: Refunded on August 25, 1989 (Exhibit 27).

Count 57: Contribution of Sony Hawaii in the amount of $500 made on September 8, 1987: Refunded on August 25, 1989 (Exhibit 19).

Count 58: Contribution of Taiyo Hawaii Co. in the amount of $250 made on September 4, 1987: Refunded on August 25, 1989 (Exhibit 28).

Count 59: Contribution of Tobishima Pacific, Inc. in the amount of $250 made on September 4, 1987: Refunded on August 25, 1989 (Exhibit 29).

Count 60: Contribution of Universal Express in the amount of $500 made on July 28, 1987: Refunded on August 25, 1989 (Exhibit 30).

Category IV (unable to obtain information because contributors wanted to deal directly with the Federal Election Commission themselves):

Counts 9 & 27: Contributions of Gem Political Action Committee in the amount of $1,000 made on August 2, 1987 and $1,000 made on August 4, 1987.

Count 34: Contribution of Japan Travel Bureau International, Inc. in the amount of $2,000 made on September 4, 1987.

Category V (unable to locate contributor):

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Count 11: Contribution of Michisaburo Hayashi in the amount of $250 made on March 16, 1988.

Sincerely,

Lynnette T. Oka

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AFFIDAVIT OF LYNNETTE T. OKA

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

LYNNETTE T. OKA, being first duly sworn on oath, deposes and states:

1. I am an attorney with the law firm of Green, Ning, Lilly, and Jones. Although of Japanese ancestry, I was born and raised in Hawaii, attended the University of Hawaii Law School, and began work with the firm in May, 1988. The firm has been engaged to evaluate, advise and represent the City and County and Frank Fasi with respect to complaints made to the FEC.

2. On July 14, 1989, [we] the law firm of Green, Ning, Lilly and Jones, on behalf of Frank Fasi and Friends for Fasi, sent out a letter to each of the contributors named in the Complaint by Anthony Locricchio, in order to make a determination regarding the status of each of the contributors. Within the law firm it has been my function to receive and evaluate responses to the letter.

3. The attached exhibits are to the best of the knowledge of the undersigned true and correct copies of the documents referred to herein.

4. Regarding the contribution by Halekulani Corporation in the amount of $2,000 on December 20, 1988 (Count 2): Morio Omori, attorney for Halekulani Corporation, sent us a letter dated July 24, 1989, enclosing their response to the FEC that

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their contributions were not made by or through a foreign national, attached hereto as Exhibit A.

5. Regarding the contribution of S.I.U. of N.A. in the amount of $500 made on December 30, 1988 (Count 3): Stanford Dubin, attorney for S.I.U. of N.A., sent us a letter dated July 18, 1989, enclosing their response to the FEC that their contribution was not made by or through a foreign national, attached hereto as Exhibit B.

6. Regarding the contribution by CPB PAC-State in the amount of $500 made on October 17, 1988 (Count 4): Stanley D. Suyat, the attorney for CPB PAC-State informed me in a telephone conversation on August 1, 1989, that (1) the contribution made by CPB PAC-State was not a contribution by or through a foreign national; (2) CPB PAC-State is a Hawaii corporation with its principal place of business in Hawaii at 220 South King Street, Honolulu, Hawaii; (3) the money contributed came from income made in Hawaii; and (4) the decision was made locally, by a person who is not a foreign national.

7. Regarding the contributions by Ohbayashi Hawaii Corporation in the amount of $1,000 made on September 12, 1988 (Count 5): Kevin S.C. Chang, attorney for Ohbayashi Hawaii Corporation, informed me in a telephone conversation on July 31, 1989, that (1) the contributions made by Ohbayashi Hawaii Corporation were not contributions by or through a foreign national; (2) Ohbayashi Hawaii Corporation is a Hawaii corporation with its principal place of business in Hawaii at

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1001 Bishop Street, Suite 2680, Honolulu, Hawaii; and (3) the decision to make the contributions were made by Toshi Haru Hino, holder of a green card, who was following the advice of Norman Quon who is an American citizen, and a longtime local resident and architect.

8. Regarding the contribution by Azabu Realty, Inc. in the amount of $2,000 made on August 2, 1988 (Count 6): Raymond Iwamoto, attorney for Azabu Realty, Inc., sent us a letter dated July 18, 1989, enclosing their response to the FEC that their contribution was not made by or through a foreign national, attached hereto as Exhibit C.

9. Regarding the contribution by Hachidai USA, Inc. dba Coconut Island Properties in the amount of $2,000 made on March 16, 1988 (Count 10): Alan K. Maeda, attorney for Hachidai USA, Inc. dba Coconut Island Properties, informed me in a telephone conversation on August 1, 1989, that (1) the contribution made by Hachidai USA, Inc. dba Coconut Island Properties was not a contribution by or through a foreign national; (2) Hachidai USA, Inc. dba Coconut Island Properties is a Hawaii corporation with its principal place of business in Hawaii at Eaton Square Street, 444 Hobron Lane, Honolulu, Hawaii; (3) the funds for the contribution was from income made in Hawaii; and (4) the decision was made locally, by persons who are not foreing nationals.

10. Regarding the contribution of Michisaburo Hayashi in the amount of $250 made on March 16, 1988 (Count 11): since we

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cannot locate him, the campaign is not able to either ascertain the status of the individual or to return the money.

11. Regarding the contributions by Jet Hawaii, Inc. in the amount of $250 made on June 13, 1988 (Count 12) and $250 made on September 14, 1987 (Count 35): Patricia Yoshimoto, Vice President Finance of Jet Hawaii, Inc., sent us a letter dated June 27, 1989, that their contributions were not made by or through a foreign national, attached hereto as Exhibit D.

12. Regarding the contributions by Kauai Island Tours, Inc. in the amount of $250 made on June 13, 1988 (Count 13): Edward Matsukawa, Secretary-Controller for Kauai Island Tours, Inc., informed me in a telephone conversation on July 28, 1989, that (1) the contribution made by Kauai Island Tours, Inc. was not a contribution by or through a foreign national; (2) Kauai Island Tours, Inc. is a Hawaii corporation with its principal place of business in Hawaii located at Lihue Airport, Lihue Kauai, Hawaii; (3) the decision to make the contribution was made by local management. See Affidavit of Edward J. Matsukawa dated August 3, 1989, attached hereto as Exhibit E.

13. Regarding the contributions by Yokohama Okadaya Corp., in the amount of $100 made on July 6, 1988 (Count 17): James H. Kamo, the attorney for Yokohama Okadaya Corporation, informed me in a telephone conversation on July 31, 1989, that (1) the contributions made by Yokohama Okadaya Corporation were not contributions by or through a foreign national; (2) Yokohama Okadaya Corporation is a Hawaii corporation with its principal

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place of business in Hawaii at the Waikiki Shopping Plaza, Honolulu, Hawaii; (3) the contributions were made from local funds; and (4) the decision to make the contributions was made by Keijiro Harada who has been a Hawaii resident for the past ten years.

14. Regarding the contributions by Pan-Pacific Construction, Inc. in the amount of $1,500 made on March 16, 1988 (Count 18): Willie Nakakura, President of Pan-Pacific Construction, Inc., informed me in a telephone conversation on August 1, 1989, that (1) the contributions made by Pan-Pacific Construction, Inc. were not contributions by or through a foreign national; (2) Pan-Pacific Construction, Inc. is a Hawaii corporation with its principal place of business in Hawaii at 1001 Bishop Street, Suite 2650, Honolulu, Hawaii; (3) the decision to make the contributions was made by him who was born and raised in Hawaii; and (4) the money for the contributions were from funds made locally.

15. Regarding the contributions by Pan-Pacific Construction, Inc. in the amount of $500 made on August 2, 1988 (Count 19): Willie Nakakura, President of Pan-Pacific Construction, Inc., informed me in a telephone conversation on August 1, 1989, that (1) the contributions made by Pan-Pacific Construction, Inc. were not contributions by or through a foreign national; (2) Pan-Pacific Construction, Inc. is a Hawaii corporation with its principal place of business in Hawaii at 1001 Bishop Street, Suite 2650, Honolulu, Hawaii; (3) the

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decision to make the contributions was made by him who was born and raised in Hawaii; and (4) the money for the contributions were from funds made locally.

16. Regarding the contributions of Otaka, Inc. in the amount of $750 made on December 30, 1988 and $1,250 on August 2, 1988 for aggregate total of $2,000 (Count 20): Sabrina Shizue McKenna, Secretary & General Counsel of Otaka, Inc., informed us that (1) Otaka, Inc. is a Hawaii corporation with its principal place of business in Hawaii located at 2571 Lemon Road, Honolulu, Hawaii; (2) the decision to make the contribution was made solely by its President, Steve Kawagishi, a U.S. citizen; and (3) the funds contributed were from the company's Hawaii operations, in a letter dated July 31, 1989, attached hereto as Exhibit F.

17. Regarding the contributions of Otaka, Inc. in the amount of $750 made on December 30, 1988 and $1,250 on August 2, 1988 for aggregate total of $2,000 (Count 21): Sabrina Shizue McKenna, Secretary & General Counsel of Otaka, Inc., informed us that (1) Otaka, Inc. is a Hawaii corporation with its principal place of business in Hawaii located at 2571 Lemon Road, Honolulu, Hawaii; (2) the decision to make the contribution was made solely by its President, Steve Kawagishi, a U.S. citizen; and (3) the funds contributed were from the company's Hawaii operations, in a letter dated July 31, 1989, attached hereto as Exhibit F.

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18. Regarding the contribution by Grosvernor International (Hawaii) Ltd. in the amount of $500 made on September 4, 1987 (Count 28): Clytie Y. Kaneshiro, Treasurer for Grosvenor International (Hawaii) Ltd., sent us a letter dated July 19, 1989, enclosing their response to the FEC that their contribution was not made by or through a foreign national, attached hereto as Exhibit G.

19. Regarding the contribution by Halekulani Corporation in the amount of $2,000 on September 4, 1987 (Count 29): Morio Omori, attorney for Halekulani Corporation, sent us a letter dated July 24, 1989, enclosing their response to the FEC that their contributions were not made by or through a foreign national, attached hereto as Exhibit A.

20. Regarding the contribution by Hasegawa Komuten, Inc. in the amount of $250 made on August 4, 1987 (Count 30): Arthur Goto, attorney for Hasegawa Komuten, Inc., informed me in a telephone conversation on July 20, 1989, that (1) the contribution made by Hasegawa Komuten, Inc., was not a contribution by or through a foreign national; (2) Hasegawa Komuten is a Hawaii Corporation with its principal place of business in Hawaii at 820 Mililani Street, Suite 820, Honolulu, Hawaii; and (3) the decision was locally made.

21. Regarding the contribution by Hawaii Sekitei Corp. in the amount $1,000 made on August 24, 1987 (Count 31): Hiroyuki Yanagimoto of Hawaii Sekitei Corp., informed me in a telephone conversation on July 20, 1989 that (1) the contribution made by

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Hawaii Sekitei Corp. was not a contribution by or through a foreign national; (2) Hawaii Sekitei Corp. is a Hawaii corporation with its principal place of business in Hawaii at 2470 Kalakaua Avenue, Honolulu, Hawaii; and (3) the decision to make the contribution was made by him and he is a holder of a green card.

22. Regarding the contributions by Kauai Island Tours, Inc. in the amount of $500 made on September 14, 1987 (Count 37): Edward Matsukawa, Secretary-Controller for Kauai Island Tours, Inc., informed me in a telephone conversation on July 28, 1989, that (1) the contribution made by Kauai Island Tours, Inc. was not a contribution by or through a foreign national; (2) Kauai Island Tours, Inc. is a Hawaii corporation with its principal place of business in Hawaii located at Lihue Airport, Lihue Kauai, Hawaii; (3) the decision to make the contribution was made by local management. See Affidavit of Edward J. Matsukawa dated August 3, 1989, attached hereto as Exhibit E.

23. Regarding the contribution by Leyton House, Inc. in the amount of $500 made on September 4, 1987 (Count 42): Douglas D. Osterloh, attorney for Leyton House, Inc., sent us a letter dated July 25, 1989, that their contribution was not made by or through a foreign national, attached hereto as Exhibit H.

24. Regarding the contribution by Love's Bakery in the amount of $250 made on October 5, 1987 (Count 43): Thomas L. Meehan, President of Daiichiya-Love's Bakery, Inc., sent us a letter dated July 20, 1989, enclosing their response to the FEC

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that their contributions were not made by or through a foreign national, attached hereto as Exhibit I.

25. Regarding the contribution by New Toky'o-Hawaii Restaurant Co., Ltd. in the amount of $500 made on September 4, 1987 (Count 45): Jason G. F. Wong, attorney for New Tokyo-Hawaii Corporation, informed me in a telephone conversation on August 2, 1989, that (1) the contribution made by New Tokyo-Hawaii Corporation was not a contribution by or through a foreign national; (2) New Tokyo-Hawaii Corporation is a Hawaii corporation with its principal place of business in Hawaii located at 286 Beach Walk, Honolulu, Hawaii; (3) the decision to make the contribution was made by its local management whose Executive Director, Bert Shimabukuro, was born and raised here in Hawaii; and (4) that the money contributed came from local funds.

26. Regarding the contributions by Ohbayashi Hawaii Corporation in the amount of $1,000 made on August 24, 1987 (Count 46): Kevin S.C. Chang, attorney for Ohbayashi Hawaii Corporation, informed me in a telephone conversation on July 31, 1989, that (1) the contributions made by Ohbayashi Hawaii Corporation were not contributions by or through a foreign national; (2) Ohbayashi Hawaii Corporation is a Hawaii corporation with its principal place of business in Hawaii at 1001 Bishop Street, Suite 2680, Honolulu, Hawaii; and (3) the decision to make the contributions were made by Toshi Haru Hino, holder of a green card, who was following the advice of Norman Quon who is an American citizen.

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27. Regarding the contribution of Pacifico Creative Service in the amount of $500 made on September 4, 1987 (Count 48): Yuzo Kojima, Director of Administration of Pacifico Creative Services, Inc., sent us a letter dated July 20, 1989, enclosing their response to the FEC that their contributions were not made by or through a foreign national, attached hereto as Exhibit J.

28. Regarding the contribution of Plaza Hotel in the amount of $2,000 made on September 14, 1987 (Count 50): Gregory M. Sato, attorney for Plaza Hotel, sent us a letter dated July 18, 1989, enclosing their response to the FEC that their contribution was not made by or through a foreign national, attached hereto as Exhibit K.

29. Regarding the contribution of Saab-Scania of America, Inc. in the amount of $2,000 made on September 8, 1987 (Count 53): John Phelps Clark, Vice President and General Counsel of Saab-Scania of America Inc., sent us a letter dated July 24, 1989, enclosing their response to the FEC that their contribution was not made by or through a foreign national, attached hereto as Exhibit L.

30. Regarding the contribution of Servco Pacific, Inc. in the amount of $250 made on August 20, 1987 (Count 56): Sharleen H. Oshiro, Vice President and Legal Counsel for Servco Pacific, Inc., sent us a letter dated July 26, 1989, enclosing their response to the FEC that their contribution was not made by or through a foreign national, attached hereto as Exhibit M.

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31. Regarding the contributions by Yokohama Okadaya Corp., in the amount of $500 made on August 31, 1987 (Count 66): James H. Kamo, the attorney for Yokohama Okadaya Corporation, informed me in a telephone conversation on July 31, 1989, that (1) the contributions made by Yokohama Okadaya Corporation were not contributions by or through a foreign national: (2) Yokohama Okadaya Corporation is a Hawaii corporation with its principal place of business in Hawaii at the Waikiki Shopping Plaza, Honolulu, Hawaii; (3) the contributions were made from local funds; and (4) the decision to make the contributions was made by Keijiro Harada who has been a Hawaii resident for the past ten years.

32. Regarding the contribution by Longevity International Enterprises Corp. in the amount of $250 made on September 4, 1987 (Count 68): Thomas J. Wong, attorney for Longevity International Enterprises Corp., sent us a letter dated July 24, 1989, enclosing their response to the FEC that their contributions were not made by or through a foreign national, attached hereto as Exhibit N.

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LYNETTE T. OKA

Subscribed and sworn to before me
this 1st day of ~~January~~ September, 1989.

Notary Public, State of Hawaii

My commission expires: 5-5-90

C.S

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 203
HONOLULU, HI 96817

No. 335

88-105/1213

Oct. 17, 1988

PAY TO THE ORDER OF Y. Y. Valley Corporation $ 2,000.00

*****Two Thousand and no/100***** DOLLARS

Mapunapuna Branch
Liberty Bank
3485 Paua St Honl, HI 96819

FOR Return Contribution

⑆121301057⑆ 13-003505 0000200000

240435711153

EXHIBIT 2

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 203
HONOLULU, HI 96817

No. 336

59-105/1213

Oct. 17, 1988

PAY TO THE ORDER OF Hiroaki Fushimi $ 2,000.00

*****Two Thousand and no/100***** DOLLARS

Moanalua Branch
Liberty Bank
2885 Koa St Hon, HI 96819

Gina M. Fasi

FOR Return Contribution

:121301057: 13-003505 "0000200000"

EXHIBIT

9404357

EXHIBIT 4

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 303
HONOLULU, HI 96817

(7) Exhibit D-H P.42 Feb. 2, 1989 letter

No. 347

88-105/1213

Oct. 17, 1988

PAY TO THE ORDER OF Yoshinori Hayashida $ 2,000.00

*****Two Thousand and no/100***** DOLLARS

Liberty Bank

FOR Return Contribution

Jon M. Fasi

⑆121301057⑆ 13-003509 #0000200000#

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FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 200
HONOLULU, HI 96817

No. 337

88-105/1213

Oct. 17, 19 88

PAY TO THE ORDER OF Shoichi Kaneda $ 2,000.00

*****Two Thousand and no/100***** DOLLARS

Waikiki Branch
Liberty Bank
1200 Ala Moana Blvd., Honolulu, HI 96814

Gina M. Fasi

FOR Return Contribution

⑆121301057⑆ 13-003505 ⑈0000200000⑈

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EXHIBIT 6

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 205
HONOLULU, HI 96817

(S) Exhibit D-3 for Feb. 2, 1989 hrg. Exhibit 1 in support of motion for protective order

No. 345

Oct. 17, 1988

PAY TO THE ORDER OF Hiroshi Kobayashi $ 2,000.00

*****Two Thousand and no/100***** DOLLARS

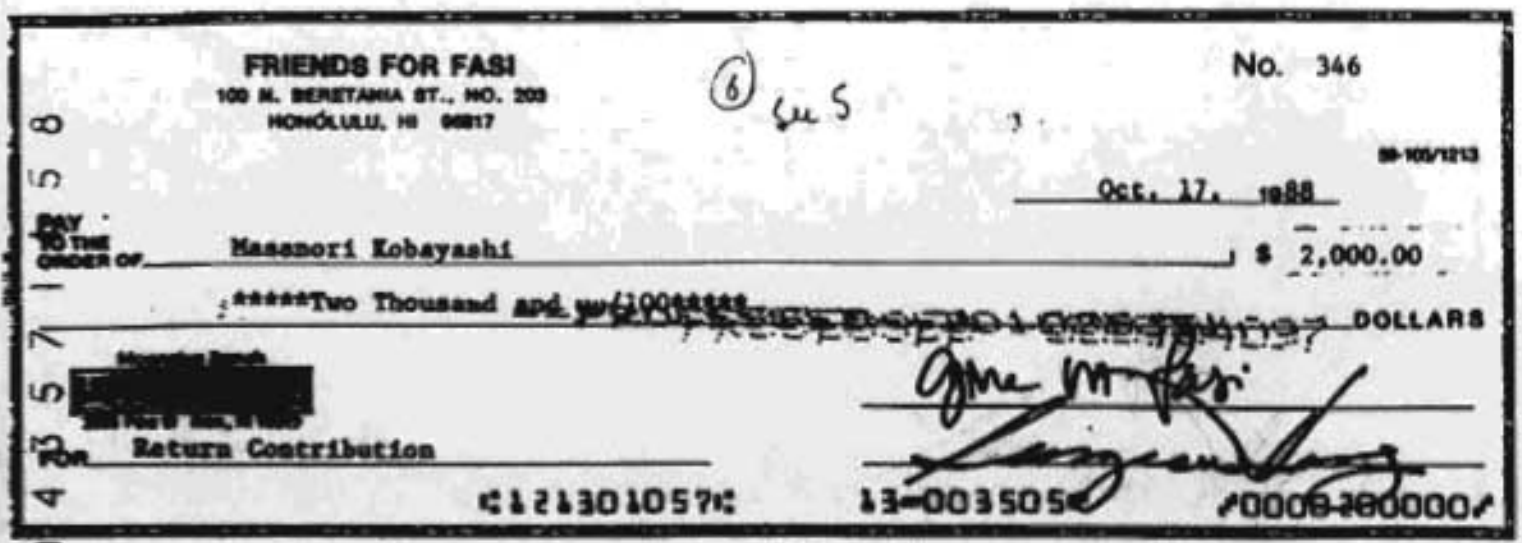
Liberty Bank

FOR Return Contribution

:121301057: 13-003505 #0000200000#

>4043571157

EXHIBIT 37



FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 203
HONOLULU, HI 96817

No. 346

(6) 345

88-105/1213

Oct. 17, 1988

PAY TO THE ORDER OF Masanori Kobayashi $ 2,000.00

*****Two Thousand and [illegible]/100***** DOLLARS

[redacted]

FOR Return Contribution

⑆121301057⑆ 13-003505 ⑈0000200000⑈

EXHIBIT 8

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 308
HONOLULU, HI 96817

No. 338

Oct. 17, 19 88

PAY TO THE ORDER OF Itsuo Koshiba $ 2,000.00

*****Two Thousand and no/100***** DOLLARS

Honolulu Branch
Liberty Bank

FOR Return Contribution

⑆121301057⑆ 13-003505 /0000200000/

EXHIBIT 9

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 203
HONOLULU, HI 96817

No. 272

88-105/1213

Sept. 1, 1988

PAY TO THE ORDER OF Hirofumi Ohnishi $ 2,000.00

*****Two Thousand and no/100***** DOLLARS

Liberty Bank

FOR Return Contribution

Gina M. Fasi

⑆121301057⑆ 13-003505 0000200000

24043571160

EXHIBIT 10

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 305
HONOLULU, HI 96817

No. 334

Oct. 17, 19 88

PAY TO THE ORDER OF Royal Hawaiian Country Club $ 2,000.00

*****Two Thousand and no/100***** DOLLARS

Hawaiian Branch
Liberty Bank

FOR Return Contribution

:121301057: 13-003505 /0000200000/

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EXHIBIT \\

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 203
HONOLULU, HI 96817

No. 273

88-105/1213

PAY TO THE ORDER OF Eiji Sakemoto

Sept. 1, 19 88

*****Two Thousand and no/100*****

$ 2,000.00

[redacted]

PROCESSED [illegible] DOLLARS

FOR Return Contribution

Gina M. Fasi

:121301057: 13=003505= 0000200000

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EXHIBIT 12

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 203
HONOLULU, HI 96817

No. 274

59-105/1213

Sept. 1, 1988

PAY TO THE ORDER OF Kenji Sakemoto $ 2,000.00

*****Two Thousand and no/100***** DOLLARS

PROCESSED

Honolulu Branch

For Return Contribution

⑆121301057⑆ 13-003505⑈ /0000200000/

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EXHIBIT 13

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 203
HONOLULU, HI 96817

No. 275

39-105/1213

Sept. 1, 1988

PAY TO THE ORDER OF Isamu Yamaguchi $ 2,000.00

*****Two Thousand and no/100***** DOLLARS

—PROCESSED—DD/MM/YY

Magnolia Branch

FOR Return Contribution

⑆121301057⑆ 15=003505⑈ /0000200000/

4 0435571

PAY TO THE ORDER

FOR

EXHIBIT 14

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 205
HONOLULU, HI 96817

No. 276

58-105/1213

Sept. 1, 19 88

PAY TO THE ORDER OF Katsumi Yamaguchi $ 2,000.00

*****Two Thousand and no/100***** DOLLARS

--PROCESSED--DISCLOSED

Liberty Bank
Waianae Branch

FOR Return Contribution

⑆121301057⑆ 13-003505 ⑈0000200000⑈

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EXHIBIT 15

1166

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 220
HONOLULU, HI 96817

No. 339

(3)

Oct. 17, 1988

PAY TO THE ORDER OF Eiman Yamamoto $ 2,000.00

*****Two Thousand and no/100***** DOLLARS

Liberty Bank

FOR Return Contribution

Gina M. Fasi

EXHIBIT D

EXHIBIT 16

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 500
HONOLULU, HI 96817

(2) No. 340

88-105/1213

PAY TO THE ORDER OF Tetsuo Yasuda Oct. 17, 1988

*****Two Thousand and no/100***** $ 2,000.00

DOLLARS

Honolulu Branch
Liberty Bank

FOR Return Contribution

Gene Ma Fasi

⑆121301057⑆ 13-003505⑈ ⑈0000 200000⑈

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EXHIBIT 16a

(1)

FRIENDS FOR FAS!
100 N. BERETANIA ST., NO. 205
HONOLULU, HI 96817

No. 341

88-103/1213

Oct. 17, 1988

PAY TO THE ORDER OF Yasuo Yasuda $ 2,000.00

*****Two Thousand and 00/100***** DOLLARS

Mapunapuna Branch
Liberty Bank
3466 Paio St. Hon., HI 96819

FOR Return Contribution

:121301057: 13=003505# #0000200000#

2404357 1168

EXHIBIT 16b

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 2
HONOLULU, HI 96817

No. 342

Oct. 17, 1988

PAY TO THE ORDER OF Seinosuke Yoshida $ 2,000.00

*****Two Thousand and no/100***** DOLLARS

Liberty Bank

FOR Return Contribution

Gina M. Fasi

:121301057?: 13-003505 0000200000

EXHIBIT

EXHIBIT 17

COUNT 7

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 203
HONOLULU, HI 96817

No. 76

59-105/1213

Aug. 25, 19 89

PAY TO THE ORDER OF Coordination Council For North American Affairs $ 250.00

*****Two Hundred Fifty and no/100***** DOLLARS

Moanalua Branch
Liberty Bank
2885 Koa St Hon. HI 96819

FOR Return Contribution

:121301057: 13-003505

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EXHIBIT 18

COUNTS 15 & 57

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 203
HONOLULU, HI 96817

No. 82

89-105/1213

Aug. 25, 1989

PAY TO THE ORDER OF Sony Hawaii Co. $ 800.00

*****Eight Hundred and no/100***** DOLLARS

Liberty Bank

FOR Return Contribution

:121301057: 13=003505

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EXHIBIT 19

COUNT 22

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 202
HONOLULU, HI 96817

No. 74

88-105/1213

Aug. 25, 1989

PAY TO THE ORDER OF ANA Hello Tours (USA) Inc. $ 250.00

***** Two Hundred Fifty and no/100***** DOLLARS

Honolulu Branch
Liberty Bank
[illegible]

Gina M. Fasi

FOR Return Contribution

⑆121301057⑆ 13-003505⑈

2404357 1172

EXHIBIT 20

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
FRIENDS FOR FAGI

DATE RECEIVED 1987	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR, ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
8/29	A'A Party Supplies 753-D Halekauwila St Honolulu 96814			132 Chafing Dishes	132
8/17	A&B HIPAC P.O. Box 3440 Honolulu 96801		1,000		1,000
10/26	ABC Glass Co Inc 99-1096 Iwaena St Unit B&C Aiea 96701		250		250
9/4	AM Partners Inc 1164 Bishop Street Suite 1003 Honolulu 96813		250		250
9/4	AMSCO 4341 Lawehana St Honolulu 96818		250		250
7/27	ANA Hallo Tours (USA) Inc 2255 Kuhio Avenue Suite 1025 Honolulu 96815		250		250
7/27	ANA Hotels Hawaii Inc. P. O. Box 896 Waianae, Hawaii 96792		250		250
8/24	A-1 A-lectrician Inc 2849 Kaihikapu St Honolulu 96819		500		500
9/14	A-1 Roofing Inc 424 Hunter Way, S.I. Honolulu 96819		500		500
8/24	A.Y. Refrigeration 1635 Oo Lane Honolulu 96817		250		250
8/24	ABE, Ernest 98-1712-B Kaahumanu St Pearl City 96782		1,500		1,500
			TOTAL COLUMN 1:	TOTAL COLUMN 2:	NOTE IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED.

1. SUBTOTAL of Contributions Over $100 This Page .....
2. TOTAL This Period (last page this line only) .....

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COUNT 23

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 203
HONOLULU, HI 96817

No. 75

59-105/1213

Aug. 25, 1989

PAY TO THE ORDER OF ANA Hotels Hawaii Inc. $ 250.00

*****Two Hundred Fifty and no/100***** DOLLARS

Liberty Bank

FOR Return Contribution

:121301057: 13-003505

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EXHIBIT 21

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY
FRIENDS FOR FASI

DATE RECEIVED 1987	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTALS FROM DONOR
8/29	A'A Party Supplies 753-D Halekauwila St Honolulu 96814			132 Chafing Dishes	132
8/17	A&B HIPAC P.O. Box 3440 Honolulu 96801		1,000		1,000
10/26	ABC Glass Co Inc 99-1096 Iwaena St Unit B&C Aiea 96701		250		250
9/4	AM Partners Inc 1164 Bishop Street Suite 1003 Honolulu 96813		250		250
9/4	AMECO 4341 Lawehana St Honolulu 96818		250		
7/27	AHA Hallo Tours (USA) Inc 2255 Kuhio Avenue Suite 1025 Honolulu 96815		250		
7/27	AHA Hotels Hawaii Inc. P. O. Box 896 Waianae, Hawaii 96792		250		
8/24	A-1 A-lectrician Inc 2849 Kaihikapu St Honolulu 96819		500		
9/14	A-1 Roofing Inc 424 Hunter Way, S.I. Honolulu 96819		500		500
8/24	A.Y. Refrigeration 1635 Oo Lane Honolulu 96817		250		250
8/24	ABE, Ernest 98-1712-B Kaahumanu St Pearl City 96782		1,500		1,500
			TOTAL COLUMN 1:	TOTAL COLUMN 2	NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page .....
2. TOTAL This Period (last page this line only) .....

EXHIBIT 21

P 2 4 0 4 3 5 7 1 1 7 5

COUNT 24

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 203
HONOLULU, HI 96817

No. 73

59-105/1213

Aug. 25, 1989

PAY TO THE ORDER OF All Nippon Airways Co., Ltd. $ 500.00

*****Five Hundred and no/100***** DOLLARS

Liberty Bank

FOR Return Contribution

:121301057: 13-003505

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EXHIBIT 22

COUNT 33

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 203
HONOLULU, HI 96817

No. 77

Aug. 25, 19 89

PAY TO THE ORDER OF International Commercial Bank of China $ 500.00

*****Five Hundred and no/100***** DOLLARS

Liberty Bank

FOR Return Contribution

:121301057: 13-003505

>40435711<7

EXHIBIT 23

COUNT 38

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 203
HONOLULU, HI 96817

No. 78

89-105/1213

Aug. 25, 1989

PAY TO THE ORDER OF Kinceau International Express $ 250.00

*****Two Hundred Fifty and no/100***** DOLLARS

Liberty Bank

FOR Return Contribution

⑆121301057⑆ 13-003505⑈

2404357178

EXHIBIT 24

COUNT 44

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 203
HONOLULU, HI 96817

No. 79

59-105/1213

Aug. 25, 19 89

PAY TO THE ORDER OF Mokuleia Land Co. $ 2000.00

*****Two Thousand and no/100***** DOLLARS

Moanalua Branch
Liberty Bank
2345 Kuhio Ave. Honolulu, HI 96815

FOR Return Contribution

⑆121301057⑆ 15-003505

2404357 11/89

EXHIBIT 25

COUNT 49

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 203
HONOLULU, HI 96817

No. 80

89-105/1213

Aug. 25, 1989

PAY TO THE ORDER OF Pearl Country Club of Hawaii $ 250.00

*****Two Hundred Fifty and no/100***** DOLLARS

Liberty Bank
1685 Ala M Honl, HI 96819

FOR Return Contribution

Gene M. Fasi

⑆121301057⑆ 13-003505

2443571130

EXHIBIT 26

COUNT 51

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 203
HONOLULU, HI 96817

No. 81

89-105/1213

Aug. 25, 1989

PAY TO THE ORDER OF Queen Kapiolani Hotel $ 250.00

*****Two Hundred Fifty and no/100***** DOLLARS

Liberty Bank

FOR Return Contribution

:121301057: 13-00350 5

2404357118

EXHIBIT 27

COUNT 58

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 203
HONOLULU, HI 96817

No. 83

58-105/1213

Aug. 25, 1989

PAY TO THE ORDER OF Taiyo Hawaii Co., Ltd. $ 250.00

*****Two Hundred Fifty and no/100***** DOLLARS

Liberty Bank
[illegible] Ala Moana Blvd. Honolulu, HI 96814

FOR Return Contribution

:121301057: 13-003505

2404357 1182

EXHIBIT 28

COUNT 59

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 203
HONOLULU, HI 96817

No. 84

39-105/1213

Aug. 25, 19 89

PAY TO THE ORDER OF Tobishima Pacific, Inc. $ 250.00

*****Two Hundred Fifty and no/100***** DOLLARS

Waianae Branch
Liberty Bank
2363 Paa St Honl, HI 96819

FOR Return Contribution

:121301057: 13-003505

2404351133

COUNT 60

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 203
HONOLULU, HI 96817

No. 85

89-105/1213

Aug. 25, 1989

PAY TO THE ORDER OF Universal Express Co. (Hawaii), Ltd. $ 500.00

*****Five Hundred and no/100***** DOLLARS

Liberty Bank
Waipahu Branch
2885 Paa St Honl. HI 96819

FOR Return Contribution

:121301057: 13-003505

24043571184

EXHIBIT 30

RECEIVED
JUL 26 1989

MORIO OMORI
ATTORNEY-AT-LAW
PACIFIC TOWER, SUITE 1030
1001 BISHOP STREET
HONOLULU, HAWAII 96813
TEL. NO. (808) 533-4238
FAX NO. (808) 533-[redacted] 4239

July 24, 1989

Howard Green, Esq.
Green, Ning, Lilly & Jones
707 Richards Street, Suite 700
Honolulu, Hawaii 96813

Dear Sir:

Your letter regarding contributions to Friends of Frank Fasi from my client, Halekulani Corporation, has been referred to me.

A response to the Federal Elections Commission has been made by way of an affidavit from the Vice President-Operations of Halekulani Corporation.

The contributions to the Friends of Frank Fasi were made by Halekulani Corporation, a Hawaii corporation, owned by a California corporation which is owned by a Japan corporation. The contributions were made by Halekulani Corporation from its own funds and without the directions, approval or knowledge of the California corporation and the Japan corporation.

We are awaiting a reply from the counsel for the Federal Elections Commission.

I hope the foregoing responds adequately to your inquiry.

Sincerely,

MORIO OMORI

MO:cyk

cc: Halekulani Corporation

EXHIBIT A

2404357118 5

SIU

AFFILIATED WITH THE SEAFARERS INTERNATIONAL UNION OF NORTH AMERICA • AFL-CIO

SEAFARERS INTERNATIONAL UNION
ATLANTIC • GULF • LAKES AND INLAND WATERS DISTRICT

5201 AUTH WAY • CAMP SPRINGS, MARYLAND 20746 • (301) 899-0675

RECEIVED
JUL 24 1989

JOSEPH SACCO
EXECUTIVE VICE PRESIDENT
ANGUS CAMPBELL
VICE PRESIDENT
JOE DIGIORGIO
SECRETARY-TREASURER
JACK CAFFEY
VICE PRESIDENT
THOMAS GLEDHILL
VICE PRESIDENT
GEORGE McCARTNEY
VICE PRESIDENT
JOHN FAY
VICE PRESIDENT
ROY A. MERCER
VICE PRESIDENT
STEVE KINNEY
VICE PRESIDENT

July 18, 1989

Howard R. Green, Esquire
Green , Ning, Lilly & Jones
707 Richards Street
Suite 700
Honolulu, HI 96813

RE: Contribution to Friends of Frank Fasi

Dear Mr. Green:

This letter is in response to your letter dated July 14, 1989. The Seafarers International Union received from the Federal Election Commission a copy of the Complaint alleging illegal contributions to Friends of Frank Fasi in connection with the political campaign of Mayor Frank Fasi fin 1987-1988.

By letter dated June 16, 1989 the Union responded to the Federal Election Commission's inquiry into the Complaint. I have enclosed a copy of the Union's response for your information. If you have any questions, I can be contacted at (301) 899-0675.

Sincerely,

Stanford Dubin

Stanford Dubin
Associate Counsel

SD:ald

Enclosure

2404357111886

EXHIBIT B-1

FAX (301) 899-7355

AFFILIATED WITH THE SEAFARERS INTERNATIONAL UNION OF NORTH AMERICA • AFL-CIO

SEAFARERS INTERNATIONAL UNION
ATLANTIC • GULF • LAKES AND INLAND WATERS DISTRICT

5201 AUTH WAY • CAMP SPRINGS, MARYLAND 20746 • (301) 899-0675

MICHAEL SACCO PRESIDENT
JOSEPH SAILLY EXECUTIVE VICE PRESIDENT
AUGUST CAMPOSILA VICE PRESIDENT
JOE ROSSICCO SECRETARY
JACK CAFFEY VICE PRESIDENT
THOMAS GLEKAS VICE PRESIDENT
GEORGE McCARTNEY VICE PRESIDENT
JOHN FAY VICE PRESIDENT
ROY A. MERCER VICE PRESIDENT
STEVE BENEY VICE PRESIDENT

June 16, 1989

Lois G. Lerner
Associate General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463

RE: MUR 2892
Seafarers' International Union

Dear Ms. Lerner:

Please consider this letter as the response on behalf of the Seafarers' International Union (hereinafter SIU or the Union) to your letter of June 6, 1989 in the above-captioned matter. In addition, please find enclosed the Statement of Designation of Counsel.

The facts, based upon the Complaint of Anthony P. Locriocitio, Esq. et al., involve campaign contributions alleged to be from foreign nationals to Frank Fasi, Mayor of Honolulu. Specifically, as to the SIU the Complaint alleges that the "...S.I.U. of N.A. which is believed to be a foreign owned and/or controlled corporation who list their address as 5201 Auth Way, Camp Springs, MD 20746, whose contribution was for $500.00 made on 12/30/88". The contribution in question was not from the SIU. Rather, it was a contribution from the United Industrial Workers, Service, Transportation, Professional & Government of North America (hereinafter UIW) which is an affiliate of the SIU.

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B-2

It is the Union's position that the Complaint as to the SIU and UIW should be dismissed. First, the Federal Election Commission lacks jurisdiction over any election other than for a Federal office. The SIU/UIW is aware that Section 441 e of the Federal Election Campaign Act (FECA) prohibits political contributions by foreign nationals. However, Section 110.4 of the Federal Election Commission Regulations, 11 CFR Ch. 1 Part 110 Section 110.4, which prohibits a foreign national from contributing to any local State or Federal public office, is inconsistent with the intent of FECA which is to set forth rules governing Federal elections. There appears to be no specific language in FECA to provide the Federal Election Commission with jurisdiction to regulate State and Local elections. Therefore, even if a foreign national may not contribute to a Federal election the Federal Election Commission is without jurisdiction to promulgate regulations prohibiting foreign nationals from contributing to State and Local elections.

Second, even if the Federal Election Commission has jurisdiction over campaign contributions by foreign nationals to State and Local elections, neither the UIW or SIU is foreign owned. The SIU and UIW are both American unions. Neither SIU or UIW is owned in whole or in part by any foreign national. In order to verify this statement the Federal election commission, as well as anyone else, can obtain a copy of Labor Union Report LM-2 for both the SIU and UIW, filed with the United States Department of Labor, Washington, D.C.

In conclusion, based upon the fact that the SIU and UIW are not foreign owned and that the Federal Elections Commission does not have jurisdiction over State and Local elections the Complaint as to the SIU (and UIW) should be dismissed. If you have any questions I can be contacted at (301)899-0675 ext.277.

Yours very truly,

Stanford Dubin

Stanford Dubin
Associate Counsel

SD:law
Enclosure

24043571188

RECEIVED
JUL 19

GOODSILL ANDERSON QUINN & STIFEL
ATTORNEYS AT LAW
1600 Bancorp Tower
130 Merchant Street
Honolulu, Hawaii 96813
Mail Address: P. O. Box 3196
Honolulu, Hawaii 96801
Facsimile
Telephone
Telex
Counsel:
Of Counsel:

17212/70229

July 18, 1989

HAND DELIVER

Howard R. Green, Esq.
Green, Ning, Lilly & Jones
707 Richards Street, Suite 700
Honolulu, Hawaii 96813

Dear Howard:

Azabu Realty, Inc. ("Azabu") has provided me with a copy of your July 14, 1989 letter with respect to the political contribution made to the Friends of Frank Fasi. enclosed please find a copy of our letter to the Federal Election Commission.

Very truly yours,

Raymond S. Iwamoto

RSI:ek
Enclosure

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EXHIBIT L-1

COBBSILL ANDERSON QUINN & S
ATTORNEYS AT LAW
1600 BANCOM TOWER
130 MERCHANT STREET
HONOLULU, HAWAII 96823
MAIL ADDRESS: P. O. BOX 3196
HONOLULU, HAWAII 96801
FACSIMILE
TELEPHONE
TELEX
COUNSEL
OF COUNSEL
A LAW CORPORATION

17212/70229

June 23, 1989

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Lawrence M. Noble
General Counsel
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

Re: MUR 2892 Azabu Realty, Inc.

Dear General Counsel Noble:

We represent Azabu Realty, Inc. ("Azabu"), a Hawaii corporation, with regard to MUR 2892 and on behalf of Azabu, hereby respond to the Federal Election Commission's notification to Azabu, received on June 12, 1989, of a complaint ("Complaint") dated May 3, 1989, by the Maunawili Community Association, Anthony P. Locricchio, Victoria Creed, Karen Kosoc, and Donna Wong.

The Complaint alleges that on August 2, 1988, Azabu, as a "company owned by a Japanese national company," contributed $2,000 to "Friends of Fasi," the campaign committee for the Mayor of the City and County of Honolulu, Frank F. Fasi, and that such contribution possibly violated federal law.

Azabu does not dispute that it made the contribution to "Friends of Fasi." As the attached affidavit of Mr. Koichi Tadokoro, Executive Vice President of Azabu demonstrates, the contribution was made in response to a fundraising solicitation by "Friends of Fasi" to Azabu. However, Azabu did not make the contribution with any

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C-2

knowledge or reason to believe that the contribution could in any way be construed as a violation of any law. (See Affidavit of Mr. Tadokoro).

For the following reasons, Azabu believes that the Federal Election Commission should not take further action with regard to MUR 2892.

First, the Complaint against Azabu should be dismissed because Azabu is not a foreign national within the meaning of 2 U.S.C. § 441e and 22 U.S.C. § 611(B). Azabu is a Hawaii corporation. Its corporate headquarters is in Hawaii and all of its business is conducted in Hawaii. Further, although Azabu is owned by a foreign corporation, the funds for the contribution were funds of Azabu earned in Hawaii and did not directly or indirectly come from Azabu's parent corporation.

Second, even if Azabu were a foreign national, which it is not, or in making the contribution acted on behalf of a foreign national, which it did not, it is Azabu's position that 2 U.S.C. § 441e only prohibits "contributions" by foreign nationals to elections of "candidates" to federal political office. Section 441e does not expressly provide that it applies to state and local elections. Indeed, the terms "contributions" and "candidate" are defined by 2 U.S.C. §§ 431(2) and (A) in a manner which renders them applicable only to "elections for Federal Office". Furthermore, while 11 CFR § 110.4 may purport to prohibit contributions by foreign nationals to elections in connection with "any local, state or federal public office," there is no indication in either the Federal Election Campaign Act itself or its legislative history that the law was intended to be construed so broadly. See S. Rep. No. 677, 94th Cong., 2nd Sess. 2 (1976), reprinted in 1976 U.S. Code Cong. and Ad. News 930. Thus, 11 CFR § 110.4 is invalid because it is not authorized by statute. Moreover, if 11 CFR § 110.4 were authorized by statute, it would be unconstitutional, since it would constitute an improper congressional attempt to regulate state and local elections. See Oregon v. Mitchell, 400 U.S. 112, 117-118 (1970) (Black J. announcing judgment); see also Tashjian v. Republican Party of Connecticut, 479 U.S. 208 (1986).

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In conclusion, based on the foregoing reasons, Azabu respectfully requests that the Federal Election Commission not take action in MUR 2892.

Very truly yours,

GOODSILL ANDERSON QUINN & STIFEL

Raymond S. Iwamoto

Raymond S. Iwamoto

RSI:ek
Enclosure
cc: Mr. Koichi Tadokoro

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AFFIDAVIT OF KOICHI TADOKORO

STATE OF HAWAII)
) ss.:
CITY AND COUNTY OF HONOLULU)

KOICHI TADOKORO, being duly sworn under oath, deposes and says:

1. I am the Executive Vice President of Azabu Realty, Inc. ("Azabu") and have served in that capacity since June, 1987. I am providing this affidavit in support of Azabu's response to the Complaint pending before the Federal Election Commission in MUR 2892.

2. Azabu was incorporated under the laws of the State of Hawaii on June 26, 1987 and has done business only in Hawaii as a brokerage business continually since then.

3. Although Azabu is owned by a foreign corporation, it is a separate profit center from its parent corporation. It keeps its own books and performs its own year end audit separate and apart from its parent corporation. The $2,000 contribution made by Azabu in August of 1988 to "Friends of Fasi" came from funds generated solely by Azabu and not by its parent corporation. The decision to make the $2,000 contribution was made solely in Hawaii by the officers of Azabu and not by any of its parent corporation.

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4. In August of 1988, Asabu was solicited to purchase and did purchase fundraiser tickets from "Friends of Fasi," Mayor Frank Fasi's campaign committee. Asabu had no knowledge or reason to believe that the purchase of these tickets could be potentially in violation of any state or federal law.

Further affiant sayeth naught.

KOICHI TADOKORO

Subscribed and sworn to before me this 13th day of June, 1989.

Notary Public, State of Hawaii

My Commission Expires: 6/26/92

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C-6

RECEIVED
AUG 2 1989

CARLSMITH, WICHMAN, CASE, MUKAI AND ICHIKI
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING LAW CORPORATIONS
1001 BISHOP STREET
PACIFIC TOWER, SUITE 2200
HONOLULU, HAWAII 96813
CABLE ADDRESS: CWCMI
TELEX 723-8770 CWCMI HR
TELECOPIER (808) 523-0842

HONOLULU OFFICE:
P. O. BOX 656
HONOLULU, HAWAII 96809
(808) 523-2500

GUAM OFFICE:
P. O. BOX 8F
AGANA, GUAM 96910
(671) 472-6813
TELEX 721-6446 CWCMI GM

LOS ANGELES OFFICE:
P. O. BOX 71188
LOS ANGELES, CALIFORNIA 90071-0188
(213) 955-1900

HILO OFFICE:
P. O. BOX 686
HILO, HAWAII 96721-0686
(808) 935-6644

KONA OFFICE:
P. O. BOX 1720
KAILUA-KONA, HAWAII 96745-1720
(808) 329-6464

MAUI OFFICE:
P. O. BOX 1086
WAILUKU, HAWAII 96793
(808) 242-4535

SAIPAN OFFICE:
P. O. BOX 241 CHRB
SAIPAN, MP 96950
(670) 322-3455
TELEX 783-656 CWCMI SPN

June 27, 1989

RECEIVED
JUN 29 1989

VIA TELECOPIER

and

EXPRESS MAIL,
RETURN RECRIPT REQUESTED

Federal Election Commission
999 E Street N.W.
Washington, D.C. 20463

Attention: Patty Reilly, Esq.

Re: MUR 2892/Jet Hawaii, Inc.

Gentlemen:

As indicated on the enclosed "Statement of Designation of Counsel," this law firm represents Jet Hawaii, Inc. ("JHI") in connection with the above-referenced matter. We are responding to your letter to JHI dated June 6, 1989, which was received by JHI on June 13, 1989.

We understand the complaint filed by Anthony P. Locricchio to allege that JHI has violated 2 U.S.C. § 441e which prohibits foreign nationals from making, directly or through any other person, any contribution in connection with an election to a political office. For the reasons stated herein, we believe that the complaint should be dismissed and no action should be taken by the Commission against JHI since it has not violated 2 U.S.C. § 441e.

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EXHIBIT D

We believe that the complaint should be dismissed because we believe that 2 U.S.C. § 441e does not apply to "contributions" made to state or local elections. Although the regulations of the Commission (11 C.F.R. § 110.4(a)(1)) expressly state that foreign nationals may not make contributions to state or local elections, 2 U.S.C. § 441e does not expressly apply to state or local elections. In fact, it should be noted that the word "contribution" which is used in 2 U.S.C. § 441e is defined by 2 U.S.C. § 431(8)(A) as a gift, etc. "for the purpose of influencing any election for Federal office." Therefore, the complaint should be dismissed since 2 U.S.C. § 441e appears to apply only to elections for Federal office.

However, even if it is assumed that 2 U.S.C. § 441e applies to state or local elections, we still contend that JHI has not violated 2 U.S.C. § 441e because it is a U.S. domestic corporation. JHI is a corporation duly organized and formed under the laws of the State of Hawaii and whose principal business is within the State of Hawaii. Please see copy of the Articles of JHI enclosed herewith for your review. Inasmuch as JHI is a corporation organized under the law of a state within the United States, and has its principal place of business within the United States, we believe that JHI is not a "foreign national" or a "foreign principal" as defined by 2 U.S.C. § 441e(b)(1) and 22 U.S.C. § 611(b), respectively. We believe that previous opinions of the Federal Election Commission have also confirmed that a U.S. corporation whose principal place of business is within the United States is not a "foreign national." See, e.g., Advisory Opinion 1982-10.

Although there appears to be no judicial precedents on point, we understand that past Advisory Opinions of the Commission also take into account whether foreign nationals whom are officers or directors of the U.S. corporation participated in any way in the decision-making process with respect to the making of the political contribution to determine whether 2 U.S.C. § 441e has been violated. See, e.g., Advisory Opinion 1982-10. Inasmuch as there appears to be no judicial precedents on point, we cannot acknowledge that the position of the Commission is correct. However, even if it is assumed that the Commission is correct, JHI has advised us that no foreign nationals (persons who are not U.S. citizens or

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permanent residents) participated in any way in the decision-making process with respect to the making of the political contribution which is the subject of the complaint or for any other political contributions.

For the reasons stated above, we believe that the complaint against JHI should be dismissed and the Commission should find that no violation of 2 U.S.C. § 441e has occurred. Please be advised that JHI wishes to cooperate fully with the Commission in connection with the instant complaint. If you have any questions or require additional information in connection with this matter, please do not hesitate to contact us.

Very truly yours,

Karl K. Kobayashi

KK:cai
Enclosures
cc: Jet Hawaii, Inc.

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AFFIDAVIT OF EDWARD J. MATSUKAWA

STATE OF HAWAII)
) SS:
CITY AND COUNTY OF HONOLULU)

EDWARD J. MATSUKAWA, being first duly sworn on oath, deposes and states:

1. I am the Secretary-Controller of Kauai Island Tours, Inc.

2. Kauai Island Tours, Inc. is a Hawaii Corporation with its principal place of business in Hawaii.

3. The decision-making and direction to make the campaign contribution to Mayor Fasi was solely made by the management persons of the Kauai Island Tours, Inc. office in Kauai, Hawaii, consisting of: Edward J. Matsukawa (Secretary-Controller), Leonard Y. Abeshima (Treasurer) and Lindbergh M. Akita (Director/Consultant).

4. All of the above-named persons involved in the decision to make the contribution have been Kauai island residents for over 30-years, and have, except for myself, been with the company since its inception in May 1971 or prior to that time.

EDWARD J. MATSUKAWA

Subscribed and sworn before me
this 3rd day of Aug 1989.

Carol Fujioka
Notary Public, State of Hawaii

My Commission expires: 2-2-90

EXHIBIT E

7404357 11 98

OTAKA, INC.

2570 Kalakaua Avenue, Honolulu, Hawaii 96815
Phone (808) 922-2511 Fax (808) 923-3656

July 31, 1989

Lynnette T. Oka, Esq.
GREEN, NING, LILLY, & JONES
707 Richards Street, Suite 700
Honolulu, Hawaii 96813

Dear Ms. Oka:

This is in response to your firm's letter dated July 14, 1989.

We have already responded directly to the Federal Election Commission with regard to our contributions to the Friends of Fasi. For your information, however, we wish to note the following.

Otaka, Inc., the contributor in question, is a Hawaii corporation. It is ultimately owned by Japanese nationals. At the time the contributions were made, the individual ultimately owning more than 90% of this corporation was a resident of Japan. In 1989, this individual obtained immigrant status in the United States.

In any event, the funds contributed to the Friends of Fasi were not provided by any foreign nationals. The funds were directly from our Hawaii operations. The decision to contribute the funds was made solely by our President, Steve Kawagishi, a U.S. citizen.

We trust that this responds to your inquiries, and appreciate your attention to this matter.

Sincerely,

OTAKA, INC.

Sabrina Shizue McKenna

Sabrina Shizue McKenna
Secretary & General Counsel

SSM:df

cc: Steve Kawagishi

> 2404357111999

A New Tradition in Hawaiian Hospitality

HOLIDAY INN WAIKIKI BEACH
2570 Kalakaua Avenue
Honolulu, Hawaii 96815
Phone (808) 922-2511
Fax (808) 923-3656

HAWAIIAN REGENT HOTEL
2552 Kalakaua Avenue
Honolulu, Hawaii 96815
Phone (808) 922-6611
Fax (808) 921-5255

KONA SURF RESORT & COUNTRY CLUB
78-128 Ehukai Street
Kailua-Kona, Hawaii 96740
Phone (808) 322-3411
Fax (808) 322-3245

KONA COUNTRY CLUB
78-7000 Alii Drive
Kailua-Kona, Hawaii 96740
Phone (808) 322-2595
Fax (808) 322-3361

EXHIBIT F

GROSVENOR INTERNATIONAL
Grosvenor Center
733 Bishop Street • Suite 1717 • Honolulu, Hawaii 96813
Telephone (808) 537-8132 • Telecopier (808) 533-2047

RECEIVED
JUL 20

July 19, 1989

Howard R. Green, Esq.
Green, Ning, Lilly, & Jones
707 Richards Street, Suite 700
Honolulu, Hawaii 96813

Dear Mr. Green:

Thank you for your letter of July 14, 1989 in connection with the political campaign of Mayor Frank Fasi in 1987-1988.

We were notified by the Federal Election Commission of our being named in the Complaint MUR 2892. We have already responded to the Federal Election Commission and we have enclosed the following documents for your information:

1. Affidavit of Clytie Y. Kaneshiro (without Exhibit A)

2. Statement of Designation of Counsel

3. Draft copy of our legal counsel's letter dated June 22, 1989

All of the above were sent to the Federal Election Commission on or around June 27, 1989.

Your concern and consideration in this matter is greatly appreciated.

Sincerely,

Clytie Y. Kaneshiro
Treasurer

CYK:jmi
Enclosures

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EXHIBIT G

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AFFIDAVIT OF CLYTIE Y. KANESHIRO

STATE OF HAWAII)
) SS.:
CITY AND COUNTY OF HONOLULU)

CLYTIE Y. KANESHIRO, being duly sworn under oath, deposes and says:

1. I am the Treasurer of Grosvenor International (Hawaii) Limited and have served in that capacity since October of 1980. I am providing this affidavit in support of Grosvenor International (Hawaii) Limited's response to the Complaint pending before the Federal Election Commission in MUR 2892.

2. Grosvenor International (Hawaii) Limited was incorporated under the laws of the State of Hawaii on June 2, 1969 and since then has done business continuously in Hawaii as a developer of real estate. Grosvenor International (Hawaii) Limited's corporate headquarters are located at Grosvenor Center, 733 Bishop Street, Suite 1717, Honolulu, Hawaii.

3. Grosvenor International (Hawaii) Limited is a subsidiary of Grosvenor International (U.S.A.) Limited which is a corporation incorporated under the laws of the State of Nevada. Grosvenor International (U.S.A.) Limited is owned by a Canadian corporation and the Trustees of the 4th Duke of Westminster's Settlement, a

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United Kingdom entity. However, Grosvenor International (Hawaii) Limited is a separate profit center from Grosvenor International (U.S.A.) Limited or any of Grosvenor International (U.S.A.) Limited's parent entities. Grosvenor International (Hawaii) Limited keeps its own books and performs its own year end audit.

4. The $500 donation made by Grosvenor International (Hawaii) Limited in September of 1987 to "Friends For Fasi" came from funds generated solely by Grosvenor International (Hawaii) Limited, not its parent corporation or any of that corporation's parent entities. The decision to make the $500 donation was made solely by Grosvenor International (Hawaii) Limited.

5. In June of 1987, Grosvenor International (Hawaii) Limited was solicited by "Friends For Fasi," Mayor Frank Fasi's campaign committee, in a letter to Larry Fukunaga, one of Grosvenor International (Hawaii) Limited's project managers, to purchase two fundraiser tickets. The tickets, which were enclosed with the solicitation letter, were purchased by Grosvenor International (Hawaii) Limited. In so doing, Grosvenor International (Hawaii) Limited had no knowledge or reason to believe that the purchase of these tickets could be potentially in violation of any state or federal law. Attached hereto as Exhibit "A" is a copy of the letter

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from "Friends For Fasi," to Mr. Larry Fukunaga, with its attachment pertaining to the non-deductibility of contributions for Hawaii income tax purposes.

Further affiant sayeth naught.

CLYTIE Y. KANESHIRO

Subscribed and sworn to
before me this 26th day of
June, 1989.

Notary Public, State of Hawaii

My Commission Expires: 1/22/92

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 2892

NAME OF COUNSEL: Russell S. Kato

ADDRESS: Goodsill Anderson Quinn & Stifel
1600 Bancorp Tower
130 Merchant Street

Honolulu, Hawaii 96813

TELEPHONE: (808) 547-5600

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

June 27, 1989
Date

Clytie Y Kaneshiro
Signature

RESPONDENT'S NAME: Mrs. Clytie Y. Kaneshiro

ADDRESS: Grosvenor International (Hawaii) Limited
733 Bishop Street, Suite 1717
Honolulu, Hawaii 96813

HOME PHONE: (808) 533-4779

BUSINESS PHONE: (808) 537-6132

2404357120 4

GOODSILL ANDERSON QUINN & STIFEL

ATTORNEYS AT LAW

1600 BANCORP TOWER
130 MERCHANT STREET
HONOLULU, HAWAII 96813

MAIL ADDRESS: P. O. BOX 3196
HONOLULU, HAWAII 96801

FACSIMILE
(808) 531-1638

TELEPHONE
(808) 547-5600

TELEX
7430344 JEKID

DRAFT

June 22, 1989

Mr. Lawrence M. Noble
General Counsel
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

Re: MUR 2892 Grosvenor International (Hawaii), Ltd.

Dear General Counsel Noble:

We represent Grosvenor International (Hawaii), Ltd. ("Grosvenor International"), a Hawaii corporation, with regard to MUR 2892 and on behalf of Grosvenor International, hereby respond to the Federal Election Commission's notification to Grosvenor International, received on June 13, 1989, of a complaint ("Complaint") dated May 3, 1989, by the Maunawili Community Association, Anthony P. Locricchio, Victoria Creed, Karen Kosoc, and Donna Wong.

The Complaint alleges that on September 4, 1987, Grosvenor International, a corporation "whose parent corporation is in Canada, also with possible British ties", improperly donated $500.00 to "Friends For Fasi," the campaign committee for the Mayor of the City and County of Honolulu, Frank F. Fasi.

Grosvenor International does not dispute that it made the donation to "Friends For Fasi." As the attached affidavit of Mrs. Clytie Y. Kaneshiro, Treasurer of Grosvenor International, demonstrates, the donation was made in response to a fundraising event ticket solicitation mailed directly by "Friends For Fasi" to Grosvenor International (see Exhibit A to affidavit of Mrs. Kaneshiro). However, Grosvenor International did not

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make the donation with any knowledge or reason to believe that the donation could in any way be construed as a violation of any law. (See Affidavit of Mrs. Kaneshiro).

For the following reasons, Grosvenor International believes that the Federal Election Commission should not take further action against it with regard to MUR 2892.

First, the Complaint against Grosvenor International should be dismissed because Grosvenor International is not a foreign national within the meaning of 2 U.S.C. § 441e and 22 U.S.C. § 611(B). (See Affidavit of Mrs. Kaneshiro). Grosvenor International is a Hawaii corporation. Its corporate headquarters are in Honolulu, Hawaii. Moreover, contrary to the allegations of the Complaint, Grosvenor International's parent corporation is Grosvenor International (U.S.A.), a Nevada corporation, not a Canadian corporation. Further, although Grosvenor International (U.S.A.) is owned by foreign entities, the funds for the $500 donation did not directly or indirectly come from Grosvenor International (U.S.A.) or these foreign entities. (See Affidavit of Mrs. Kaneshiro).

Second, even if Grosvenor International were a foreign national, which it is not, or in making the donation acted on behalf of a foreign national, which it did not, it is Grosvenor International's position that 2 U.S.C. § 441e only prohibits "contributions" by foreign nationals to elections of "candidates" to federal political office. Section 441e does not expressly provide that it applies to state and local elections. Indeed, the terms "contributions" and "candidate" are defined by 2 U.S.C. §§ 431(2) and (A) in a manner which renders them applicable only to "elections for Federal Office". Furthermore, while 11 CFR § 110.4 may purport to prohibit contributions by foreign nationals to elections in connection with "any local, state or federal public office," there is no indication in either the Federal Election Campaign Act itself or its legislative history that the law was intended to be construed so broadly. See S. Rep. No. 677, 94th Cong., 2nd Sess. 2 (1976), reprinted in 1976 U.S. Code Cong. and Ad. News 930. Thus, 11 CFR § 110.4 is invalid because it is not authorized by statute. Moreover, if 11 CFR § 110.4 were authorized by statute, it would be unconstitutional, since it would constitute an improper congressional attempt to regulate

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state and local elections. See Oregon v. Mitchell, 400 U.S. 112, 117-118 (1970) (Black J. announcing judgment); see also Tashjian v. Republican Party of Connecticut, 479 U.S. 208 (1986).

In conclusion, based on the foregoing reasons, Grosvenor International respectfully requests that the Federal Election Commission not take action against it in MUR 2892.

Very truly yours,

GOODSILL ANDERSON QUINN & STIFEL

Russell S. Kato

RSK:rr
Enclosures

A19631

24043571207

RECEIVED
JUL 27 1989

DAMON KEY BOCKEN LEONG KUPCHAK

A LAW CORPORATION

Attorneys at Law

1600 Pauahi Tower
1001 Bishop Street
Honolulu, Hawaii 96813

Telephone (808) 531-8031
Telex 6-34327 DKBLK 6-34327
Facsimile (808) 533-2242
Cable Address: ADVOC 42[illegible]

R. Charles Bocken
Clinton K.L. Chee
C.F. Damon, Jr.
Ian K. Elarth
Eric D. Hiraoka
Kamala I. Evans
Gerhard Frohlich
Diane D. Hastert
Charles W. Key
Christine A. Kubota
Kenneth R. Kupchak
Dennis C.H. Leong
Laurel K.S. Loo
James C. McWhinnie
Francis K. Mukai
Douglas D. Chervich
Robert H. Thomas
Jordan V. Wood
Michael A. Yoshida
Michael I. Yoshi

July 25, 1989

Howard R. Green, Esq.
Green Ning Lilly and Jones
707 Richards Street, Suite 700
Honolulu, Hawaii 96813

Re: Federal Election Commission MUR 2892

Dear Mr. Green:

This is in response to your letter of July 14, 1989, on the above-referenced matter. We represent Leyton House (Hawaii), Inc. with respect to the matter and are responding on its behalf.

Leyton House (Hawaii), Inc. is a Hawaii corporation whose sole stockholder is a citizen and resident of Japan. The day-to-day operations of the corporation are handled by the Vice President and General Manager who lives locally.

At the time the contribution was made to Friends for Fasi campaign, the Vice President and General Manager was Mr. Toshiaki Takahashi. Mr. Takahashi has since resigned from the corporation and is believed to be residing in Tokyo, Japan. While Mr. Takahashi is a Japanese citizen, he is also a lawful permanent resident (green card holder) in the United States.

The monies used for the contribution in August 1987, came from corporate earnings. None of the funds were from offshore. Additionally, the decision to make the contribution was made by Mr. Takahashi without input or advice from the foreign national stockholder, or any other foreign national.

We do not believe there was a violation of the federal election laws, 2 U.S.C. § 441(e).

2404357208

EXHIBIT H

If you have any comments or questions, please contact the undersigned.

Very truly yours,

DAMON KEY BOCKEN LEONG KUPCHAK

Clinton K. L. Ching
Douglas D. Osterloh

CKLC/DDO:wpc

cc: Leyton House (Hawaii), Inc.
Attention: Ken Nakamura

0001g/46

9404357120 9

DAIICHIYA — LOVE'S BAKERY, INC.
P. O. BOX 294
HONOLULU, HAWAII 96809
TELEPHONE (808) 737-5561
TELEX: 7430247

RECEIVED
JUL 24 1989

July 20, 1989

Howard R. Green, Esq.
Green, Ning, Lilly, & Jones
707 Richards Street, Suite 700
Honolulu, Hawaii 96813

Dear Mr. Green:

Thank you for your letter of July 14, 1989, relative to the complaint filed by the Federal Elections Commission alleging that Daiichiya-Love's Bakery, Inc.'s contribution to the political campaign of Mayor Frank Fasi in 1987-88 may have been an illegal contribution.

For your information, I am attaching copies of documents sent by our legal counsel, Steven M. Okano, of McCorriston, Miho & Miller, in response to the Complaint and which documents are self-explanatory.

If there are any questions regarding this matter, please feel free to contact me at 737-5561.

Sincerely,

Thomas L. Meehan
President

TLM:ju
Enclosures

cc: Steven M. Okano, Esq.

2404357210

EXHIBIT I

STATEMENT OF DESIGNATION OF COUNSEL

NUR [redacted]

NAME OF COUNSEL: Steven M. Okano

ADDRESS: McCorriston, Miho & Miller
Suite 1500 Pacific Tower
1001 Bishop Street
Honolulu, Hawaii 96813

TELEPHONE: (808) 537-6977

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

DAIICHIYA-LOVE'S BAKERY, INC.

4/22/09
Date

By Thomas Meehan
Signature THOMAS MEEHAN

RESPONDENT'S NAME: Thomas Meehan

ADDRESS: Daiichiya-Love's Bakery, Inc.
P.O. Box 294
Honolulu, Hawaii 96809

HOME PHONE: 261-7036

BUSINESS PHONE: 737-5561

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June 21, 1989

Mr. Lawrence Noble
General Counsel
Federal Election Commission
999 E. Street N.W.
Washington, D.C. 20463

RE: MUR 2892/ DAIICHIYA-LOVE'S BAKERY, INC.

Dear Mr. Noble:

This reply is in regard to MUR 2892, a complaint filed with the Federal Election Commission alleging that Daiichiya-Love's Bakery, Inc. may have violated the Federal Election Campaign Act of 1971.

On October 5, 1987, Daiichiya-Love's Bakery, Inc. ("Love's") made a $250.00 contribution to the Mayoral Campaign of Frank Fasi. Love's is a corporation organized under the laws of the State of Hawaii and has its principal place of business in the State of Hawaii. Love's, in fact, does almost all of its business in Hawaii, except for some sales in Guam and elsewhere in the Pacific. Attached is an affidavit by Mr. Thomas Meehan, President of Daiichiya-Love's Bakery, detailing the facts noted above and referred to below.

Under the Federal Election Campaign Act of 1971, as amended, in particular 2 U.S.C. Section 44le, contributions by foreign nationals are prohibited. Subsection (b)(1) states that "foreign national" shall mean a foreign principal as defined by 22 U.S.C. Section 611(b). 22 U.S.C. Section 611(b) provides that the term "foreign principal," in the context of corporations, refers to "a...corporation...organized under the laws or having its principal place of business in a foreign country." It specifically excepts a corporation that "is organized or created by the laws of the United States or of any State...and has its principal place of business within the United States." 22 U.S.C. Section 611(b)(2). Thus, under the plain language of the statute, Love's does not fall within the prohibition because it both is organized under the laws of the State of Hawaii and has its principal place of business within the United States. This is also the interpretation given to 22 U.S.C. Section 611(b) by the United States Court of Appeals for the District of Columbia in United States v. McGoff, 831 F.2d 1071, 1074 (D.C.Cir. 1987).

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Thus, while First Baking Company, Ltd., a Japan corporation, does own 99% of the stock of Love's and three of seven members of the board of Love's are also directors of First Baking Company, Ltd., it seems clear that those facts are simply irrelevant to the status of Love's under 2 U.S.C. Section 441e. The decision to make the contribution was an independent one on the part of Love's. It was not a contribution on behalf of, or at the direction or request of First Baking Company, Ltd. First Baking Company, Ltd., in fact, had no knowledge of the contribution. Finally, Love's is the only connection that First Baking Company, Ltd. has to Hawaii and the idea that a bakery would somehow want to influence the location of a golf course, as the complaint seems to imply, seems implausible.

For the foregoing reasons, and in particular because of the simple fact that the statute specifically excepts corporations organized and doing business in the United States, Daiichiya-Love's Bakery, Inc. believes that no action should be taken against it in response to the complaint by the Maunawili Community Association.

DAIICHIYA-LOVE'S BAKERY, INC.

By Thomas Meehan
Thomas Meehan

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AFFIDAVIT OF THOMAS MEEHAN

STATE OF HAWAII)
: SS.
CITY AND COUNTY OF HONOLULU)

THOMAS MEEHAN, being first duly sworn, on oath, deposes and says:

1. That he is the President of Daiichiya-Love's Bakery, Inc.

2. That Daiichiya-Love's Bakery, Inc. is a corporation organized under the laws of the State of Hawaii.

3. The principal place of business of Daiichiya-Love's Bakery, Inc. is the State of Hawaii.

4. That a contribution of $250.00 was made to the mayoral campaign of Frank Fasi on October 5, 1987 by Daiichiya-Love's Bakery, Inc.

5. That the contribution of October 5, 1987 was not made on behalf of, or at the direction of First Baking Company, Ltd., a Japan corporation. First Baking Company, Ltd. had no knowledge of the contribution.

6. That there are three members of the Board of Directors of Daiichiya-Love's Bakery who also hold seats on the Board of Directors of First Baking Company, Ltd. There are seven total members on the Daiichiya-Love's Bakery, Inc. Board of Directors.

7. That First Baking Company, Ltd. owns approximately 99% of the stock of Daiichiya-Love's Bakery, Inc.

8. That Daiichiya-Love's Bakery, Inc. is the only

presence of First Baking Company, Ltd. in Hawaii.

9. That Daiichiya-Love's Bakery, Inc. does not have any involvement with the proposed golf course development in Maunawili Valley.

Futher affiant sayeth naught.

THOMAS MEEHAN

Subscribed and sworn to before me
this 22nd day of June, 1989.

Notary Public, State of Hawaii

My commission expires: 7/21/89

LS

94043571215

RECEIVED
JUL 24 1989

PACIFICO CREATIVE SERVICE, INC.
Hawaii Regional Office
Suite 1600, Waikiki Business Plaza
2270 Kalakaua Avenue
Honolulu, Hawaii 96815
Tel: (808) 926-4500

July 20, 1989

Howard S. Green, Esq
Green, Ning, Lilly, & Jones
707 Richards Street, Suite 700
Honolulu, Hawaii 96813

Dear Mr. Green:

Thank you for your letter of July 14, 1989 inquiring about our company's position on the complaint filed with the Federal Election Commission.

Through our attorneys, we have already responded to the Federal Election Commission. For your information, a copy of our response is enclosed.

Very truly yours,

Yuzo Kojima
Director, Administration

YK:anh
Enclosure

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EXHIBIT 1

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GOODSILL ANDERSON QUINN & STIFEL

ATTORNEYS AT LAW

1600 BANCORP TOWER
130 MERCHANT STREET
HONOLULU, HAWAII 96813

MAIL ADDRESS: P.O. BOX 3196
HONOLULU, HAWAII 96801

FACSIMILE (808) 531-3616 TELEPHONE (808) 547-5600 TELEX 7430244 (GEXTO)

June 26, 1989

Mr. Lawrence M. Noble
General Counsel
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

Re: MUR 2892 Pacifico Creative Service, Inc.

Dear General Counsel Noble:

We represent Pacifico Creative Service, Inc. ("Pacifico Creative Service"), a Hawaii corporation, with regard to MUR 2892 and on behalf of Pacifico Creative Service, hereby respond to the Federal Election Commission's notification to Pacifico Creative Service, received on June 12, 1989, of a complaint ("Complaint") dated May 3, 1989, by the Maunawili Community Association, Anthony P. Locricchio, Victoria Creed, Karen Kosoc, and Donna Wong.

The Complaint alleges that on September 4, 1987, Pacifico Creative Service, as a "foreign based corporation," improperly donated $500.00 to "Friends of Fasi," the campaign committee for the Mayor of the City and County of Honolulu, Frank F. Fasi.

Pacifico Creative Service does not dispute that it made the donation to "Friends of Fasi." As the attached affidavit of Mr. Yozo Kojima, Administration Manager of the Hawaii office of Pacifico Creative Service, demonstrates, the donation was made in response to a fundraising event ticket solicitation by "Friends of Fasi" to Pacifico Creative Service. However, Pacifico Creative Service did not make the donation with any knowledge or reason to believe that the donation could in any way be

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construed as a violation of any law. (See Affidavit of Mr. Kojima).

For the following reasons, Pacifico Creative Service believes that the Federal Election Commission should not take further action with regard to MUR 2892.

First, the Complaint against Pacifico Creative Service should be dismissed because Pacifico Creative Service is not a foreign national within the meaning of 2 U.S.C. § 441e and 22 U.S.C. § 611(B). Pacifico Creative Service is a Hawaii corporation. Its corporate headquarters are in the United States and a substantial portion of its business is conducted in the United States. Further, although Pacifico Creative Service is owned by three foreign corporations, the funds for the $500 donation did not directly or indirectly come from any of its parent corporations.

Second, even if Pacifico Creative Service were a foreign national, which it is not, or in making the donation acted on behalf of a foreign national, which it did not, it is Pacifico Creative Service's position that 2 U.S.C. § 441e only prohibits "contributions" by foreign nationals to elections of "candidates" to federal political office. Section 441e does not expressly provide that it applies to state and local elections. Indeed, the terms "contributions" and "candidate" are defined by 2 U.S.C. §§ 431(2) and (A) in a manner which renders them applicable only to "elections for Federal Office". Furthermore, while 11 CFR § 110.4 may purport to prohibit contributions by foreign nationals to elections in connection with "any local, state or federal public office," there is no indication in either the Federal Election Campaign Act itself or its legislative history that the law was intended to be construed so broadly. See S. Rep. No. 677, 94th Cong., 2nd Sess. 2 (1976), reprinted in 1976 U.S. Code Cong. and Ad. News 930. Thus, 11 CFR § 110.4 is invalid because it is not authorized by statute. Moreover, if 11 CFR § 110.4 were authorized by statute, it would be unconstitutional, since it would constitute an improper congressional attempt to regulate state and local elections. See Oregon v. Mitchell, 400 U.S. 112, 117-118 (1970) (Black J. announcing judgment); see also Tashjian v. Republican Party of Connecticut, 479 U.S. 208 (1986).

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In conclusion, based on the foregoing reasons, Pacifico Creative Service respectfully requests that the Federal Election Commission not take action in MUR 2892.

Very truly yours,

GOODSILL ANDERSON QUINN & STIFEL

Russell S. Kato

Russell S. Kato

RSK:LKA:rr
Enclosures

A20136

9404357121 9

STATEMENT OF DESIGNATION OF COUNSEL

MUR 2892

NAME OF COUNSEL: Russell S. Kato, Esq.

ADDRESS: Goodsill Anderson Quinn & Stifel
1600 Bancorp Tower
130 Merchant Street
Honolulu, Hawaii 96813

TELEPHONE: (808) 547-5600

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

June 26, 1989
Date

Yuzo Kojima
Signature

RESPONDENT'S NAME: Mr. Yuzo Kojima

ADDRESS: Pacifico Creative Services, Inc.
2270 Kalakaua Avenue, 16th Floor
Honolulu, Hawaii 96815

HOME PHONE:

BUSINESS PHONE: (808) 926-4500

2404357122 0

A19029

AFFIDAVIT OF YUZO KOJIMA

STATE OF HAWAII)
) SS.:
CITY AND COUNTY OF HONOLULU)

YUZO KOJIMA, being duly sworn under oath, deposes and says:

1. I am the Administration Manager of the Hawaii office for Pacifico Creative Service, Inc. ("Pacifico Creative Service") and have served in that capacity since July of 1987. I am providing this affidavit in support of Pacifico Creative Service' response to the Complaint pending before the Federal Election Commission in MUR 2892.

2. Pacifico Creative Service was incorporated under the laws of the State of Hawaii on July 29, 1970 and has done business in Hawaii and elsewhere as a travel and tour agency continually since then. It has a Hawaii regional office located at 2270 Kalakaua Avenue, 16th Floor, Honolulu, Hawaii 96815 and a corporate headquarters located in Los Angeles, California. It has fifteen branch offices throughout the United States.

3. Although Pacifico Creative Service is owned by three foreign corporations, it is not controlled by any of these foreign corporations. Pacifico Creative Service is a separate profit center from its parent corporations.

2404357122 1

It keeps its own books and performs its own year end audit separate and apart from its parent corporations. Further, its financial involvement within the United States is substantial, with respect to both gross revenues generated from activities in the United States as well as assets held in the United States. The $500 donation made by Pacifico Creative Service in September of 1987 to "Friends of Fasi" came from funds generated solely by Pacifico Creative Service, not any of its parent corporations. The decision to make the $500 donation was made solely by the Hawaii regional office of Pacifico Creative Service, not any of its parent corporations (and not even its corporate headquarters).

4. In September of 1987, Pacifico Creative Service was solicited to purchase and did purchase two fundraiser tickets from "Friends of Fasi," Mayor Frank Fasi's campaign committee. Yet, Pacifico Creative Service had no knowledge or reason to believe that the purchase of these tickets could be potentially in violation of any state or federal law. Attached hereto as Exhibit "A" are copies of the two tickets purchased from "Friends of Fasi," a receipt from "Friends of Fasi" and a "Thank you" letter from Frank Fasi.

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Further affiant sayeth naught.

YUZO KOJIMA

Subscribed and sworn to
before me this 26 day of
June, 1989.

Notary Public, State of Hawaii

My Commission Expires: 5-18-90

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9404357 1224

A festive evening
with
exciting entertainment,
beverages, and delicious popes
is planned for you ...
Come and Enjoy!

An Evening with the Mayor

Saturday, August 29, 1987
Blaisdell Center Exhibition Hall
6 P.M. - 8 P.M.
$250 Per Person
Aloha Attire

PACIFIC CREATIVE SERVICE
2270 Kalakaua Ave. STE. 1607
Honolulu, Hawaii 96815
926-6888
TRAVEL AGENCY
$250.00

№ 0012 № 0012

A festive evening
with
exciting entertainment,
beverages, and delicious popes
is planned for you ...
Come and Enjoy!

An Evening with the Mayor

Saturday, August 29, 1987
Blaisdell Center Exhibition Hall
6 P.M. - 8 P.M.
$250 Per Person
Aloha Attire

PACIFIC CREATIVE SERVICE
2270 Kalakaua Ave. STE. 1607
Honolulu, Hawaii 96815
926-6888
TRAVEL AGENCY
$ 250.00

№ 0011 № 0011

11514

To You, Friend,
Aloha.

This is to say thanks. Thanks for your contribution in helping to make my recent fundraiser the most successful and the most satisfying ever. It gave me the chance to see and shake hands with so many friends. Words of encouragement, support and praise made me feel that the 37 years I've given to politics were and still are a privilege.

I will continue to justify your faith in me.
I will act to help meet the needs of our people and help make our Community the best in the world.
Warm personal regards.

Sincerely,

9404357 12 25

RECEIPT Date 9-8 19 87 -3286

Received From PACIFICO CREDIT SERVICES LTD.

Address 2270 KALAKAUA AVE SUITE 1610 HONOLULU 96815

Dollars $ 500.00

For TICKETS 11-12

ACCOUNT			NOW PAID			FRIENDS FOR FASI
AMT. OF ACCOUNT			CASH			
AMT. PAID			CHECK		✓	
BALANCE DUE			MONEY ORDER			By

FRIENDS FOR FASI

000 000
40440
500.00

FASI FUNDRAISER

AUG 31 PAID NO. 11513

RECEIVED
JUL 24 1989

TORKILDSON, KATZ, JOSSEM, FONSECA, JAFFE & MOORE
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING LAW CORPORATIONS
AMFAC BUILDING, 18TH FLOOR
700 BISHOP STREET
HONOLULU, HAWAII 96813-4187
TELEPHONE (808) 521-1051
CABLE ADDRESS "COUNSEL"
TELEX RCA (723) 8465 ATTORN HA
TELECOPIER (808) 521-8238

KAILUA-KONA OFFICE
75-5751 KUAKINI HIGHWAY, SUITE 105
KAILUA-KONA, HAWAII 96740
TELEPHONE (808) 329-9551

MAUI OFFICE
2145 MAIN STREET, SUITE 105
WAILUKU, MAUI, HAWAII 96793
TELEPHONE (808) 244-9400

July 18, 1989

Howard R. Green, Esq.
Lynette Oka, Esq.
GREEN, NING, LILLY & JONES
P. O. Box 3439
Honolulu, Hawaii 96801

Re: Federal Election Commission Inquiry

Dear Mr. Green and Ms. Oka:

We have been retained by Nimitz Partners doing business as the Plaza Hotel in connection with the Federal Election Commission's investigation of our alleged illegal contribution to Friends of Frank Fasi in 1987-1988.

We have responded to the Commission's inquiry by denying the allegation because Nimitz Partners is not owned by foreign nationals. A copy of our response is included for your review.

Should you have any questions or if we can provide you with any further information, please call.

Sincerely yours,

TORKILDSON, KATZ, JOSSEM,
FONSECA, JAFFE & MOORE,
Attorneys at Law

Gregory M. Sato

GREGORY M. SATO

GMS/amb
Enclosure

2404357112226

EXHIBIT K

TORKILDSON, KATZ, JOSSEM, FONSECA, JAFFE & MOORE
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING LAW CORPORATIONS
ANFAC BUILDING, 18TH FLOOR
700 BISHOP STREET
HONOLULU, HAWAII 96813-4187
TELEPHONE (808) 521-1051
CABLE ADDRESS "COUNSEL"
TELEX NCA (723) 8188 ATTNY HR
TELECOPIER (808) 521-8239

KAILUA-KONA OFFICE
75-5751 KUAKINI HIGHWAY, SUITE 105
KAILUA-KONA, HAWAII 96740
TELEPHONE (808) 329-8331

MAUI OFFICE
2145 MAIN STREET, SUITE 105
WAILUKU, MAUI, HAWAII 96793
TELEPHONE (808) 242-8331

June 22, 1989

VIA FAX NO. (202) 376-5280

Ms. Patty Reilly
FEDERAL ELECTION COMMISSION
999 E Street N.W.
Washington, D.C. 20463

Re: MUR 2892 - Plaza Hotel

Dear Ms. Reilly:

We represent Nimitz Partners doing business as the Plaza Hotel in the above-entitled matter.

It has been charged that Nimitz Partners, doing business as the Plaza Hotel, violated Federal campaign spending regulations as a result of its donation of $2,000.00 on September 14, 1987 to the Friends of Fasi. It is alleged that this campaign contribution is "from foreign nationals and corporations either foreign in origin or United States formed subsidiary corporations controlled in whole or in substantive part by foreign nationals."

On behalf of Nimitz Partners, we deny these allegations because Nimitz Partners is neither a foreign corporation nor is it controlled "in whole or in substantive part by foreign nationals." The corporate and individual partners are U.S. citizens and we would challenge the complainants to prove otherwise.

Should you wish any additional information or have any questions, please do not hesitate to contact me.

Sincerely yours,

TORKILDSON, KATZ, JOSSEM,
FONSECA, JAFFE & MOORE,
Attorneys at Law

Gregory M. Sato (GMS)

Gregory M. Sato
Attorney for Nimitz Partners

GMS:jsy

bcc: Dan Kaneshiro

2043571227

SAAB-SCANIA
Saab-Scania of America, Inc.

RECEIVED
JUL 28 1989

July 24, 1989

Howard R. Green, Esq.
Green, Ning, Lilly, & Jones
707 Richards Street
Suite 700
Honolulu, Hawaii 96813

Dear Attorney Green:

Thank you for your letter of July 14th concerning our contribution to Friends of Frank Fasi in connection with his 1989-88 political campaign. As Vice President, General Counsel and General Manager of the Scania Division of Saab-Scania of America, Inc., I made the ultimate decision to have the corporation, (a Connecticut corporation, wholly-owned by a Delaware corporation - Saab-Scania Holdings Corp. - which in turn is wholly-owned by Saab-Scania AB, a Swedish corporation) contribute to Mayor Fasi's campaign. Rolf Sundeman, Vice President of the Bus Division, a Swedish citizen who did not hold a green card, was originally solicited on behalf of Saab-Scania of America, Inc. However, since Rolf reported to me, he referred the decision to me. I am an American citizen and only U.S. corporate funds were used to make the contribution. Consequently, in accordance with your characterization of applicable law, I don't believe that Saab-Scania of America, Inc. made an illegal campaign contribution.

I will be happy to provide you with supporting affidavits and affidavits of our President Robert J. Sinclair in amplification of the responsibilities of Rolf Sundeman and myself. I can also supply affidavits from Mr. Sundeman although he retired and left the U.S. for Sweden more than one year ago. Please let me know how I can be of help in this matter. A copy of my recent letter to the Federal Elections Commission is enclosed.

Very truly yours,

John Phelps Clark
Vice President and
General Counsel

JPC:kr
Enclosure

EXHIBIT L

2043571228

Saab Drive
PO Box 697
Telephone
203 785-6671
Telex
221 016
Facsimile
203 785-4451

Saab-Scania of America, Inc.

June 27, 1989

Patty Reilly, Esq.
Federal Election Commission
Washington, D.C. 20463

Re: MVR 2892
Saab-Scania of America, Inc.

Dear Ms. Reilly:

Enclosed please find Saab-Scania of America, Inc.'s Statement of Designation of Counsel together with a copy of all correspondence from our files relating to a campaign contribution to the "Friends for Fasi" in the amount of $2,500. It is my recollection that this contribution was made with advice of local counsel in Honolulu, although he might not have considered applicable provisions of Federal Election law. I do not recall considering any such matters as general counsel for Saab-Scania of America, Inc. or as general manager of our bus manufacturing operation at that time.

Saab-Scania of America, Inc. is a Connecticut corporation, all of the stock of which is held by Saab-Scania Holdings Corp., a Delaware corporation. All of the shares of various classes of Saab-Scania Holdings Corp. stock are held by Saab-Scania AB or its divisions or wholly-owned subsidiaries, all of which are Swedish corporations.

I do not believe that any of this material need be supplied under oath, but would be happy to do so, if you so desire.

Very truly yours,

John Phelps Clark
Vice President and
General Counsel

JPC:kr
Enclosures

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Servco Pacific Inc.

RECEIVED JUL 28

SERVCO

Serving the Pacific Since 1919
Oldest GM Dealer in Hawaii

July 26, 1989

OPERATING
SECTORS/GROUPS/DIVISIONS/STAFFS
CORPORATE HEADQUARTERS
General Management
Corporate Legal Staff
Corporate Secretary Staff
Corporate MIS Staff
Servco Investment Corp.
Servco Foreign Sales Corp.
CORPORATE ADMINISTRATIVE OPERATIONS
Corporate Control Group
Corporate Treasury Group
Automotive F & C Group
GMAO F & C Group
International F & C Group
Human Resources Staff
RESEARCH, PLANNING & DEVELOPMENT OPERATIONS
Corporate Research & Planning Staff
Corporate Community Relations Staff
Real Estate Properties Group
Hamamura Advertising & P.R. Inc. (Group)
Evergreen Nurseries (Division)
Special Foods Division
AUTOMOTIVE HEADQUARTERS
Auto Merchandising & Marketing Group
Y.H. Group
AUTOMOTIVE GENERAL SECTOR
Auto Distribution Group
Auto Allied Sales Group
Marine & Recreation Group
AUTOMOTIVE RETAIL SECTOR
Windward Auto Group
HONOLULU/MW TOYOTA OPERATIONS
Honolulu Auto Group
Kauai Toyota Division
LEEWARD/CHEVROLET OPERATIONS
Waikiki Auto Group
Wiagahu Auto Group
GENERAL MERCHANDISING OPERATIONS
GE — Hargadine Major Appliance Group
RCA — GE Electronics Group
Special Markets Group
Servco Appliance & Electronic Group
Allied Sales Group
Allied Services Group
Gibsons Retail Group
FINANCIAL SERVICES OPERATIONS
Servco Financial Corp. (Group)
Servco Securities Corp. (Division)
American Insurance Agency Inc. (Group)
Servco Insurance Agency Inc. (Division)
INTERNATIONAL SECTOR
Pacific International Company, Inc. (PIC)
Guam Retail Group
Pacific Islands Corp. (Group)
Pacific Financial Corp. (Group)
Pacific Wholesalers (Division)
Pacific International Marianas, Inc. (Division)
Pacific Marshalls, Inc. (Division)
Hawaii/CAI Group
Servco Japan Inc. (Division)
Servco Intercontinental (Division)

2404357112 0

Howard R. Green, Esq.
Green, Ning, Lilly, & Jones
707 Richards Street, Suite 700
Honolulu, Hawaii 96813

Dear Mr. Green:

This is in response to your letter dated July 14, 1989, regarding a campaign contribution made by this company to Friends of Frank Fasi in 1987-88.

Last month we received a letter from the FEC regarding this contribution. Enclosed for your information and reference is a copy of our response.

Please let me know if you have any further questions.

Sincerely,

Sharleen H. Oshiro
Vice President and
Legal Counsel

Enclosure

cc: G. Pukunaga

Honolulu ■ Oahu ■ Hawaii
Kauai ■ Maui
Guam ■ Saipan ■ Majuro
Daly City ■ Sacramento
■ Osaka ■

EXHIBIT M

Pioneer Plaza • 900 Fort St. Mall, Suite 500 • Honolulu, Hawaii 96813
P.O. Box 2788 • Honolulu, Hawaii 96803 • Telephone: (808) 521-4511
Cable: SERVCOPAC HONOLULU • Telex: SVPAC 7409147 • Fax: (808) 529-8837

June 19, 1989

Patty Reilly, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D. C. 20463

Re: MUR 2092
Servco Pacific Inc.

Dear Ms. Reilly:

This is in response to the June 6, 1989 letter from Lawrence M. Noble by Lois G. Lerner of the Office of the General Counsel for the Federal Election Commission and in followup to our telephone conversation this date.

Pursuant to your instructions, enclosed please find an affidavit by our corporate secretary attesting to the fact that Servco Pacific Inc. is a Hawaii corporation and wholly owned by residents and citizens of the State of Hawaii and United States of America.

I trust that this satisfies the Commission that no action should be taken against Servco Pacific Inc. I assume that your office will recommend the Commission find no reason to believe that the complaint sets forth a possible violation of the Act and, accordingly, that the Commission close the file in the matter.

I look forward to receiving notice from your office that this matter as it concerns Servco Pacific Inc. has been closed.

Thanking you in advance for your attention to this matter, I remain,

Sincerely,

Shaileen K. Oshiro
Vice President and
Legal Counsel

Enclosure

2404357123 1

State of Hawaii

City and County of Honolulu

AFFIDAVIT

EDITH ENDO, being first duly sworn, deposes and says:

1. That she is the corporate secretary of Servco Pacific Inc., a corporation duly organized and existing under and by virtue of the laws of the State of Hawaii, with its principal office at 900 Port Street Mall, City and County of Honolulu, State of Hawaii, and in whose behalf she makes this affidavit.

2. That said corporation is not a foreign corporation, but as stated above, is a Hawaii corporation; and

3. That said corporation is a closely held corporation, whose shareholders are all residents and citizens of the State of Hawaii and the United States of America.

In witness whereof, said corporation has caused the above instrument to be executed in its behalf, pursuant to authority of its board of directors, by its secretary and its corporate seal to be hereunto attached, attested by its secretary this 19th day of June, 1989.

SERVCO PACIFIC INC.

By _____
Its Corporate Secretary

(Corporate Seal)

94043571232

STATE OF HAWAII,
City and County of Honolulu } ss.

On this 19th day of June, A. D. 1989, before me appeared

EDITH M. ENDO

to me personally known, who, being by me duly sworn, did say that they are the

Corporate Secretary

respectively of Servco Pacific Inc

and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and the said EDITH M. ENDO acknowledged said instrument to be the free act and deed of said corporation.

Notary Public,
State of Hawaii.

My Commission Expires 19 7/10/91

2404357123

RECEIVED
JUL 25 1989

ATTORNEYS AT LAW

Ikazaki Devens Lo Youth & Nakano

Suite 1600 Central Pacific Plaza
220 South King Street
Honolulu, Hawaii 96813
Telephone (808) 521-1456
Cable Address "Whiteacre"
Fax (808) 538-3289

*Herbert T. Ikazaki
*Paul Devens
*Richard C. Lo
*Wilfred H. C. Youth
*James A. Nakano
*Russell K. Saito
Paula Devens
James H. Q. Lee
Thomas J. Wong

Ann L. Kurihara
Stanley L. Ching
Vladimir Devens
John T. Hoshibata
Russell H. Ando
**Rew K. Ikazaki

*A Law Corporation
**Licensed to practice in California only

July 24, 1989

Howard R. Green, Esq.
Green, Ning, Lilly, & Jones
P. O. Box 3439
Honolulu, Hawaii 96801

Re: Longevity International Enterprises Corporation - Federal Election Commission

Dear Mr. Green:

Please be advised that we represent Longevity International Enterprises Corporation ("Longevity International") and our client is in receipt of your letter in regards to the Federal Election Commission.

Please be advised that we have responded to the Federal Election Commission on behalf of our client. Enclosed for your information is a copy of our response on behalf of Longevity International.

Very truly yours,

IKAZAKI, DEVENS, LO, YOUTH & NAKANO

By _____
Thomas J. Wong

TJW:ln
Enclosure
cc: Longevity International Enterprises Corporation

2404357123 4

EXHIBIT N

Ikazaki Devens Lo Youth & Nakano

Suite 1600 Central Pacific Plaza
220 South King Street
Honolulu, Hawaii 96813
Telephone (808) 521-1456
Cable Address "Whiteacre"
Fax (808) 538-3289

*Herbert T. Ikazaki
*Paul Devens
*Richard C. Lo
*Wilfred H. C. Youth
*James A. Nakano
*Russell K. Saito
Paula Devens
James H. Q. Lee
Thomas J. Wong
Ann L. Kurihara
Stanley L. Ching
Vladimir Devens
John T. Hoshibata
Russell H. Ando
**Rew K. Ikazaki

*A Law Corporation
**Licensed to practice in California only

June 20, 1989

OFFICE COPY

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Lawrence Noble, Esq.
General Counsel
Lois G. Lerner, Esq.
Associate General Counsel
Federal Election Commission
999 E. St. N.W.
Washington, D.C. 20463

Re: MUR 2892
Longevity International Enterprises Corporation

Dear Sir and Madam:

The undersigned is the attorney for Longevity International Enterprises Corporation ("Longevity") and this letter constitutes Longevity's answer to the complaint, dated May 9, 1989, filed by Mr. Anthony P. Locricchio, the attorney for the various complainants listed in his complaint.

I. Allegations made by Mr. Locricchio.

With respect to the complaint filed, the allegation, as it relates to Longevity, is made at count sixty-eighth wherein Longevity made a contribution of $250 to Mayor Frank Fasi on or about September 4, 1987. The alleged violation claimed is by making this contribution, Longevity violated 2 U.S.C. 441E(a), which apparently prohibits foreign nationals from making political contributions.

First, Longevity received the complaint from your office on June 13, 1989.

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Second, with respect to counts one through sixty-seven, Longevity has no knowledge as to the truth or falsity of the allegations made in these specific counts.

Third, for the reasons set forth in this letter, Longevity denies the allegation that the contribution made was a violation under the Federal Election Campaign Act ("Act").

II. Background.

A. Status of Longevity.

Longevity is a California corporation, licensed to do business in the State of Hawaii. Enclosed with this answer is a copy of Longevity's annual corporate license and exhibit, which is filed with the State of Hawaii's Department of Commerce and Consumer Affairs. The current year's license and exhibit has been filed with the State of Hawaii but Longevity has not yet received back a file-stamped copy. Also enclosed is Longevity's filing with the State of California showing that it is a valid California corporation.

Longevity's main business in the State of Hawaii is the owner and landlord of a shopping complex known as The Chinese Cultural Plaza ("The Cultural Plaza"), located at 100 North Beretania Street. The Cultural Plaza consists of small shops and restaurants.

B. The Contribution Made by Longevity.

With respect to the contribution, which is the subject of the allegation of the complaint, according to Longevity's personnel, one of the tenants of the shopping center had asked if they could purchase tickets for a fundraiser that Mayor Fasi was having. The contribution was then made in connection with a fundraiser for the reelection of Mayor Frank Fasi. At no time did Longevity solicit any contributions and if this tenant did not request Longevity to make such a contribution, the contribution would not have been made.

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III. Argument.

A. The Contribution Made was Not to a Candidate who was Running for a Federal Office.

The complaint filed apparently is alleging that 2 U.S.C. 441E(a) has been violated because it is unlawful for a foreign national to make any contribution in connection with an election to any political office.

It appears that while 2 U.S.C. § 441E(a) does not state whether it applies to state and local elections, the terms "contribution" and "candidates" are defined under the Act to apply to candidates and elections for federal office.

As stated previously, and as the facts show, the contribution made in this particular case was to that of Mayor Fasi, who, at the time, and was a candidate of municipal office, and not a candidate for any federal office.

Up until this time, the State of Hawaii campaign spending commission also had interpreted the Act as not applying to local elections. Enclosed for your information is a memorandum prepared by the State of Hawaii's Attorney General's office in regards to political contributions from "foreign nationals" in which this point was covered and raised.

B. Longevity is a California Corporation Licensed to do Business in the State of Hawaii with its Principal Place of Business in the State of Hawaii.

Under the definition of foreign national under 22 U.S.C. 611(b), if a corporation is organized under or created by the laws of a state of the United States and has its principal place of business within the United States, it is not a foreign national under this Act.

As stated previously, and as we have submitted, Longevity is a California corporation and is licensed to do business in the State of Hawaii. Its principal place of business is in the State

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of Hawaii by owning and operating The Cultural Plaza shopping center. As such, for purposes of the Act, Longevity, being a California corporation authorized to do business in the State of Hawaii, is not a foreign national as defined under the Act.

IV. Conclusion.

For the foregoing reasons, it is Longevity's position that the complaint, as alleged, is without merit and the complaint should be dismissed.

If there are any further questions, please feel free to contact the undersigned.

Very truly yours,

IKAZAKI, DEVENS, LO, YOUTH & NAKANO

By _____
Thomas J. Wong

TJW:ln
Enclosures
cc: Longevity International Enterprises Corporation

9 4 0 4 3 5 7 1 2 3 8

UCB

DOC 4896

FEDERAL ELECTION COMMISSION
MAIL ROOM

89 DEC 18 AM 9:38

HONG, IWAI AND HULBERT
ATTORNEYS AT LAW
SUITE 2200, PAUAHI TOWER
BISHOP SQUARE
1001 BISHOP STREET
HONOLULU, HAWAII 96813

TELEPHONE
(808) 524-4800

FAX
(808) 528-5473

GEORGE S. W. HONG
DONALD K. IWAI
NEIL F. HULBERT*
CAROL LEE HONG
JEFFREY C. WILK
ROY K. KAWANO
HARLAN Y. KIMURA

*A LAW CORPORATION

December 14, 1989

FAX (202) 376-5280 &
First Class Mail

Lawrence M. Noble, Esq.
General Counsel
Lois G. Lerner, Esq.
Associate General Counsel
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

89 DEC 18 PM 12:34

Dear Counsel:

Re: MUR-2892, Sankyo Tsusho Co., Ltd., dba Mokuleia Land Company

Enclosed please find the Statement of Designation of Counsel executed by Mokuleia authorizing our law firm to receive any notifications and other communications from the Federal Election Commission ("Commission") and to act on behalf of Mokuleia. I spoke by telephone with Mark Allen on December 11, 1989, indicating to him that because of the time lapse in receiving the letter from the Federal Election Commission, transmitting it to Mokuleia's manager and then on to me and the transmittal back to Mokuleia of the Statement of Designation of Counsel and its final return to me, I did not believe we would be able to respond within 15 days of November 30, 1989, the date I believe Mokuleia received the letter. Request is hereby made for a retroactive application of an extension of time up to the date this letter is actually received by the Federal Election Commission.

The response of Mokuleia is based upon the following documents received from your office:

1. Letter to Mokuleia from Lois G. Lerner dated November 20, 1989;

2. Description of Preliminary Procedures for Processing Complaints filed with the Commission; and

3. Letter to D. L. McDonald and Lawrence Noble from Maunawili Community Association, Karen L. Kosoc, Donna Wong and Victoria S. Creed ("Complainants") dated November 3, 1989 with Exhibits A through W ("Complaint").

2043571239

If we are missing any documents not above-described but part of the record, please inform our office at your earliest convenience.

Assuming the above documents constitute all that is part of the record in MUR 2892, it appears the Complainants are alleging that Mokuleia may have violated the Federal Election Campaign Act of 1971, as amended ("the Act") because in paragraphs 3 and 19 of the Complaint, it is alleged that Mokuleia is a foreign owned and/or controlled corporation and made contributions in the amount of $2,000.00 on May 11, 1988 and $250 on May 3, 1989, to the Friends of Joe Leong campaign, and $250 on March 9, 1989, and $500 on March 17, 1989 to the Friends of Gerry Hagino campaign.

Mokuleia requests that the Complaint be dismissed and no action be taken against it in the above-referenced matter for the following reasons.

I. THE ACT, AND REGULATIONS PROMULGATED THEREBY, DO NOT APPLY TO STATE AND LOCAL ELECTIONS.

A. The Act Regulates Only Federal Elections.

The Act is entitled the Federal Election Campaign Act and refers to candidates as those individuals seeking "Federal Office" 2 U.S.C. §431(2). Federal Office refers to the "office of President or Vice President, or of Senator or Representative, in, or Delegate or Resident Commissioner to, the Congress." 2 U.S.C. §431(3). A contribution is defined as "any gift, loan, advance, or deposit of money or anything of value made by any person for the propose of influencing any election for Federal office." 2 U.S.C §431(8)(A). [Emphasis added] These definitions apply to all sections of the Act, and therefore, only apply to contributions for elections to Federal office. Since the alleged contributions were to state election campaigns, the Act does not apply because a local election was involved, not a Federal election.

B. Other Specific Provisions of the Act Cover Only Federal Elections.

The Act and rules prescribed thereunder supercede and preempt all provisions of State law as they relate to election to Federal office. 2 U.S.C. §453. If the Act intended to supercede and preempt State law with respect to State and local elections, Congress could have easily included language to that

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effect. However, Congress did not intend to have the Act apply to State and local elections. See Pollard v. Board of Police Commissioners, 665 S.W. 2d 333, 336-338 (Mo. 1984) cert. den. 473 U.S. 907. (Congress only intended to have 2 U.S.C. §453 apply to state statutes imposing restrictions on candidates for federal office); Washington Ed. Ass'n v. Smith, 638 P.2d 77, 82 (Wash. 1981). (The Act affects only Federal elections and State law governs State elections.)

Another section of the Act that relates to statements and reports to State officers required to be filed only refers to candidates for Federal office. 2 U.S.C. §439(a)(2)(A) and (B). If the Act was intended to apply to State and local elections, statements and reports on those elections would also be included in the filing requirement. The fact that statements and reports for State and local elections are not required by the statutory scheme of the Act necessarily implies that Congress never intended to have it supercede State law in this regard.

State and local elections in the State of Hawaii are governed by Hawaii Revised Statutes. §11-1 et seq. Pursuant to statutory authority, the lieutenant governor for the State of Hawaii has promulgated rules and regulations to govern State and local elections. The Hawaii State Campaign Spending Commission has been empowered by the lieutenant governor to publish booklets and forms for use by candidates and political action committees in State and local elections. Nothing in these booklets and forms, or in Hawaii law, precludes Mokuleia from making contributions to candidates for State and local office. Cf. Cort v. Ash, 422 U.S. 66, 84-85 (1975) (Where State law allows political contributions in State elections, the Court is reluctant to extend a federal right of recovery even if it is a violation under federal law). Therefore, Mokuleia is neither in violation of the Act nor State law by making contributions to the Leong and Hagino campaigns.

C. The Legislative History of the Act Refers to Only Federal Elections.

The At became effective on February 7, 1972 as P.L. 92-225, 86 Stat. 3. It was amended in 1976 to include the prohibition of foreign nationals from making contributions to candidates for Federal office. P.L. 94-283, Title I, §112(2), 90 Stat. 493. Nowhere in the legislative history to this amendment is there any reference that Congress intended it to apply to State and local elections. See S. Rep. No. 677, 94th Cong., 2nd Sess. 2 (1976).

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This section (2 U.S.C. §441e) was originally part of Title 18 (formerly 18 U.S.C. §613). Title 18 also dealt with regulation of elections for Federal office. See 18 U.S.C. §591 (repealed 1980). The definitions of "Candidate", "Federal Office" and "Contributions" in Title 18 are virtually identical to those contained in the Act. Therefore, when Section 441e was transferred from Title 18, it came from a statutory scheme that regulated only Federal elections. The Commission cannot exercise jurisdiction over contributions by foreign nationals to candidates running for State and local offices without further statutory authority.

D. Since the Act Applies Only to Federal Elections, the Commission's Rules Cannot Encompass More and Extend Coverage to State and Local Elections.

As previously discussed, the plain language of the Act, is statutory scheme, and case law interpretation, indicates it relates to only Federal elections. However, the Commission's rules purport to make the Act also applicable to State and local elections. Specifically, the rules of the Commission provide that:

> A foreign national shall not directly or through any other person make a contribution, or expressly or impliedly promise to make a contribution, in connection with a convention, caucus, primary, general, special, or runoff election in connection with any local, State or Federal public office.

11 C.F.R. §110.4(a)(1) [Emphasis added]

The rule making authority of the Commission is conferred upon it by the Act. 2 U.S.C. §§438(a)(8) and 438(d). Since the act relates to only Federal elections, any rule which exceeds this scope is invalid. Chrysler Corporation v. Brown, 441 U.S. 281, 295-309 (1979); State of California v. Block, 663 F.2d 855, 860 (9th Cir. 1981). Any interpretation other than the Commission's rules relate to only Federal elections is impermissible. Orloski v. Federal Election Commission, 795 F.2d 156, 161-64 (D.C. Cir. 1986).

Based upon the foregoing, Mokuleia respectfully requests that the Commission take no action against it because the Act does not apply to State and local elections. Alternatively, if th Commission finds reason to inveatigate this matter further, Mokuleia requests conciliation with the Commission. Mokuleia

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also requests that this matter remain confidential in accordance with the Act.

Very truly yours,

HONG, IWAI AND HULBERT

By _____
Neil F. Hulbert

NFH:et
Enclosure
cc: Mokuleia Land Company
Ms. Duk Hee Murabayashi

3005B

2404357124 3

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3008

NAME OF COUNSEL: Hong, Iwai and Hulbert

ADDRESS: Suite 2200, Pauahi Tower
1001 Bishop Street
Honolulu, HI 96813

TELEPHONE: (808) 524-4900

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Dec 11, 1989
Date

Signature

RESPONDENT'S NAME: Sankyo Tausho Co., Ltd., dba Mokuleia Land Company

ADDRESS: 68-540 Farrington Highway
Waialua, HI 96711

HOME PHONE:

BUSINESS PHONE: (808) 637-8088

2404357124

OGC 5005

KOBAYASHI, WATANABE, SUGITA, KAWASHIMA & GODA
ATTORNEYS AT LAW
HAWAII TOWER, 8th FLOOR
745 FORT STREET
HONOLULU, HAWAII 96813-5869
TELEPHONE (808) 544-8300

Kevin S.C. Chang*
Alan M. Goda*
Lyle Y. Hamada*
J. Douglas Ing*
Cheryl K. Kakazu*
Bert T. Kobayashi, Jr.*
John T. Komeiji*
Wray H. Kondo*
Benjamin A. Kudo*
Dale W. Lee*
Ronald Y. K. Leong*
Lex R. Smith*
Kenneth Y. Sugita*
Robert T. Takamatsu*
Jeffrey R. Watanabe*
Cynthia Winaga*
Randall Y. Yamamoto*

*A Law Corporation

Jan M. L. Y. Aiwohi
George S. Ajifu
Ferdinand G. Aranza
Wendell H. Fuji
Charles W. Gall
Roxanne M. Goo
Lyle S. Hosoda
Robyn K. Ishikawa
David B. Kraatz
Donna Y. Kurahara
Pamela J. Larson
Michael A. Lorsbach
Alan K. Maeda
David L. Monroy
Janean A. Oda
Fred Troncone

OF COUNSEL:
George R. Arlyoshi
Bert T. Kobayashi, Sr.
Rosario M. Rohr

Facsimile: (808) 544-8399
Telex: 8803386585 MCI
MCI Mail: 2386585
ABA - Net: ABA2289

December 27, 1989

HAND DELIVERED

89 DEC 29 AM 9:14

BY DHL COURIER

Federal Election Commission
Office of General Counsel
999 E Street, N.W.
Washington, D.C. 20463

Attention: Patty Reilly

Re: MUR 2846
MUR 2892
Ohbayashi Hawaii Corporation

Dear Ms. Reilly:

On behalf of our client, Ohbayashi Hawaii Corporation, we previously submitted responses to the Federal Election Commission in the above-reference matters dated May 23, 1989 and July 14, 1989, respectively.

Recently, the Maunawili Community Association, Karen L. Kosoc, Donna Wong and Victoria Creed (hereinafter collectively referred to as the "Association") filed a Complaint against Ohbayashi Hawaii Corporation with the Federal Election Commission. The FEC has designated this Complaint "MUR 3004".

89 DEC 29 AM 11:18

In pertinent part, the Association alleges that a five hundred dollar ($500) contribution made by Ohbayashi Hawaii to Friends for Joe Leong on or about June 7, 1988 is improper and illegal. See: Page 6 of the Complaint and Exhibit "S" to the Complaint in MUR 3004, respectively. Joe Leong is the elected Representative of the Fourteenth District, House of Representatives, State of Hawaii.

The Federal Election Commission is presently reviewing similar Complaints filed by Anthony Locricchio

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against Ohbayashi Hawaii and others. See: MUR 2846 and MUR 2892, respectively. The foregoing Complaints allege that Ohbayashi Hawaii made improper and illegal campaign contributions to Citizens for John D. Waihee and Friends for Fasi. John Waihee is the Governor of the State of Hawaii. Frank Fasi is the Mayor of the City and County of Honolulu, State of Hawaii.

We are aware that subsequent to the filing of the Complaints and the presentation of Ohbayashi Hawaii's responses in MUR 2846 and MUR 2892, the Federal Election Commission issued Advisory Opinion 1989-20 regarding Kuilima Development Company, Inc. (hereinafter referred to as "Kuilima").

However, it is our opinion that the Kuilima Advisory Opinion is distinguishable, and therefore, not applicable to Ohbayashi Hawaii in MUR 2846, MUR 2892 and MUR 3004.

We are enclosing for your consideration in the above-referenced cases, the response of Ohbayashi Hawaii (and the supporting Affidavit of Toshiharu Hino) submitted in MUR 3004 which, in pertinent part, addresses the Kuilima Advisory Opinion.

The Affidavit of Toshiharu Hino establishes the following important facts.

(1) Ohbayashi Hawaii is a Hawaii corporation and has been engaged in the construction and real estate development business in the State of Hawaii for the past 12 years. Ohbayashi Hawaii is a wholly owned subsidiary of a Japanese corporation, Ohbayashi Gumi.

(2) Funding for Ohbayashi Hawaii is generated by the company's business enterprise conducted in the State of Hawaii. The Japanese parent company of Ohbayashi Hawaii is not the predominant source of funding for Ohbayashi Hawaii.

(3) The President and Vice-President of Ohbayashi Hawaii hold permanent resident status by the U.S. Department of Immigration and Naturalization Service.

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(4) The Treasurer of Ohbayashi Hawaii is an American citizen.

(5) Ohbayashi Hawaii made the political contributions which are the subjects of MUR 2846, MUR 2892 and MUR 3004 at the recommendation of its consultant, Norman Quon. Mr. Quon is also an American citizen.

(6) Ohbayashi's decision to follow the recommendation of Mr. Quon was made by the company's President, Toshiharu Hino. Mr. Hino holds permanent resident status.

Based on the above, Ohbayashi Hawaii is not a "foreign national" within the definition and scope of section 319 of the Federal Election Campaign Act (2 U.S.C. §441e).

Further, the present situation involving Ohbayashi Hawaii is no different from the situations presented in the FEC Advisory Opinions referred to in our previous responses herein. Ohbayashi Hawaii is a discrete Hawaii corporation. The person responsible for making the recommendation to Ohbayashi to make political contributions is an American citizen. The President of Ohbayashi Hawaii (holds permanent resident status and) merely followed the recommendation and advice of its American consultant.

Although Ohbayashi Hawaii is a wholly owned subsidiary of Ohbayashi Gumi, funding for Ohbayashi Hawaii is generated by its business activities in the State of Hawaii.

Under the above facts and circumstances, the prohibition contained in section 319 of the Federal Election Campaign Act (2 U.S.C. §441e) is inapplicable to Ohbayashi Hawaii. It cannot be said that Ohbayashi Gumi essentially made the subject political contributions through Ohbayashi Hawaii.

Nor can it be said that Ohbayashi Hawaii was merely a vehicle through which Ohbayashi Gumi funds were sent to state and local candidates.

Therefore, the Ohbayashi Hawaii case is clearly dissimilar and distinguishable from the Kuilima

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Development Company situation described in FEC Advisory Opinion 1989-20.

Thank you for your consideration of this supplement to the previous responses submitted on behalf of our client, Ohbayashi Hawaii Corporation, in MUR 2846 and MUR 2892.

Please contact the undersigned if you have any questions or require additional information.

Very truly yours,

KEVIN S.C. CHANG
for
KOBAYASHI, WATANABE,
SUGITA, KAWASHIMA & GODA

KSCC:me

Enclosures

cc: Ohbayashi Hawaii Corporation
(without enclosure)

7404357124 8

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 203
HONOLULU, HI 96817

No. 272

59-105/1213

Sept. 1, 1988

PAY TO THE ORDER OF Hirofumi Ohnishi $ 2,000.00

*****Two Thousand and no/100***** DOLLARS

--PROCESSED--

Liberty Bank

FOR Return Contribution

Gina M. Fasi

⑆121301057⑆ 13-003505 0000200000

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 203
HONOLULU, HI 96817

No. 273

59-105/1213

Sept. 1, 1988

PAY TO THE ORDER OF Eiji Sakemoto $ 2,000.00

*****Two Thousand and no/100***** DOLLARS

--PROCESSED--

Liberty Bank

FOR Return Contribution

Gina M. Fasi

⑆121301057⑆ 13-003505 0000200000

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 203
HONOLULU, HI 96817

No. 274

59-105/1213

Sept. 1, 1988

PAY TO THE ORDER OF Kenji Sakemoto $ 2,000.00

*****Two Thousand and no/100***** DOLLARS

--PROCESSED--

Liberty Bank

FOR Return Contribution

Gina M. Fasi

⑆121301057⑆ 13-003505 0000200000

EXHIBIT A

Hisashi Kuishi

2309 75407

OR COLLECTION

Eiji Sakamoto

2309 75400

OR COLLECTION

Kenji Sakamoto

2309 75406

OR COLLECTION

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 203
HONOLULU, HI 96817

No. 275

59-105/1213

Sept. 1, 1988

PAY TO THE ORDER OF Isamu Yamaguchi $ 2,000.00

*****Two Thousand and no/100***** DOLLARS

PROCESSED BY LIBERTY BANK

Moanalua Branch
Liberty Bank
3660 Paa St Honolulu, HI 96819

FOR Return Contribution

Gina M. Fasi

:121301057: 13-003505 0000200000

2511

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 203
HONOLULU, HI 96817

No. 276

59-105/1213

Sept. 1, 1988

PAY TO THE ORDER OF Katsumi Yamaguchi $ 2,000.00

*****Two Thousand and no/100***** DOLLARS

PROCESSED BY LIBERTY BANK

Moanalua Branch
Liberty Bank
3660 Paa St Honolulu, HI 96819

FOR Return Contribution

Gina M. Fasi

:121301057: 13-003505 0000200000

EXHIBIT B

Laurel Yamaguchi

Katsumi Yamaguchi

OR COLLECTIO

OR COLLECTIO

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 203
HONOLULU, HI 96817

No. 334

Oct. 17, 1988

PAY TO THE ORDER OF Royal Hawaiian Country Club $ 2,000.00

*****Two Thousand and no/100***** DOLLARS

Moanalua Branch
Liberty Bank
1288 Ala Moana Blvd., Honolulu, HI 96814

Gina M. Fasi

FOR Return Contribution

⑆121301057⑆ 13-003505 0000200000

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 203
HONOLULU, HI 96817

No. 335

Oct. 17, 1988

PAY TO THE ORDER OF Y. Y. Valley Corporation $ 2,000.00

*****Two Thousand and no/100***** DOLLARS

Moanalua Branch
Liberty Bank
1288 Ala Moana Blvd., Honolulu, HI 96814

Gina M. Fasi

FOR Return Contribution

⑆121301057⑆ 13-003505 0000200000

FRIENDS FOR FASI
100 N. BERETANIA ST., NO. 203
HONOLULU, HI 96817

No. 336

Oct. 17, 1988

PAY TO THE ORDER OF Hiroaki Fushimi $ 2,000.00

*****Two Thousand and no/100***** DOLLARS

Moanalua Branch
Liberty Bank
1288 Ala Moana Blvd., Honolulu, HI 96814

Gina M. Fasi

FOR Return Contribution

⑆121301057⑆ 13-003505 0000200000

EXHIBIT C

ROYAL HAWAIIAN COUNTRY CLUB

CENTRAL PACIFIC BANK

3000[illegible]4231

3000[illegible]4232

3000[illegible]4240

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FRIENDS FOR FASI
100 N. SERETANIA ST., NO. 203
HONOLULU, HI 96817

No. 337

Oct. 17, 1988

PAY TO THE ORDER OF Shoichi Kanada $ 2,000.00

******Two Thousand and no/100****** DOLLARS

Liberty Bank
Waterfront Branch

Gina M. Fasi

FOR Return Contribution

⑆121301057⑆ 13-003505 ⑈0000200000⑈

FRIENDS FOR FASI
100 N. SERETANIA ST., NO. 203
HONOLULU, HI 96817

No. 342

Oct. 17, 1988

PAY TO THE ORDER OF Seinosuke Yoshida $ 2,000.00

******Two Thousand and no/100****** DOLLARS

Liberty Bank
Waterfront Branch

Gina M. Fasi

FOR Return Contribution

⑆121301057⑆ 13-003505 ⑈0000200000⑈

EXHIBIT D

SHOICHI KANEDA

3000BBBBR423B

3000BBBBR423S

00700

9 4 0 4 3 5 7 1 2 3 6

November 3, 1989

MUR 3004

Mr. D. L. McDonald
Chairman Federal Election Commission
999 E St. N. W.
Washington, D. C., 20463

Lawrence Noble
General Counsel
Federal Elections Commission
999 E St. N. W.
Washington, D. C., 20463

89 NOV 13 PM 4:32

RE: Campaign Contributions from foreign nationals to various State of Hawaii Senators and Representatives

Dear Sirs:

We the undersigned are concerned residents of the State of Hawaii and are herein filing our complaint with the Federal Election Commission regarding the acceptance and retention of campaign contributions received from foreign nationals which appear to be in violation of 2 U.S.C. 441(E) Sec A-319(a).

The first section of our complaint is against various State of Hawaii Senators who reported received contributions from foreign national individuals and corporations.

The second part of our complaint is against various State of Hawaii Representatives who reported received contributions from foreign national individuals and corporations.

To the best of our knowledge none of the below stated contributions have been returned to the contributor.

SPECIFIC COUNTS AS TO POSSIBLE VIOLATIONS OF FEDERAL ELECTION ACT

SECTION 1. STATE SENATORS

1. Senator Tony K.U. Chang received contributions from the following:
   Daiei Hawaii - 801 Kaheka St., Honolulu Hi 96814, a foreign owned and/or controlled corporation contributed $250 on 12/88. Exhibit - A -
   Senator Chang also received a contribution from Japan Travel Bureau International Inc. 2270 Kalakaua, Honolulu Hi 96826, amount and date unknown.

2. Senator Mike Crozier received contributions from the following:
   Daiei Hawaii - 801 Kaheka St., Honolulu Hi 96814, a foreign owned and/or controlled corporation contributed

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$200.00 on 5/1/89.

Pacific Resources - P. O. Box 3379, Honolulu Hi 96842, a foreign owned and/or controlled corporation contributed $200.00 on 5/1/89 and $300.00 on 11/8/89.

West Beach Estate - 2024 N. King St. #209, Honolulu Hi. 96819, a foreign owned and/or controlled corporation contributed $250.00 on 8//30/88.
Exhibit - B -

3. Senator Gerald T. Hagino received contributions from the following:

Mokuleia Land Company - 68-540 Farrington Hwy. Waialua Hi. 96791, a foreign owned and/or controlled corporation contributed $500.00 on 3/17/89 and $250.00 on 3/9/89.

Azabu Realty - 410 Atkinson Drive, Honolulu Hi 96814, a foreign owned and/or controlled corporation contributed $250.00 on 2/29/89. Exhibit - C -
Senator Hagino also received $1,000.00 for Ala Moana Hotel 410 Atkinson Dr., Honolulu Hi 96814 date unknown.

4. Senator Milton Holt received contributions from the following:

West Beach Estates - 585 Kapiolani Blvd. #1430, Honolulu Hi. 96814, a foreign owned and/or controlled corporation contributed $250.00 on 5/15/89.

Japan Travel Bureau International, Inc., 2270 Kalakaua Ave. Honolulu Hi. 96826, a foreign owned and/or controlled corporation contributed $1,000.00 on 3/20/89.

Gem Political Action Committee - 1199 Dillingham Blvd., Honolulu Hi 96817-4478, a foreign owned and/or controlled corporation contributed $250.00 on 3/9/89.

West Beach Estates - 1505 Kapiolani Blvd. #1480, Honolulu Hi 96714, a foreign owned and/or controlled corporation contributed $300.00 on 4/25/89 (aggregate $750.00)

Westin Kauai - Kalapaki Beach, Lihue Kauai Hi 96766, a foreign owned and/or controlled corporation contributed $300.00 on 6/15/88.

Otaka, Inc.- 2571 Lemon Rd., Honolulu Hi 96815, a foreign owned and/or controlled corporation contributed $300.00 on 4/19/88.

Japan Travel Bureau International Inc. - 2270 Kalakaua Ave., Honolulu Hi 96815, a foreign owned and/or controlled corporation contributed $300.00 on 3/21/88.

Hasegawa Komuten (Hi) - 820 Mililani St. #820, Honolulu

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Hi 96813, a foreign owned and/or controlled corporation contributed $300.00 on 4/14/88.

Daiei Hawaii Investments - 801 Kaheka St., Honolulu Hi 96814, a foreign owned and/or controlled corporation contributed $300.00 on 4/14/88.

Azabu U.S.A. Corp. - 410 Atkinson Dr. #826, Honolulu Hi 96814, a foreign owned and/or controlled corporation contributed $300.00 on 4/19/88. Exhibit -D-

5. Senator Richard Matsuura received contributions from the following:

Gem PAC - 1199 Dillingham Blvd., Honolulu Hi 96817-4478, a foreign owned and/or controlled corporation contributed $150.00 on 2/8/88.

Japan Travel Bureau International Inc. - 2270 Kalakaua Ave., Honolulu Hi 96815, a foreign owned and/or controlled corporation contributed $250.00 on 2/8/88.

Taiyo Hawaii Co. Ltd. - 1001 Bishop St., Honolulu Hi 96813, a foreign owned and/or controlled corporation contributed $150.00 on 2/8/88.

Azabu Realty Inc. - 410 Atkinson Dr., Honolulu Hi 96814, a foreign owned and/or controlled corporation contributed $500.00 on 2/19/88.

Mauna Lani Resort Inc. PAC - P. O. Box 4959, Kawaihai, Hi 96743, a foreign owned and/or controlled corporation contributed $500.00 on 7/1/88. Exhibit -E-

6. Senator Norman Mizuguchi received contributions from the following:

West Beach Estates - 1585 Kapiolani Blvd., Honolulu Hi 96814, a foreign owned and/or controlled corporation contributed $500.00 on 2/24/88. Exhibit -F-

7. Senator Malama Solomon received contributions from the following:

Mauna Lani Bay Hotel - P. O. Box 4000, Kahala Coast Hi 96743, a foreign owned and/or controlled corporation contributed $250.00 on 3/1/88. Exhibit -G-

8. Senator Richard S. H. Wong received contributions from the following:

Gem PAC - 1199 Dillingham Blvd, Honolulu Hi 96717, a foreign owned and/or controlled corporation contributed $2,000.00 on 5/1/? and $1,500.00 on 7/22/88.

* Pacific Resources PAC - P. O. Box 3379, Honolulu Hi 96842, a foreign owned and/or controlled corporation contributed $500.00 on 5/5/?.

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Otaka, Inc. - 2571 Lemon Road, Honolulu Hi 96815, a foreign owned and/or controlled corporation contributed $1,000.00 on 6/7/88.

West Beach Estates - 1585 Kapiolani Blvd. #1430, Honolulu Hi 96814, a foreign owned and/or controlled corporation contributed $2,000.00 on 5/23/88. Exhibit -H-

9. Senator Mamoru Yamasaki received contributions from the following:

Gem PAC - 1199 Dillingham Blvd., Honolulu Hi 96817, a foreign owned and/o controlled corporation contributed $500.00 on 6/21/88. Exhibit -I-
Senator Yamasaki also received contributions from Hawaii Omori Corp. no Hawaii phone number or address listed, date or amount not available.

SECTION 2. STATE HOUSE REPRESENTATIVES

10. Representative Peter K. Apo received contributions from the following:

West Beach Estates - 1585 Kapiolani Blvd., Honolulu Hi 96814, a foreign owned and/or controlled corporation contributed $375.00 on 4/27/87. Exhibit -J-

11. Representative Romy Cachola received contributions from the following:

Central Development Corp. - 2222 Kalakaua Ave. #1400, Honolulu Hi 96815, a foreign owned and/or controlled corporation contributed $500.00 on 2/22/89.

Japan Travel Bureau - 2270 Kalakaua Ave. #1200, Honolulu Hi 96815, a foreign owned and/or controlled corporation contributed $250.00 on 2/22/89.

The Ilikai - 1777 Ala Moana Blvd., Honolulu Hi 96815, a foreign owned and/or controlled corporation contributed $125.00 on 4/5/89.

West Beach Estates - 1585 Kapiolani Blvd. #1430, Honolulu Hi 96814, a foreign owned and/or controlled corporation contributed $500.00 on 4/6/89.

Masao Hayashi Japan Travel International, Inc. - 2270 Kalakaua Ave, Honolulu Hi 96815, a foreign owned and/or controlled corporation contributed $250.00 on 2/23/89.

Mauna Lani Resorts, Inc. PAC - P.O. Box 4959, Kawaihae, Hi 96743, a foreign owned and/or controlled corporation contributed $125.00 on 3/2/89.

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West Beach Estates - 1585 Kapiolani Blvd., Honolulu Hi 96814, a foreign owned and/or controlled corporation contributed $250.00 on 4/5/88. Exhibit -K-

12. Representative Clarice Hashimoto received contributions from the following:

Pacific Resources PAC - P. O. Box 3379, Honolulu Hi 96842, a foreign owned and/or controlled corporation contributed $400.00 on 5/22/89.

Japan Travel Bureau International, Inc. - 2270 Kalakaua Ave., Honolulu Hi 96815, a foreign owned and/or controlled corporation contributed $250.00 on 3/14/89. Exhibit -L-

13. Representative Ken Hiraki received contributions from the following:

West Beach Estates - 1585 Kapiolani Blvd. #1430, Honolulu Hi 96814, a foreign owned and/or controlled corporation contributed $500.00 on 9/4/88. Exhibit -M-

14. Representative Karen Horita received contributions from the following:

West Beach Estates - 1585 Kapiolani Blvd. #1430, Honolulu Hi 96816, a foreign owned and/or controlled corporation contributed $2,000.00 on 9/3/88. Exhibit -N-

15. Representative Marshall Ige received contributions from the following:

West Beach Estates - 1585 Kapiolani Blvd. #1430, Honolulu Hi 96816, a foreign owned and/or controlled corporation contributed $250.00 on 3/27/89.

Minami Group (USA), Inc. - 1001 Bishop St. #2700, Honolulu Hi 96813, a foreign owned and/or controlled corporation contributed $150.00 on 9/14/88.

West Beach Estates - 1585 Kapiolani Blvd. #1430, Honolulu Hi 96816, a foreign owned and/or controlled corporation contributed $125.00 on 3/28/88. Exhibit -O-

16. Representative Ezra R. Kanoho received contributions from the following:

Hasegawa Komuten (Hawaii) Inc. - 820 Mililani St #820, Honolulu Hi 96813, a foreign owned and/or controlled corporation contributed $500.00 on 9/21/88, $300.00 on 10/24/88, $500.00 on 4/8/87 and $500.00 on 5/18/88.

The Westin Kauai - Kalapaki Beach, Lihue Hi 96766, a foreign owned and/or controlled corporation contributed $250.00 on 5/18/88. Exhibit -P-

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17. Representative Bertha C. Kawakami received contributions from the following:

Japan Travel Bureau International, Inc. - 2270 Kalakaua Ave., Honolulu Hi 96815, a foreign owned and/or controlled corporation contributed $250.00 on 3/1/88. Exhibit -Q-

18. Representative Danny Kihano received contributions from the following:

Pacific Resources, Inc. - 1585 Kapiolani Blvd. #3379, Honolulu Hi 96842, a foreign owned and/or controlled corporation contributed $250.00 on 3/23/?.

Gem PAC - 1199 Dillingham Blvd, Honolulu Hi 96817, a foreign owned and/or controlled corporation contributed $1,000.00 on * no date listed *

West Beach Estates - 1585 Kapiolani Blvd., Honolulu Hi 96814, a foreign owned and/or controlled corporation contributed $650.00 on * no date listed * Exhibit -R-

19. Representative Joe Leong received contributions from the following:

Mokuleia Land Company - 68-540 Farrington Highway, Waialua Hi 96791, a foreign owned and/or controlled corporation contributed $250.00 on 5/3/89.

Sankyo Tsusho Co., Ltd. dba Mokuleia Land company - 68-540 Farrington Hwy., Waialua Hi 96791, a foreign owned and/or controlled corporation contributed $2,000.00 on 5/11/88.

Ohbayashi Hawaii Corporation - 1001 Bishop St. #2680, Honolulu Hi 96813, a foreign owned and/or controlled corporation contributed $500.00 on 6/7/88. Exhibit -S-

20. Representative Tom Okamura received contributions from the following:

Foremost Dairies-Hawaii - P. O. Box 1834, Honolulu Hi 96805-7834, a foreign owned and/or controlled corporation contributed $200.00 on 5/17/?.

Obun Hawaii, Inc. - 1711 Akahi St, Honolulu Hi 96819, a foreign owned and/or controlled corporation contributed $300.00 on 5/26/?.

* Pacific Resources PAC - P. O. Box 3379, Honolulu Hi 96842, a foreign owned and/or controlled corporation contributed $500.00 on 5/27/?.

West Beach Estates - 1585 Kapiolani Blvd. #1430, Honolulu Hi 96814, a foreign owned and/or controlled corporation contributed $500.00 on 7/15/?. Exhibit -T-

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21. Representative Paul T. Oshiro received contributions from the following:

West Beach Estates - 1585 Kapiolani Blvd. #1430, Honolulu Hi 96814, a foreign owned and/or controlled corporation contributed $250.00 on 4/18/89 and $500.00 on 4/10/88.
Exhibit - U -

22. Representative Henry Peters received contributions from the following:

Gem PAC - 1199 Dillingham Blvd., Honolulu Hi 96817, a foreign owned and/or controlled corporation contributed $250.00 on 4/15/88.

Horita Corp. - 2024 No. King St. #209, Honolulu Hi 96819, a foreign owned and/or controlled corporation contributed $250.00 on 4/15/88.

KG (Hawaii) Corp. - 1585 Kapiolani Blvd. #1404, Honolulu Hi 96814, a foreign owned and/or controlled corporation contributed $500.00 on 4/22/?.

TSK International, Ltd. - 1585 Kapiolani Blvd. #1330, Honolulu Hi 96814, a foreign owned and/or controlled corporation contributed $500.00 on 4/22/?.

Dai'ei (USA), Inc. - 801 Kaheka St., Honolulu Hi 96814, a foreign owned and/or controlled corporation contributed $250.00 on 4/29/88.

Kazuo Totoki, Ltd. - 715 So. King St. #400, Honolulu Hi 96813, a foreign owned and/or controlled corporation contributed $250.00 on 5/20/88.

West Beach Estates - 1585 Kapiolani Blvd. #1430, Honolulu Hi 96814, a foreign owned and/or controlled corporation contributed $1,500.00 on 8/8/88.
Exhibit - V -

23. Representative Calvin Say received contributions from the following:

Foremost-Hawaii Dairies - House Foods A Hawaii Corp - P. O. Box 1834, Honolulu Hi 96805, a foreign owned and/or controlled corporation contributed $100.00 on 5/13/88.

West Beach Estates - 1585 Kapiolani Blvd. #1430, Honolulu Hi 96814, a foreign owned and/or controlled corporation contributed $975.00 on 8/27/88.
Exhibit - W -

* Note: Several contributions from Pacific Resources have no year stated. Australian ownership of Pacific Resources was finalized in 5/89.

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STANDING: The Act allows any United States Citizen or organization of citizens to file a complaint under this Act. The complaining parties are citizens of the United States and residents of the State of Hawaii and/or an association of citizens and have affixed their notarized signatures hereto.

JURISDICTION: The undersigned believe that the Federal Election Commission has sole Jurisdiction to Investigate the subject matter of this complaint except as otherwise specifically stated herein and in those matters concurrent jurisdiction.

Federal law was established to keep Americas politicians from being tempted, tainted and influenced by foreign money. In keeping with the intent of federal law we the undersigned have filed this complaint and request that this matter be thoroughly investigated and violators prosecuted.

Maunawili Community Association
by it's President Victoria S. Creed
P. O. Box 943
Kailua, Hawaii 96734

Karen L. Kosoc
968 Maunawili Circle
Kailua, Hawaii 96734

Donna Wong
1525 Uluhao St.
Kailua, Hawaii 96734

Victoria S. Creed
1057 Lunaanela Street
Kailua, Hawaii 96734

On this 8th day of November 1989 appeared before me duly sworn Victoria S. Creed, Donna Wong, Karin L. Kosoc, and in my presence did affix their signatures individually and/or as representatives of their organization to the foregoing letter of complaint.

L.S.

Barbara Locricchio
NOTARY PUBLIC, STATE OF HAWAII
My commission expires 3-26, 1990.

24043571264

REPORT OF CAMP... RECEIPTS AND EXPEN...URES

This Report Covers Pe... From ... thru ...

CAMPAIGN SPENDING COMMISSION

SECTION A
NAME AND ADDRESS OF CANDIDATE'S COMMITTEE

NAME Friends of Terry Chang
ADDRESS 2053 Lee Pl
CITY STATE Hon HI 96817
BUS [illegible] RES [illegible]

THIS REPORT IS A
- [ ] Pre-Primary Report
- [ ] Post-Primary Report
- [x] Supplemental Report
- [ ] Final Termination Report (Balance Must be Reduced to Zero)
- [ ] Other

JUN 30 P3:30
RECEIVED
- [ ] Pre-General Report
- [ ] Amended Report

SECTION B — **SUMMARY OF RECEIPTS AND EXPENDITURES**
(Fill Out Sections C, D, E & F Before Section B)

RECEIPTS		EXPENDITURES	
	5685.00		5685.29
	6125.79		1398.83
	5.00		REFUND
	1050.00		[illegible]
	61469.92		72691.69
	76879.71		
	9779.39		
	(5118.53)		7562.79
			13481.50

SECTION C — **AGGREGATE CONTRIBUTIONS OVER $100**

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCCUPATION / EMPLOYER	AMOUNT OF THIS CONTRIBUTION	VALUE OF NON-MONETARY CONTRIBUTION	AGGREGATE TO DATE
12/88	Yamamoto, Dennis 3272 Niolopua Dr.	IR	250.00		250.00
12/88	Kalei Hawaii 721 Kakoha St	Commercial	250.00		250.00
12/88	Chuck, Robert 1585 Kapiolani Blvd #1312	Commercial	250.-		250
12/88	Watanabe, Wayne 1001 Bishop St #900	Commercial	250 -		250 -
12/88	Takaragi Development 930 Kakoha St.	Real Estate	250 -		250 -
12/88	Okazaki, Robert 94-1438 Akaaka St.	Commercial	250 -		250 -
12/88	Nakagawa, Jerry 94-1447 Kaholoa St.	Commercial	250-		250 -
12/88	Watari, Robert 4735 Hoku pa St.	Commercial	250-		250 -

17 TOTAL AGGREGATE CONTRIBUTIONS OVER $100 THIS PAGE 1950.00
18 TOTAL AGGREGATE CONTRIBUTIONS OVER $100 FROM SUPPORTING SCHEDULE .....
19 TOTAL AGGREGATE CONTRIBUTIONS OVER $100 THIS PERIOD (Add Lines 17 & 18) 6825.00

Exhibit A

2404357112065

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
** REPORT OF CONTRIBUTIONS OVER $100.00 **

07/31/89
Page 1

CANDIDATE NAME: Mike Crozier

DATE	CONTRIBUTOR NAME & ADDRESS	AMOUNT	CASH(Y/N)	DESCRIPTION
06/08/89	A & B HIPAC P.O.Box 3440 Honolulu 96801	200.00	N	
05/01/89	American Hawaii Cruise 604 Fort Street Honolulu 96813	300.00	N	
05/01/89	Ameron HC&D PAC 91-059 Hanua St. Campbell 96707	200.00	N	
05/01/89	AMFAC/JMB HAWAII,INC. P.O. Box 3230 Honolulu 96801	300.00	N	
05/01/89	Aoki, Paul 2115 Rocky Hill Pl. Honolulu 96822	400.00	N	
05/01/89	Associates Four P.O. Box 1060 Honolulu 96808	500.00	N	
05/01/89	Bank of Hawaii - Special Acct P.O.Box 2900 Honolulu 96846	200.00	N	
05/01/89	Budget Rent A Car Systems Inc. P.O.Box 15188 Honolulu 96830	200.00	N	
05/01/89	C. Brewer Co., Ltd. P.O.box 1826 Honolulu 96805	150.00	N	
05/01/89	Daiei Hawaii Investments, Inc. 801 Kekaha St. Honolulu 96814	200.00	N	
01/05/89	Diguilio, Stephanie 2630 Kaaipu Ave. Honolulu 96822	300.00	N	
05/01/89	Dole Packaged Food Co. P.O.Box 3380 Honolulu 96801	300.00	N	

EXHIBIT B

CANDIDATE NAME: Mike Crozier

DATE	CONTRIBUTOR NAME & ADDRESS	AMOUNT	CASH(Y/N)	DESCRIPTION
05/01/89	Pacific Beach Hotel 2490 Kalakaua Ave. Honolulu 96815	200.00	N	
05/01/89	Pacific Resources P.O.Box 3379 Honolulu 96842	200.00	N	
05/01/89	Pacific Resources PAC P.O. Box 3379 Honolulu 96842	200.00	N	
05/01/89	Pineapple Growers Committee 1150 South King St. Suite 901 Honolulu 96814	150.00	N	
05/01/89	Pires, Raymond 3212 Paliuli St. Honolulu 96816	200.00	N	
05/01/89	Plumbers and Pipefitters PAC. 1109 Bethel St. Basement Honolulu 96813	700.00	N	
05/01/89	Realtors PAC of Hawaii 505 Ward Avec 2nd Flr. Honolulu 96814	200.00	N	
05/01/89	Roberts, George 47-868 Kamehameha Hwy. Kaneohe 96744	300.00	N	
05/01/89	Savio Realty, Ltd. 931 University Ave., Ste.202 Honolulu 96826	500.00	N	
05/01/89	Schrader, Ralph 2909 Waialae Ave.,#25 Honolulu 96826	200.00	N	
05/01/89	Sports Promotion PAC P.O.Box 295 Honolulu 96809	500.00	N	
05/01/89	TANABE PLUMBING INC. 2145 Algaroba St. Honolulu 96826	200.00	N	

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
** REPORT OF CONTRIBUTIONS OVER $100.00 **

CANDIDATE NAME: MICHAEL L. CROZIER

DATE	CONTRIBUTOR NAME & ADDRESS	AMOUNT	CASH(Y/N)	DESCRIPTION
05/03/88	Plumbers & Pipefitters PAC 40 S. King St. Honolulu Hi 96813	500.00	Y	
11/08/88	R. J. Reynolds Tobacco USA Wiston-Salen, N.C. 27102	125.00	Y	
11/08/88	Realtors PAC Of Hawaii 505 Ward Avenue, 2nd Flr Honolulu, Hi 96814	250.00	Y	
04/07/88	Ruby Ozaki 250 Kawaihae St.#20E Honolulu, HI 96825	250.00	Y	
04/10/88	Thomas Woosley 2935 Oahu Avenue Honolulu, HI 96822	250.00	Y	
08/29/88	Wade McVay 2839 C Puuhonua St. Honolulu Hi. 96822	250.00	Y	
05/02/88	Wayne's Dairy 1400 Kapiolani Blvd B-35 Honolulu Hi 96814	250.00	Y	
04/18/88	Wendall Kimura 1160 Pauahi Towers 1001 Bishop Honolulu Hi. 96813	150.00	Y	
08/30/88	West Beach Estate 2024 N. King St.#209 Honolulu Hi 96819	250.00	Y	
07/15/88	William Crozier 3222 Brokaw St. Honolulu Hi 96815	2000.00	N	construct interior Headqtr
05/05/88	William S. Richardson 3335 Loulu St Honolulu Hi 96822	500.00	Y	
04/13/88	(Public Affairs Consultants 711 Keeaumoku St. #10 Hon. Hi 96816	150.00	Y	

TOTAL CASH CONTRIBUTIONS:	10425.00
TOTAL NON-CASH CONTRIBUTIONS:	2300.00
TOTAL CONTRIBUTIONS:	12725.00

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

ELECTION YEAR
1988

REPORT OF CAMPAIGN RECEIPTS AND EXPENDITURES

CAMPAIGN SPENDING COMMISSION

This Report Covers The Period From 01/01 thru 06/30

'88 JUL 31 P12:52

SECTION A
NAME AND ADDRESS OF CANDIDATE'S COMMITTEE

NAME: Friends of Gerry Hagino
ADDRESS: 36 Lauone Loop
CITY STATE: Wahiawa, Hawaii 96786
PHONE: 677-9103 (Treasurer's Telephone) FAX: 621-1844

THIS REPORT IS A:
- Pre Primary Report
- Pre General Report
- Post Primary Report
- Post General Report
- X Supplemental Report
- Amended Report
- Final Termination Report (Balance Must be Reduced to Zero)
- Other

RE:

SECTION B — **SUMMARY OF RECEIPTS AND EXPENDITURES**
(For Oral Sections C, D, E & F Refer to Section B)

RECEIPTS		EXPENDITURES	
	$3,170.00		
	5,785.00		
	555.00		
	$9,510.00		
	1,000.00		
	$1,770.50		

6/30

SECTION C — **AGGREGATE CONTRIBUTIONS OVER $100**

(a) RECEIVED	NAME AND ADDRESS OF DONOR	(b) OCCUPATION OF INDIVIDUAL	(c) AMOUNT OF THIS ITEM CONTRIBUTION	(d) TOTAL OF THIS NON-MONETARY CONTRIBUTION	(e) CUMULATIVE TOTAL TO DATE
03/17	Mokuleia Land Company 68-540 Farrington Hwy. Waialua 96791		500.00		
03/17	ILWU - HI PAC 451 Atkinson Dr. Honolulu 96814		250.00		
03/17	HI Consumer Finance PAC 1136 Union Mall #410 Honolulu 96813		250.00		
03/17	C. Brewer & Co., Ltd. P. O. Box 1826 Honolulu 96805		150.00		
03/17	Amfac/JHB HI, Inc. P. O. Box 3230 Honolulu 96801		150.00		
03/17	Harold Hasenaga, DDS, Inc. 960 Center St. Wahiawa 96786		125.00		
03/17	Tom T. Kato 562 California Ave. Wahiawa 96786	public accountant	150.00		
03/17	Wallace Yoshimoto 94-789 Ka'ahole Street Waipahu 96797	businessman	125.00		

EXHIBIT C

17 TOTAL AGGREGATE CONTRIBUTIONS OVER $100 THIS PAGE ..... → 1,700.00
18 TOTAL AGGREGATE CONTRIBUTIONS OVER $100 FROM SUPPORTING SCHEDULE 7,585.00
19 TOTAL AGGREGATE CONTRIBUTIONS OVER $100 THIS PERIOD (Add Lines 17 & 18) 9,285.00

9404357112569

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY: FRIENDS OF GERRY HAGINO

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCCUPATION IF AN INDIVIDUAL, ENTER NAME OF PARENT	COLUMN 1 AMOUNT OF THIS CASH CONTRIBUTION	COLUMN 2 VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	COLUMN 3 AGGREGATE TOTAL $100+ DONOR
02/29	Hawaii Government Employees' Association P. O. Box 2930 Honolulu 96802		200.00		200.00
02/29	Azabu Realty 410 Atkinson Drive Honolulu 96814		250.00		250.00
03/09	Norman T. Quan 2212 McKinley Street Honolulu 96822	developer	250.00		250.00
03/06	Mokuleia Land Company 68-550 Farrington Highway Waialua 96791		250.00		250.00
03/16	Hawaii Soft Drink & Fruit Juice Association P. O. Box 10068 Honolulu 96820		250.00		250.00
03/16	Pacific Resources PAC P. O. Box 1379 Honolulu 96807		150.00		150.00
03/18	Environmental Land Concerns, Inc. 1188 Bishop Street, Suite 1607 Honolulu 96813		100.00		100.00
03/22	Hitoshi & Fusae Hogi 1210 Auahi Street, Bldg 1 Honolulu 96814	planner	200.00		200.00
03/22	The Brown Bottle P. O. Box 31 Waialua 96791		125.00		125.00
03/22	Central Merchant Association of Waikiki 334 Seaside Avenue #705 Honolulu 96815		200.00		200.00
03/23	Robert McFarlane 800 S. Beretania St., 3rd Floor Honolulu 96813	businessman	250.00		250.00
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page 2,425.00
2. TOTAL This Period (last page this line only) .....

940435712/0

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
** REPORT OF CONTRIBUTIONS OVER $100.00 **

CANDIDATE NAME: MILTON HOLT

DATE	CONTRIBUTOR NAME & ADDRESS	AMOUNT	CASH(Y/N)	DESCRIPTION
05/30/89	Transcontinental Develop. Co. P. O. Box 3028 Waikoloa, HI 96743	250.00	Y	
05/15/89	Trask, David, Jr. & Patricia 2271 Aulii St. Honolulu, HI 96817	125.00	Y	
05/15/89	Tsunoda, Peter T. & Joyce S. 1814 Hoolehua St. Pearl City, HI 96782	250.00	Y	
03/20/89	Ushijima, John T. c/o 819 S. Beretania St. Honolulu, HI 96813	250.00	Y	
11/15/88 03/20/89	Vogel, Laurence	300.00 200.00	Y Y	
05/15/89	Waikiki Beach Operators Assn 820 Mililani St. #400 Honolulu, HI 96813	250.00	Y	
04/07/89	Waikiki Beach Services, Inc. 889 Kahena St. Honolulu, HI 96825	500.00	Y	
03/20/89	Watanabe, Guy T. & Michele M. 4538 Waikui Street Honolulu, HI 96821	2000.00	Y	
05/15/89	West Beach Estates 1585 Kapiolani Blvd., #1430 Honolulu, HI 96814	250.00	Y	
05/15/89	West Maui Para-Sail, Inc. P. O. Box 1793 Lahaina, HI 96767	175.00	Y	
05/15/89	Wilson Okamoto & Associates P. O. Box 3530 Honolulu, HI 96811	150.00	N	
05/15/89	Wo, Ronald C. 2714 Anuenue St. Honolulu, HI 96822	250.00	Y	

EXHIBIT D

CANDIDATE NAME: MILTON HOLT

DATE	CONTRIBUTOR NAME & ADDRESS	AMOUNT	CASH(Y/N)	DESCRIPTION
05/15/89	Itagaki, Robert I. & Margaret 98-1438 Akaaka St. Aiea, HI 96701	125.00	Y	
05/15/89	Izumi, L. T. 560 N. Nimitz Hwy, #202 Honolulu, HI 96817	250.00	Y	
11/15/88	Jackson Contractors	2000.00	Y	
03/20/89	707 Richards St., #400 Honolulu, HI 96813	50.00	Y	
03/20/89	Japan Travel Bureau Int'l, Inc 2270 Kalakaua Ave. Honolulu, HI 96826	1000.00	Y	
02/09/89	Johnson Tsushima LuersenLowrey 1001 Bishop St, 750 Pauahi Twr Honolulu, HI 96813	250.00	Y	
05/15/89	Ka'anapali Beach Hotel 2525 Ka'anapali Parkway Lahaina, Maui, HI 96761-1987	250.00	Y	
03/20/89	Kajioka Okada & Partners, Inc. 934 Pumehana St. Honolulu, HI 96826	250.00	Y	
04/07/89	Kawakami, Keiji & Edith 1234 Kona St. Honolulu, HI 96814	150.00	Y	
04/07/89	Keehi Marine, Inc. 24 Sand Island Access Road Honolulu, HI 96819	1000.00	Y	
05/15/89	KFC Airport, Inc. 615 Piikoi St., Suite 1001 Honolulu, HI 96814	250.00	Y	
05/15/89	Kilohana PAC 420 Waiakamilo Road, Suite 411 Honolulu, HI 96817-4941	250.00	Y	
05/15/89	Kishida, Wayne H. & Beverly M. 534 Punaa St. Kailua, HI 96734	250.00	Y	

CANDIDATE NAME: MILTON HOLT

DATE	CONTRIBUTOR NAME & ADDRESS	AMOUNT	CASH(Y/N)	DESCRIPTION
05/30/89	Englekirk, Robert E, Proprtr. P. O. Box 77-D Los Angeles, CA 90007-9998	250.00	Y	
05/15/89	Freitas, Rockne C. & Leinaala 2667 East Manoa Road Honolulu, HI 96822	500.00	Y	
03/09/89	Gem Political Action Comm. 1199 Dillingham Boulevard Honolulu, HI 96817-4478	250.00	Y	
05/15/89	HAPA-PAC 1188 Bishop St., #2706 Honolulu, HI 96813	400.00	Y	
10/21/88	Hawaii Assn of Realtors	250.00	Y	
05/15/89	505 Ward Ave., 2nd Floor Honolulu, HI 96817	50.00	Y	
05/30/89	Hawaii Auto Dealers Elctn Actn P. O. Box 560 Kailua, HI 96734	200.00	Y	
05/30/89	Hawaii Cable Television PAC P. O. Box 560 Kailua, HI 96734	200.00	Y	
06/15/89	Hawaii Convention Park Council c/o1001 Bishop St. #701 Pauahi Honolulu, HI 96813	200.00	Y	
02/13/89	Hawaii Insurers Council PAC	100.00	Y	
05/30/89	1001 Bishop St., #1160 Pauahi Honolulu, HI 96813	100.00	Y	
04/07/89	Hawaii Kai Parasail, Inc. P. O. Box 25481 Honolulu, HI 96825	500.00	Y	
11/15/88	Hawaii Medical PAC	400.00	Y	
03/20/89	320 Ward Ave., Rm. 200 Honolulu, HI 96814	50.00	Y	
02/13/89	Hawaii Milk Marketing Coop PAC P. O. Box 717 Waianae, Hawaii 96792	125.00	Y	

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY

Page

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY: FRIENDS OF MILTON HOLT

Page 11 of 13

DATE	NAME AND ADDRESS OF CONTRIBUTOR				
4/15/96	TEAMSTERS LOCAL 85-263 McArthur St. HONOLULU, HI 96792		60.00		180.00
4/15/96	[illegible] 745 Keeaumoku St. HONOLULU, HI 96814		60.00		120.00
4/9/96	[illegible] 44-221 Kalau St. KANEOHE, HI 96744		120.00		240.00
4/9/96	MINORU OKIMOTO 9467 Waipuna Ave. HONOLULU, HI 96822		50.00		150.00
4/9/96	ALFRED DAO 1660 Kuhio St. HONOLULU, HI 96816		120.00		160.00
4/15/96	ED CASTRO 1336 Kuhina Cir. HONOLULU, HI 96817		600.00		1500.00
4/15/96	PAUL S. OSUMI, JR. Suite 1910, 900 Bishop St. HONOLULU, HI 96813		300.00		300.00
4/9/96	OSUMI, INC. 2591 Lemon Rd. HONOLULU, HI 96815		300.00		300.00
4/9/96	Pacific Beach Hotel 2490 Kalakaua Ave. HONOLULU, HI 96815		60.00		960.00
4/9/96	Pacific Express Inc. P.O. Box 17516 HONOLULU, HI 96817		300.00		300.00
4/9/96	Paradise Jet Ski P.O. Box 750 KANEOHE, HI 96744		300.00		300.00
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE: IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page 2940.00

2. TOTAL This Period (last page this line only) .....

2404357125

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

Page 7 of 18

NAME OF CANDIDATE, COMMITTEE OR PARTY FRIENDS OF MILTON HOLT

DATE RECEIVED	NAME AND ADDRESS OF CONTRIBUTOR	DESCRIPTION IF OTHER THAN CASH	AMOUNT OF CONTRIBUTION		AMOUNT OF CONTRIBUTION THIS PERIOD	
4/9/86	Illegible 6483-A Hali Huly Honolulu, HI 96817		250.00			250.00
4/9/86	Illegible P.O. Box 11965 Honolulu, HI 96811		500.00			500.00
4/9/86	Illegible 3612 Richards St #200 Honolulu, HI 96813		illegible			illegible
3/31/86	Illegible Distributors 99-128 Halawa Drive Honolulu, HI 96875		500.00			500.00
4/9/86	Illegible Honolulu, HI 96822		300.00			300.00
4/9/86	Illegible, Tsuhima, Liu 1001 Bishop St. 96813		300.00			300.00
4/9/86	Illegible Paul Liliha St. #306 Honolulu, HI 96817		300.00			300.00
4/9/86	Makaha Motors 3660 Waialae Ave. Honolulu, HI 96816		60.00			120.00
4/9/86	Kajioka, Okabe & Hoshibara 677 N. King St Honolulu, HI 96817		300.00			600.00
4/9/86	Hawaii Kenworth P.O. Box 6246 Halawa, HI 96822		300.00			300.00
4/9/86	Keith Kawashima 3461 Roa Illinois #1806 Honolulu, HI 96818		100.00			100.00
			TOTAL COLUMN 1	TOTAL COLUMN 2		NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED
						2,300.00

1 SUBTOTAL of Contributions Over $100 This Page 2,300.00

2 TOTAL This Period (last page this line only) .....

9404357126

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE COMMITTEE OR PARTY Friends of Milton Holt

DATE RECEIVED	NAME AND ADDRESS OF PERSON OR ENTITY	IF A GIFT TO ANOTHER PERSON ON BEHALF OF THAT PERSON	COLUMN 1 AMOUNT OF THIS CASH CONTRIBUTION	COLUMN 2 AMOUNT OF THIS NON-CASH CONTRIBUTION	TOTAL AMOUNT OF CONTRIBUTION
4/25/88	Hawaii Carpenters 458 12th Ave. Honolulu, HI 96816		60.00		100.00
4/26/88	Hawaiian Dredging (HI) 820 Mililani St. #820 Honolulu, HI 96813		300.00		300.00
5/4/88	Hawaii Assn. of Ins. Agents PAC 1003 Bishop St. #1600 Honolulu, HI 96813		120.00		60.00
4/6/88	Hawaii Committee on Political Education (HCPE) AFL-CIO 320 Ward Ave. #205 Honolulu, HI 96814		240.00		400.00
5/10/88	Hawaii Automotive Fair (HAF) 1001 Bishop St. #201 Honolulu Ia. Honolulu, HI 96813		200.00		400.00
5/18/88	Hawaii State Teachers Assn. 2328 Pali St. #100 Honolulu, HI 96817		100.00		125.00
4/28/88	Hawaiian Gas Prod. 1001 Kamokila Blvd. #178 Kapolei Honolulu, HI 96814		200.00		200.00
4/26/88	HFIA-PAC 1177 Kapiolani Blvd., #201 Honolulu, HI 96814		90.00		180.00
4/26/88	Milton Hotels Corp. 9336 Civic Center Dr. Beverly Hills, CA 90210		200.00		360.00
4/29/88	Dana Hoshino 1234 Ekahi St. Honolulu, HI 96816		60.00		120.00
4/6/88	John Dominis Holt		125.00		125.00
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1 SUBTOTAL of Contributions Over $100 This Page 1,895.00

2 TOTAL This Period (last page this line only) .....

2404357127

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY: FRIENDS OF MILTON HOLT

DATE RECEIVED	NAME AND ADDRESS OF DONOR	COLUMN 1	COLUMN 2	TOTAL
4/6/88	N.U.B. HVAC P.O. Box 30440 Honolulu, HI 96801		240.00	240.00
4/5/88	Airport Lei Sellers Honolulu International Airport Honolulu, HI 96819		90.00	90.00
4/6/88	Island Acquisition Recovery 2828 Waialae Ave. Honolulu, HI 96826		590.00	590.00
4/6/88	Aloha Petroleum Ltd. P.O. Box 500 Honolulu, HI 96809		150.00	270.00
4/6/88	Anderson, Hawaii Drilling 580 Redwood St. San Francisco, CA 94103		30.00	400.00
4/6/88	Amfac Hawaii Inc. P.O. Box 3230 Honolulu, HI 96801		250.00	890.00
4/6/88	Amfac Resorts Hawaii Kahanaoki Beach Htl. 2525 Kahanaoki Hwy		120.00	120.00
4/6/88	Kuhio Assoc. - Ishigo Enterprises 1850 S. King St. #500 Honolulu, HI 96814		300.00	300.00
4/6/88	Winfred Asha 2500 Jasmine St. Honolulu, HI 96822		50.00	160.00
4/6/88	Associates Four P.O. Box 1060 Honolulu, HI 96808		300.00	800.00
4/6/88	Asbuilt U.S.A. Corp. 440 Atkinson Dr. #826 Honolulu, HI 96814		300.00	300.00
		TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE: IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1 SUBTOTAL of Contributions Over $100 This Page 2,670.00

2 TOTAL This Period (last page this line only) .....

2404357128

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY: FRIENDS OF MILTON HOLT

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCCUPATION OF NUMBER AND NAME OF PARENT	AMOUNT OF CONTRIBUTION	AMOUNT OF IN-KIND CONTRIBUTION (EXPENDITURE)	CUMULATIVE TOTAL
6/15/94	CERTIFIED SHEETMETAL 209 EHOLU WAY. HONOLULU, HI 96817		600.00		1200.00
6/15/94	ERNEST CHING 1192 N. SCHOOL ST. HONOLULU, HI 96817		60.00		180.00
6/15/94	HOWARD CHING 4346 KAHALA AVE. HONOLULU, HI 96816		60.00		120.00
5/15/94	FRANCIS CHUN P.O. BOX 22073 HONOLULU, HI 96822		200.00		200.00
6/15/94	WALTER CHUN 1355 KING ST. HONOLULU, HI 96814		30.00		60.00
6/15/94	CITY BANK P.O. BOX 3209 HONOLULU, HI 96811		120.00		240.00
6/15/94	HAWAIIAN CONSERVATIVE 3711 PARK PL. HONOLULU, HI 96816		200.00		350.00
6/15/94	WINONA CHEEVER P.O. BOX 313 AIEA, HI 96701		100.00		200.00
6/15/94	CHEEVER TILE CORP. 99-518 LEIHALII ST. AIEA, HI 96701		500.00		500.00
6/15/94	ELLEN CREATHERS 345 QUEEN ST. #200 HONOLULU, HI 96813		300.00		300.00
6/15/94	DANIEL HAWAII INVESTMENTS 201 MERCHANT ST. HONOLULU, HI 96813		200.00		300.00
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1 SUBTOTAL of Contributions Over $100 This Page ..... $ 4,450.00

2 TOTAL This Period (last page this line only) .....

9404357129

STATE OF HAWAII

CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

Page ____ of ____

NAME OF CANDIDATE, COMMITTEE OR PARTY

STATE OF HAWAII

CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

Page ___ of ___

NAME OF CANDIDATE, COMMITTEE OR PARTY

STATE OF HAWAII

CAMPAIGN SPENDING COMMISS

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE COMMITTEE OR PARTY

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

ELECTION YEAR 1988

REPORT OF CAMPAIGN RECEIPTS AND EXPENDITURES

This Report Covers The Period From 1/1/88 thru 9/2/88

COPY

SECTION A
NAME AND ADDRESS OF CANDIDATE'S COMMITTEE

NAME Mizuguchi for Senate Committee
ADDRESS P. O. Box 652
CITY STATE Pearl City, Hawaii 96782
BUS 548-6204 RES 455-9531

THIS REPORT IS A

- [X] Pre-Primary Report
- [ ] Pre-General Report
- [ ] Post-Primary Report
- [ ] Post-General Report
- [ ] Supplemental Report
- [ ] Amended Report
- [ ] Final Termination Report (Balance Must be Reduced to Zero)
- [ ] Other

SECTION B — **SUMMARY OF RECEIPTS AND EXPENDITURES**

RECEIPTS

	35,515.50
	37,475.00
	-0-
	87,990.50
bal bot fwd	90,080.44
	151,070.94
	-0-
	-0-
	151,070.94

EXPENDITURES

	25,661.98
	14,812.81
	40,474.79
	-0-
	40,474.79
15 LAST	110,261.44
16 DEBT	-0-
CASH ON HAND AS OF 9/2/88	110,261.44

SECTION C — **AGGREGATE CONTRIBUTIONS OVER $100**

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCCUPATION & EMPLOYER	AMOUNT OF THIS CONTRIBUTION	VALUE OF NON-MONETARY CONTRIBUTION	CUMULATIVE TOTAL TO DATE
	(see attachment)				

EXHIBIT F

17 TOTAL AGGREGATE CONTRIBUTIONS OVER $100 THIS PAGE
18 TOTAL AGGREGATE CONTRIBUTIONS OVER $100 FROM SUPPORTING SCHEDULE
19 TOTAL AGGREGATE CONTRIBUTIONS OVER $100 THIS PERIOD (Add Lines 17 & 18)

2404357123 3

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MONTH ENTER NAME OF PARENT	AMOUNT OF THIS CASH CONTRIBUTION	DESCRIPTION OF THIS IN KIND CONTRIBUTION	
7/24	West Beach Estates 1585 Kapiolani Blvd. Honolulu 96814		500		
7/14	WDC Venture International Marketplace Honolulu 96815		250		
7/16	Walter Development 707 Richards St. Honolulu 96813		250		
7/16	Wally Yonamine 1860 Ala Moana Blvd. Honolulu 96815		250		
7/16	Dick Toda 2411 E. King St. Honolulu 96826		250		
7/19	Young Brothers P. O. Box 3288 Honolulu 96801		175		
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page .....
2. TOTAL This Period (last page this line only) 27,475.00

2404357123S4

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

Page ___ of ___

NAME OF CANDIDATE, COMMITTEE OR PARTY

DATE	NAME AND ADDRESS OF DONOR	OCCUPATION OF DONOR AND NAME OF EMPLOYER	COLUMN 1	COLUMN 2	NOTE IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

STATE OF HAWAII
...PAIGN SPENDING COMMISS

AGGREGATE ...TRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY: FRIENDSOF RICHARD S.H. WONG
841 Bishop Street, #142
Honolulu, Hawaii 96813

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCCUPATION & NAME OF EMPLOYER OR BUSINESS	COLUMN 1 AMOUNT OF CONTRIBUTION	COLUMN 2	NOTE IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED
4/28	Kajioka, Okada & Partners 934 Punahana Street Honolulu, Hawaii 96826		250.00		
4/28	BANCCONTROL - First Hawaiian Bank		1,000.00		
4/29	Hawaii Consumer Finance PAC 1136 Union Mall, #610 Honolulu, Hawaii 968.3		1,000.00		
5/1	Tsuneku Watanabe & Co. 220 S. King St. #810 Honolulu, Hawaii 96813		250.00		
5/1	Maurice J. Sullivan P. O. Box 22117 Honolulu, Hawaii 96813		250.00		
5/1	CEM PAC 1199 Dillingham Boulevard Honolulu, Hawaii 96817		2,000.00		
5/1	Kapiolani Coffee Shop P. O. Box 4087 Honolulu, Hawaii 96813		250.00		
5/1	HAPA-PAC 1188 Bishop Street, #2706 Honolulu, Hawaii 96813		1,000.00		
5/1	SERVCO Pacific - PAC P. O. Box 2788 Honolulu, Hawaii 96803		250.00		
5/1	William K. H. Nau 2270 Kalakaua Ave., #1800 Honolulu, Hawaii 96815		1,000.00		
5/1	AA Electric Ltd. 500 Ala Kawa Street, #100 Honolulu, Hawaii 96817		250.00		
			TOTAL COLUMN 1	TOTAL COLUMN 2	

EXHIBIT H

1. SUBTOTAL of Contributions Over $100 This Page .....
2. TOTAL This Period (last page this line only) .....

2404357123 36

...PAIGN SPENDING COMMI...

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY: FRIENDS OF RICHARD S. H. WOOC, 841 Bishop Street, #142, Honolulu, Hawaii 96813

DATE (Mo. Day)	NAME AND ADDRESS OF REPORTER	COLUMN 1	COLUMN 2	COLUMN 3
5/3	Kenmeter Design Group No. 1 Capitol District Honolulu, Hawaii 96813		500.00	
5/3	Diane J. Plotts 2049 Calakaa Street Honolulu, Hawaii 96822		250.00	
5/3	Abraham Aiona [illegible] Kaahaim Street Kahului, Hawaii 96732		[illegible].00	
5/3	Edgar M. Abreu P. O. Box 25840 Honolulu, Hawaii 96825		200.00	
5/3	Harold H. Kuwahara 1172 Kalihanai Road Honolulu, Hawaii 96825		150.00	
5/3	Takeo Boyekura 1264 Anakua Street Honolulu, Hawaii 96821		250.00	
5/5	Alfred M. Onn 1640 Quincy Place Honolulu, Hawaii 96816		250.00	
5/5	Keith Okura 1441 Kapiolani Blvd., 18th Honolulu, Hawaii 96814		1,000.00	
5/5	Pacific Resources PAC P. O. Box 3379 Honolulu, Hawaii 96842		500.00	
5/5	Joseph P. Lyons 706 Elepaio Street Honolulu, Hawaii 96816		250.00	
5/5	Patrick G. Haniyoshi 94-378 Pupupani Street Waipahu, Hawaii 96797		250.00	
		TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE IN-KIND CONTRIBUTIONS ARE ALSO ENTERED ON [illegible]

1. SUBTOTAL of Contributions Over $100 This Page .....

2. TOTAL This Period (last page this line only) .....

9404357123837

PAIGN SPENDING COMMISS

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCCUPATION (IF A MINOR ENTER NAME OF PARENT)	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TO DATE FROM DONOR
4/4/88	Ruth M. Ono 1640 Quincy Place Honolulu, Hawaii 96816		300.00		
5/16/88	Hawaiian Life Insurance P. O. Box 3149 Honolulu, Hawaii 96802		200.00		
1/4/88	Leeward Investment Corp 849 4th Street Pearl City, Hawaii 96782		300.00		
6/30/88	Amfac Hawaii, Inc. P. O. Box 3230 Honolulu, Hawaii 96801		300.00		
6/30/88	Hi. Ophthalmological PAC 320 Ward Avenue Honolulu, Hawaii 96814		200.00		
5/5/88	C W Associates, Inc. 2006 Kalihi Street Honolulu, Hawaii 96819		175.00		
5/5/88	Shim Tam Kirimitsu Kitamura & Chang 333 Queen Street Honolulu, Hawaii 96813		1,000.00		
7/20/88	The Tobacco Institute 1875 I Street, Northwest Washington, DC 20006		300.00		
7/20/88	Gem PAC 1199 Dillingham Blvd Honolulu, Hawaii 96817		1,500.00		
7/13/88	Outrigger Hotels Hawaii 227 Lewers Street Honolulu, Hawaii 96815		1,000.00		
7/11/88	Joseph P. Lyons 706 Elepaio Street Honolulu, Hawaii 96816		250.00		
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page 5,375.00

2. TOTAL This Period (last page this line only) .....

2404357128

NAME OF CANDIDATE, COMMITTEE OR PARTY

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCCUPATION IF A MINOR ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TO DATE FOR THIS DONOR
4/7/88	City Fender & Body Service, Ltd. P. O. Box 1383 Honolulu, Hawaii 96807		250.00		
4/7/88	Tropical Otto Parts 977-A Queen Street Honolulu, Hawaii 96814		125.00		
4/7/88	Raymond S. Tamura 959 Queen Street Honolulu, Hawaii 96814		250.00		
4/7/88	Group 10 924 Bethel Street Honolulu, Hawaii 96813		250.00		
4/7/88	Turk & Agena 220 South King Street, #2222 Honolulu, Hawaii 96813		500.00		
4/7/88	Coyne Mattress Co., Ltd. 94-134 Leowaena St. Waipahu, Hawaii 96797		250.00		
4/7/88	Otaka, Inc. 2571 Lemon Road Honolulu, Hawaii 96815		1,000.00		
5/31/88	Hawn Telephone Co. P. O. Box 2200 Honolulu, Hawaii 96841		250.00		
5/20/88	Shell Oil Company 1441 Kapiolani Blvd., #1001 Honolulu, Hawaii 96814		250.00		
5/20/88	West Beach Estates 1585 Kapiolani Blvd., #1430 Honolulu, Hawaii 96814		2,000.00		
5/20/88	Andre S. Tatibouet 2255 Kuhio Ave., #1800 Honolulu, Hawaii 96815		250.00		
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN U

1 SUBTOTAL of Contributions Over $100 This Page 5,375.0

2 TOTAL This Period (last page this line only) .....

2404357123 9

STATE OF HAWAII
CAMPAIGN SPENDING COMMISS.

REPORT OF CAMPAIGN RECEIPTS AND EXPENDITURES

This Report Covers the Period From 1/1/1978 thru 8/31/78 SEP 2 - 40

SECTION A
NAME AND ADDRESS OF CANDIDATE'S COMMITTEE

NAME Tarumoto Campaign Fund
ADDRESS 23rd Year Labour Street
CITY, STATE Kahului, HI 96732
PHONE NO. 877-4333

This Report is a
- [x] Pre-Primary Report
- [ ] Post-Primary Report
- [ ] Supplemental Report
- [ ] Final Termination Report
- [ ] Other

Reason Must be Postmarked Zero

SECTION B
SUMMARY OF RECEIPTS AND EXPENDITURES

RECEIPTS		EXPENDITURES	
	$ 1073.42		$ 2911.75
	11700.00		9793.39
	196.72		3909.92
	21359.71		22213.24
	170947.71		116431.14
	105887.38		
			7515.32
	$ 299109.38	8/31/78	$ 29,174.22

SECTION C
AGGREGATE CONTRIBUTIONS OVER $100

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCCUPATION OF DONOR	AMOUNT OF THIS CONTRIBUTION	AMOUNT OF PRIMARY CONTRIBUTION	AMOUNT OF GENERAL CONTRIBUTION
5/30/78	[illegible] ychology Tmnd, Box 10450, Hon. 96816		250.00		250.0
6/21/78	[illegible], 1109 Millin-han Blvd. Mau. 96817		500.00		500.0
	[illegible], . H. Box 3290, Honolulu 96801		300.00		300.0
6/13/78	[illegible] Political Contrib. Acct. 1424 [illegible], School St. Hon. 96817		200.00		200.0
6/14/78	[illegible] Court & Tower Corporation, Box 990, Kahului 96732		250.00		250.0
6/19/78	[illegible] Maui Court Corp., Box 1330, Lahaina, HI 96761		500.00		500.0
6/5/78	[illegible] Agency, Washcrest & Assoc. 2144 Wells St. Wailuku		300.00		300.0
6/5/78	[illegible] Wells Corporation, 2159 Main St., Wailuku		200.00		200.0
6/22/78	[illegible], Box 2900, Honolulu 96846		500.00		500.0
6/29/78	[illegible] Engineering, 2145 Wells St., Wailuku		300.00		300.0
6/17/78	[illegible] Co., Box C, Wailuku 96793		250.00		250.0
6/23/78	[illegible] Rehab. Center, 95 Mahalani St., Wailuku		250.00		250.0
6/26/78	[illegible] Co., Box 2990, Honolulu 96813		2000.00		2000.0
6/26/78	[illegible] & Nancy J. Lord, 46 Mano St., Kahului 96732		500.00		500.0
6/26/78	[illegible] & Agnes Nishimoto, 1495 Main St., Hana, 96713		500.00		500.0
6/26/78	Samuel Tonia, Jr., 325 Cane St., Kahului, HI 96732		200.00		200.0

EXHIBIT I

17	TOTAL AGGREGATE CONTRIBUTIONS OVER $100 THIS PAGE	6,900.
18	TOTAL AGGREGATE CONTRIBUTIONS OVER $100 FROM SUPPORTING SCHEDULE	5,000.
19	TOTAL AGGREGATE CONTRIBUTIONS OVER $100 THIS PERIOD (Add Lines 17 & 18)	11,900.

2 4 0 4 3 5 7 1 2 2 0

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY

DATE RECEIVED	NAME AND ADDRESS OF PERSON	IF A GIFT IN KIND, ENTER NAME OF ITEM	AMOUNT OF THIS CONTRIBUTION	VALUE OF THIS GIFT IN KIND (ATTACH APPRAISAL)	TOTAL TO DATE
4-15-87	Capital Investment of Haw. Inc. P. O. Box 2568 Honolulu, Hawaii 96803		$125.00		$125.00
4-21-87	Myron B. Thompson 418 Halemaumau Street Honolulu, HI 96821		$125.00		$125.00
4-27-87	West Beach Estates 1585 Kapiolani Blvd. Honolulu, HI 96814		$375.00		$375.00
6-3-87	Clarence Taba/Dorothy Ching HIBAMPAC P. O. Box 3713 Honolulu, HI 96812		$150.00		$150.00

EXHIBIT J

TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE: IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED
$775.00		

1. SUBTOTAL of Contributions Over $100 This Page $775.00
2. TOTAL This Period (last page this line only) .....

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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

REPORT OF CAMPAIGN RECEIPTS AND EXPENDITURES

JUL 21 P2:34

RECEIVED

SECTION A
NAME AND ADDRESS OF CANDIDATE'S COMMITTEE

NAME Friends of Benj
ADDRESS P.O. Box 17673
Hon. HI 96817

SECTION B SUMMARY OF RECEIPTS AND EXPENDITURES

RECEIPTS		EXPENDITURES	

SECTION C AGGREGATE CONTRIBUTIONS OVER $100

2/22/89	Alexander & Baldwin HI Pac P.O. Box 3440 Hon. 96801 Attn: Ed Mong		$150-	$150-
2/22/89	Central Pac. Corp. 2222 Kalakaua Ave., Ste. 1800 Attn: Mr. Ryoko Mitsushima		$300-	$300-
2/22/89	Dennmeter Corp. 1441 Kapiolani Blvd., 18th Fl. Attn: Diane Plotts		$250-	$250-
2/22/89	Castle & Cooke., Inc. P.O. Box 3380 Hon. 96801 Attn: Tommy Lee		$250-	$250-
2/22/89	M/M William Hiraoka 3212 Woodlawn Dr. Hon. 96822		$250-	$250-
2/22/89	JTE - 2270 Kalakaua Ave, #1200 Hon. 96815 Attn: M. Hayashi		$250-	$250-
2/25/89	Amfac HI P.O. Box 3230 Hon. 96801 Attn: Richard Griffith		$200-	$200-
2/25/89	Dr. Collin Dang 1380 Lusitana St., #912 Hon., HI 96813		$200-	$200-

EXHIBIT K

17 TOTAL AGGREGATE CONTRIBUTIONS OVER $100 THIS PAGE → 2,050-
18 TOTAL AGGREGATE CONTRIBUTIONS OVER $100 FROM SUPPORTING SCHEDULE 9,400-
19 TOTAL AGGREGATE CONTRIBUTIONS OVER $100 THIS PERIOD (Add Lines 17 & 18) 11,450-

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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

Page ... of 1

NAME OF CANDIDATE, COMMITTEE OR PARTY

1/89	H.A. Morris Inc. 1154 Fort St., Ste. 807 Attn: "Hank" Morris		$250-		$250-
1/6	First Hawn. Bank P.O. Box 3200 Hon. 96847 Attn: Walter Dods		$250-		$250-
1/6	[illegible]		$250-		$250-
1/9	[illegible]		$250-		$250-
1/9	[illegible]		$250-		$250-
4/5	Pacific Beach Hotel 2490 Kalakaua Ave Hon 96815 Attn: H.T. Hayashi		$275-		$275-
4/5	Hyatt Regency Waikoloa Kona, HI 96740		$250-		$250-
4/5	The Ilikai 1777 Ala Moana Blvd. Hon 96815 Attn: Robert Francis		$125-		$125-
4/5	Gorden Henschel 130 Hanapepe Lp. Hon 96825		$125-		$125-
4/5	Kahala Hilton 5000 Kahala Ave. Hon., HI 96816 Louis Finamore		$250-		$250-
4/6	HI Convention Park Council, Inc. 1001 Bishop St., Ste. 701 Hon. 96813 Attn: Tom Mitrano		$200-		$200-
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1 SUBTOTAL of Contributions Over $100 This Page 2,500-

2 TOTAL This Period (last page this line only) .....

2404357129 3

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY

DATE RECEIVED	NAME AND ADDRESS OF CONTRIBUTOR	OCCUPATION OF INDIVIDUAL OR PRINCIPAL BUSINESS OF EMPLOYER	COLUMN 1 AMOUNT OF CONTRIBUTION	COLUMN 2 AMOUNT OF CONTRIBUTION	NOTE
2/22/88	Hisatoyo Hayashi Pacific Beach Hotel 2490 Kalakaua Ave. Hon., HI 96815		$150-		
2/22/88	M/M Warren Lake 91 No. King St. Hon., HI 96817		$200-		
2/22/88	Colin Davy, M.D. 1380 Lusitana St., Ste. 912 Hon., HI 96813	Doctor	$125-		
2/23/88	Masao Hayashi Japan Travel Int'l., Inc. 2270 Kalakaua Ave. Hon., HI 96815		$250-		
2/29/88	Barney Miura 1778 Ala Moana Blvd. Hon., HI 96819		$125-		
2/29/88	Ameron McNeil/Charlie Asao 911 Middle St. Hon., HI 96819		$250-		
3/1/88	Linda Rosehill Artfac HI, Inc. P.O. Box 3230 Hon., HI 96801		$250-		
3/2/88	James Tom JLMT Inc. P.O. Box 30408 Hon., HI 96820		$1,000-		
3/2/88	Maunalani Resorts, Inc. PAC P.O. Box 4959, Kawaihae, HI Attn: Francine Ignacio		$125-		
3/3/88	Benjamin Menkin, MD 210 Ward Ave., Ste. 220 Hon., HI 96814		$250-		
3/3/88	Attn: Bob Jarret Budget Rent a Car The Advertising Works, Inc. 444 Hobron Lane	Mgr. Director	$125-		$2[illegible]-
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE: NAMES AND CONTRIBUTIONS ARE NOT EXPENDITURES AND NEED NOT BE REPORTED

1 SUBTOTAL of Contributions Over $100 This Page $3,250-

2 TOTAL This Period (last page this line only) .....

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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY

1/96	Anthony B. Cordeiro, M.D. Liliha Med. Bldg. [illegible]				
4/6	[illegible]		[illegible]		[illegible]
	Hilcrest Industries Inc. P.O. Box [illegible] Hon., HI]				
3/6	Attn: Charles Souza		$250-		$250-
	AM Partners [illegible]				
3/6	Attn: Charles Lee		$250-		$250-
	Waikiki Beach Outrig. Assn. [illegible]				
3/6	Attn: Tom Feely		$250-		$250-
	American Ii Orleans [illegible]				
4/6	Attn: Jerry Adams		$500-		$500-
	Imperial Trucking Inc. P.O. Box [illegible]				
4/6	Attn: Harold Kanemaru, Pres.		$125-		$125-
1/6	Walley Miura 1718 Hau St. Hon., HI 96819		$150-		$150-
4/6	SPOC-BOH P.O. BOX 2900 Hon. 96846 Attn: Dorothy Ching		$300-		$300-
4/6	Papakea-Resorts Pacifica 3543 Honoapiilani Hwy. Lahaina, Maui 96761 Attn: Joe Piuta		$150-		$150-
4/6	HOTPAC P.O. Box 30166 Hon. 96820 Attn: Paul Findoisen		$250-		$250-
4/6	West Beach Estates 1585 Kapiolani Blvd., Ste. 1430 Attn: Mr. Blaisdell, Gen. Mgr.		$500-		$500-
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1 SUBTOTAL of Contributions Over $100 This Page 3,225-

2 TOTAL This Period (last page this line only) .....

2404357129 5

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY

DATE RECEIVED	NAME AND ADDRESS OF DONOR				
3/18/88	Central Merchant Ass'n 1499 Kapiolani Blvd. Hon., HI 96815 Attn: Song Won Pak		$200-		
3/22/88	Mr. Joseph Fago Haw'n Tel. E.U.U. Club P.O. Box 2200 Hon., HI 96841		$125-		$162-
3/?/88	Pacific Resources PAC, P.O. Box 3379 Hon., HI 96842 Attn: Howard Lee		$?0-		$?0-
4/5/88	West Beach Estates 1585 Kapiolani Blvd. Hon., HI 96814 Mr. Gary Okuji		$?5?-		
4/7/88	Tom Morrand HI Convention Park Council 1001 Bishop St., #2500 Hon., HI 96813		$200-		
4/26/88	Diane Plotts, Pres. & CEO Hemenway Corp. 1441 Kapiolani Blvd.		$250-		
5/3/88	HI Dental PAC 601 Kam Hwy. Ste.401 Pearl City, HI 96782 Dr. Mark Tatima		$300-		
5/4/88	Dr. Manuel Abundo 98-1370 Kuluwai St. Aiea, HI 96701		$125-		
5/5/88	Mr. Leroy Holley American HI Cruises 604 Fort St., Pier 11 Hon., HI 96813		$500-		
5/19/88	Dr. Calvin Miura HI Ophtalmoligical PAC 320 Ward Ave., Hon. 96814		$300-		
6/28/88	Nanakuli Ass'n of HI 1040 Pinkham St. Hon., HI 96819 Mrs. Delisan		$150-		
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE: IN MY COMMITTEE RULES ARE NOT EXPENDITURES ITEMIZED

1 SUBTOTAL of Contributions Over $100 This Page $2,450

2 TOTAL This Period (last page this one only) .....

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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY

DATE	NAME AND ADDRESS	OCCUPATION OR PRINCIPAL BUSINESS	COLUMN 1	COLUMN 2	NOTE IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED
	[illegible]	Corporation	[illegible]		
	[illegible]	PAC			
	[illegible]	Corporation	[illegible]		
	[illegible]	Engineer	[illegible]		
	[illegible]	Attorney-at-Law			
	[illegible]	Retired	[illegible]		
	[illegible]	Attorney-at-Law	[illegible]		
5/25/89	Herbert K. Horita Realty, Inc. 2424 N. King St., Room 200 Honolulu, HI 96819	Real Estate	500.00		500.00
5/25/89	Safety Systems Hawaii, Inc. 902 Mokauea St. Honolulu, HI 96819	Corporation	200.00		200.00
5/25/89	Mitsuo Shimizu, Inc. 1165 Bethel St., Room 300 Honolulu, HI 96813	Real Estate	250.00		250.00
5/25/89	Trans-Hawaiian Reservations Systems, Inc. 3111 Castle Street Honolulu, HI 96815	Travel Industry	200.00		200.00
6/09/89	International Savings 1111 Bishop St. Honolulu, HI 96813	Financial Institution	500.00		500.00
6/09/89	Matsunaga Mechanical Contractors Inc. 1414 Dillingham Blvd., Ste.201 Honolulu, HI 96817	Plumbing Contractor	750.00		750.00
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

EXHIBIT 1

1 SUBTOTAL of Contributions Over $100 This Page 3,675.00

2 TOTAL This Period (last page this line only) .....

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STATE OF HAWAII
CAMPAIGN [illegible]DING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCCUPATION / IF A MINOR ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) AGGREGATE TOTAL FROM DONOR
1-19-88	Jimmy Higa Electrical, Inc. 94-461 D Lkoa St. Waipahu, HI 96797	Electrician	250.00		
1-14-88	A & B HIPAC P. O. Box 1440 Honolulu, HI 96801	Corporation	250.00		250.00
1-14-88	Amfac Hawaii, Inc. P. O. Box 3230 Honolulu, HI 96813	Corporation	250.00		250.00
1-14-88	American Hawaii Cruises 604 Fort Street Honolulu, HI 96813	Cruise Company	250.00		250.00
1-14-88	Walter T. Arakaki 1804 Republican St. Honolulu, HI 96819	General Contractor	250.00		250.00
1-14-88	First Hawaiian Bank P. O. Box 3200 Honolulu, HI 96814	Financial Institution	250.00		250.00
1-14-88	Malawa Garden Products 99-572 Paihi Street Aiea, HI 96701	Organic Garden Products Co.	250.00		250.00
1-14-88	Hawaii Consumer Finance PAC 1136 Union Mall, Room 410 Honolulu, HI 96813	Consumer Loan PAC	250.00		250.00
1-14-88	Honolulu Development, Inc. 3165 Waialae Ave., Suite 200 Honolulu, HI 96816	Developer	250.00		250.00
1-14-88	Island Fence, Inc. 1143 Hopaka Street Honolulu, HI 96814	Fencing Company	250.00		250.00
1-14-88	Japan Travel Bureau Int'l, Inc. 2270 Kalakaua Avenue Honolulu, HI 96815	Travel Agency	250.00		250.00
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE: IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page 2,650.00
2. TOTAL This Period (last page this line only) .....

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...IGN SPENDING COMMISSION

ELECTION YEAR
1988

REPORT OF CAMPAIGN RECEIPTS AND EXPENDITURES

This Report Covers The Period From 9/1/88 thru 9/17/88

SECTION A
NAME AND ADDRESS OF CANDIDATE'S COMMITTEE
(Must be same as appearing on organizational report)

NAME Friends of Ken Hiraki
ADDRESS 920 Proopaea Street
CITY STATE Honolulu, Hawaii 96822
TELEPHONE 526-8446 RES 946-1048

THIS REPORT IS A
- Pre Primary Report
- Pre General Report
- X Post Primary Report
- Post General Report
- Supplemental Report
- Amending Report
- Final Termination Report (Balance Must be Reduced to Zero)
- Other

SECTION B — SUMMARY OF RECEIPTS AND EXPENDITURES
(From Cumulative Totals Reported Below Section B)

RECEIPTS		EXPENDITURES	
	200.00		7,865.42
	1,650.00		325.93
	1,850.00		8,191.35
	11,748.42		8,438.26
	13,598.42		(247.09)
	-333.11		
	13,265.31		13,313.11
		CASH BALANCE as of 9/17/88	(47.80)

SECTION C — AGGREGATE CONTRIBUTIONS OVER $100

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCCUPATION / EMPLOYER	AMOUNT OF THIS CONTRIBUTION	VALUE OF THIS NON-MONETARY CONTRIBUTION	AGGREGATE TOTAL TO DATE
9/1/88	Hotel PAC 2270 Kalakaua Ave. Suite 1103 Honolulu, Hawaii 96815		$250.00		
9/1/88	West Beach Estates 1585 Kapiolani Blvd., Suite 1430 Honolulu, Hawaii 96814		$500.00		
9/1/88	Amfac Hawaii P.O. Box 3230 Honolulu, Hawaii 96801		$100.00		
9/6/88	C. Brewer and Co., Ltd. P.O. Box 1826 Honolulu, Hawaii 96805		$100.00		
9/6/88	Hawaii Medical PAC 1360 S. Beretania St. Suite 100 Honolulu, Hawaii 96814		$100.00		
9/8/88	A & B BIPAC P.O. Box 3440 Honolulu, Hawaii 96801		$100.00		
9/8/88	Territorial Savings & Loan Financial Plaza of the Pacific Honolulu, Hawaii 96813		$100.00		
9/8/88	Pioneer Political Action Committee 900 Fort Street Mall Honolulu, Hawaii 96813		$100.00		

EXHIBIT m

17 TOTAL AGGREGATE CONTRIBUTIONS OVER $100 THIS PAGE ..... → 1,350.00
18 TOTAL AGGREGATE CONTRIBUTIONS OVER $100 FROM SUPPORTING SCHEDULE 300.00
19 TOTAL AGGREGATE CONTRIBUTIONS OVER $100 THIS PERIOD (Add Lines 17 & 18) 1,650.00

2404357129 9

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

Friends of Kauai Mayor

NAME OF CANDIDATE, COMMITTEE OR PARTY

Page 1 of 1

DATE (MO., DAY, YR.)	NAME AND ADDRESS OF DONOR	OCCUPATION AND EMPLOYER (IF EMPLOYED)	AMOUNT OF THIS CONTRIBUTION	AMOUNT OF CONTRIBUTIONS TO DATE (CALENDAR YEAR)	AMOUNT OF CONTRIBUTIONS TO DATE (ELECTION PERIOD)
7/31/92	Hilton Inn [illegible] Kapaa Hwy Kapaa 96746	Lawyer			
	[illegible] Kapaa Hwy Kapaa 96746		[illegible]		
	[illegible] Kapaa 96746		[illegible]		
	[illegible] Kapaa 96746		[illegible]		
	[illegible] Kapaa 96746		[illegible]		
	[illegible] Kapaa 96746		[illegible]		
9/1/92	Kauai Bldg of Kapaa Box 1 Kapaa Hwy Kapaa 96746		250		250

EXHIBIT n

	TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE: NON-CONTRIBUTIONS ARE ALSO EXPENDITURES — ON LINE 3
1. SUBTOTAL of Contributions Over $100 This Page			[illegible]
2. TOTAL This Period (last page this line only)			

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STATE OF HAWAII
CAMPAIGN [illegible]DING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY: FRIENDS FOR MARSHALL ICE
45-579 Kaaohale Road
Kaneohe, Hawaii 96744

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCCUPATION OF A MINOR, ENTER NAME OF PARENT	COLUMN 1 AMOUNT OF THIS CASH CONTRIBUTION	COLUMN 2 FAIR MARKET VALUE OF THIS IN-KIND CONTRIBUTION, ENTER DESCRIPTION	NOTE IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED
2/24/94	Weber, Hesterk + Kimura 733 Bishop St. # 2290 Hon. 96813		200.00		200.00
3/10/94	King, Elizabeth 1963 Ekaulana St. Hon. 96819	Businessman	150.00		150.00
3/14/94	Pacific Amusement Co., Ltd. 1063 Ekaulana St. Hon. 96819		125.00		125.00
3/23/94	Alan M Lodge AAL 746 Fort St. #914 Hon. 96813	Attorney	250.00		250.00
3/24/94	Community Planning 700 Bishop St. #409 Hon. 96813		100.00		100.00
3/27/94	West Beach Estates 1350 Kapiolani Blvd Hon. 96814		250.00		250.00
5/24/94	Tokuda Institute 1936 I St Northwest Wash. D.C. 20006		150.00		150.00
4/7/94	Goodsill Anderson Quinn + Stifel AAL P.O. Box 3196 Hon. 96801		150.00		150.00

EXHIBIT 0

	TOTAL COLUMN 1	TOTAL COLUMN 2	
1 SUBTOTAL of Contributions Over $100 This Page			1,475.00
2 TOTAL This Period (last page this line only)			3,825.00

2404357130 1

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY

DATE	NAME AND ADDRESS OF DONOR	OCCUPATION OF DONOR OR NATURE OF PARTY	AMOUNT OF CONTRIBUTION	AMOUNT OF CONTRIBUTION (SECONDARY)	CUMULATIVE TOTAL
3/[illegible]/00	Healthcare Association of Hawaii 932 Ward Ave. Ste. 430 Honolulu, HI 96814		75.00 25.00		200.00
3/2/00	Young Brothers Ltd. P.O. Box 3300 Honolulu, HI 96801		100.00		225.00
3/[illegible]/00	Hawaii Independent Insurance Agents Association [illegible] Fort St., Suite [illegible] Honolulu, HI 96813		100.00		150.00
3/9/00	Pearl Cassidy 900 Fort St. Suite 1450 Honolulu, HI 96813		100.00		200.00
3/23/00	International Savings & Loan Assn. 1111 Bishop St. Honolulu, HI 96813		125.00		225.00
3/23/00	Hawaiian Telephone Co. Employees Good Entertainment Club P.O. Box 3300 Honolulu, HI 96841		125.00		225.00
3/[illegible]/00	West Beach Estates 1585 Kapiolani Blvd. #1430 Honolulu, HI 96814		125.00		275.00
3/[illegible]/00	Pacific Amusement Co. Ltd. 1062 Kilowaena Pl. Honolulu, HI 96819		125.00		375.00
3/[illegible]/00	Kinjo, Kazushi 1062 Kikowaena Pl. Honolulu, HI 96819	Businessman	125.00		125.00
3/7/00	HPA NAIA Psychology Fund P.O. Box 10456 Honolulu, HI 96816		100.00		200.00
4/1/00	Shell Oil Company [illegible] Liliuoka Bldg., Suite 101 Honolulu, HI 96814		75.00		150.00
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1 SUBTOTAL of Contributions Over $100 This Page 1,200.00

2 TOTAL This Period (last page this line only) .....

9404357113002

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

ELECTION YEAR
1988

REPORT OF CAMPAIGN RECEIPTS AND EXPENDITURES

This Report Covers The Period From 9/3/88 thru 9/17/88

SECTION A
NAME AND ADDRESS OF CANDIDATE'S COMMITTEE

NAME [illegible]
ADDRESS
CITY, STATE
BUS. [illegible] RES. 235-4648

THIS REPORT IS A
- The Primary Report
- ☒ Post Primary Report
- Supplementary Report
- Final Termination Report (Balance Must be Reduced to Zero)
- Other

SECTION B — **SUMMARY OF RECEIPTS AND EXPENDITURES**

RECEIPTS		EXPENDITURES	
	100.00		1,436.7
	350.00		
	-		1,436.7
	450.00		10,217.0
	12,645.18		35,699.7
	13,095.18		
	10,248.13		
	23,343.31		47,354.3
		9/17/88, 5,325.2	

SECTION C — **AGGREGATE CONTRIBUTIONS OVER $100**

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCCUPATION OF DONOR	AMOUNT OF THIS CASH CONTRIBUTION	VALUE OF NON-MONETARY CONTRIBUTION	CUMULATIVE TO DATE
9/14/88	Fujiyama Duffy & Fujiyama 1001 Bishop St., Suite 2700 (Pauahi)		100.00		200.0
9/14/88	Minami Group (USA), Inc. 1001 Bishop St., Suite 2700 (Pauahi)		150.00		150.0
9/13/88	Hawaii Association of Realtors RPAC 505 Ward Avenue, 2nd Floor		100.00		250.0

*7	TOTAL AGGREGATE CONTRIBUTIONS OVER $100 THIS PAGE	350.
*8	TOTAL AGGREGATE CONTRIBUTIONS OVER $100 FROM SUPPORTING SCHEDULE	-0-
*9	TOTAL AGGREGATE CONTRIBUTIONS OVER $100 THIS PERIOD (Add Lines 7 & 8)	$350.

9404357113303

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
** CAMPAIGN RECEIPTS AND EXPENDITURES SUMMARY REPORT **
FOR THE PERIOD: 01/01/89 TO 06/30/89 SUPPLEMENTAL

07/28/89
Page 1

CAMPAIGN SPENDING COMMISSION

CANDIDATE NAME: NAME

'89 AUG -2 P1 :08

RECEIVED

ORGANIZATION TYPE: CANDIDATE COMMITEE ELECTION YEAR: 1988
ALIAS: <------(ALPHABETICAL KEY FOR SEARCHING FILES)

CANDIDATE NAME: EZRA R. KANOHO
COMMITTEE NAME: FRIENDS OF EZRA KANOHO
ADDRESS: P.O, BOX 1471
CITY: LIHUE, HI
ZIPCODE: 96766
RESIDENT PHONE: 245-2236
BUSINESS PHONE: 548-8888

OFFICE SOUGHT:
DISTRICT: 50
PARTY AFFILIATION: (D)

SECTION B. SUMMARY OF CANDIDATE RECEIPTS & EXPENDITURES.

1.	CONTRIBUTIONS OF $100.00 OR LESS	4875.00
2.	CONTRIBUTIONS AGGREGATING OVER $100.00	4550.00
3.	OTHER RECEIPTS	1096.75
4.	TOTAL CONTRIBUTIONS THIS PERIOD	10521.75
5.	TOTAL CONTRIBUTIONS FROM PRIOR REPORT ..... (Sec. B Line 6 of Prior Report)	104643.85
6.	TOTAL CONTRIBUTIONS TO DATE	115165.60
7.	BALANCE ON OUTSTANDING LOANS AND POLITICAL EXPENDITURES OF PERSONAL FUNDS	6773.40
8.	TOTAL RECEIPTS TO DATE	121939.00
10.	EXPENDITURES	685.50
11.	FUNDRAISING EXPENDITURES	3826.98
12.	TOTAL EXPENDITURES THIS PERIOD	4512.48
13.	TOTAL EXPENDITURES FROM PRIOR REPORT ..... (Sec. B Line 14 of Prior Report)	79938.58
14.	TOTAL EXPENDITURES TO DATE	84451.06
	(Line 6 minus Line 14 is Positive) *SURPLUS	30714.54
	ACTUAL CASH (BANK) BALANCE AS OF 06/30/89	37487.94

Ezra R Kanoho 7-31-89 — 7/28/89

CANDIDATE SIGNATURE | DATE | CAMPAIGN TREASURER SIGNATURE | DATE

EXHIBIT P

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
** REPORT OF CONTRIBUTIONS OVER $100.00 **

CANDIDATE NAME: EZRA R. KANOHO

DATE	CONTRIBUTOR NAME & ADDRESS	AMOUNT	CASH(Y/N)	DESCRIPTION
09/21/88	BROWN & WILLIAMSON TOBACCO P.O. BOX 35090 LOUISVILLE, KY 40232	200.00	Y	
09/21/88	BUILD-PAC HAWAII P.O. BOX 17659 HONOLULU, HI 96817	250.00	Y	
09/21/88	COMMERCIAL SHEETMETAL CO. 94-142 LEOLEO ST. WAIPAHU, HI 96797	200.00	Y	
09/21/88	CONSTRUCTION INDUSTRY LEG. OR.	100.00	Y	
09/21/88	2828 PAA ST., #2150 HONOLULU, HI 96819	600.00	Y	
10/20/88	ELLIS, WAYNE R P.O. BOX 1749 LIHUE, HI 96766	114.00	Y	
09/21/88	FRIENDS OF LARRY ISEMOTO - 357 WAIANUENUE AVE. HILO, HI 96720	500.00	Y	
10/20/88	GROVE FARM PROPERTIES INC PUHI RURAL STATION LIHUE, HI 96766	150.00	Y	
09/21/88	HASEGAWA KOMUTEN (HAWAII) INC	500.00	Y	
10/24/88	820 MILILANI STREET, SUITE 820 HONOLULU, HI 96813	300.00	Y	
09/21/88	HAWAII ASSOC OF REALTORS PAC	500.00	Y	
10/20/88	505 WARD AVENUE, 2ND FLOOR HONOLULU, HI 96814	120.00	Y	
09/21/88	HAWAII INSURERS COUNCIL PAC 1001 BISHOP ST., SUITE 1160 HONOLULU, HI 96813	1800.00	Y	
10/20/88	HAWAII ISLAND CHAMBER PAC 180 KINOOLE STREET #118 HILO, HI 96720	250.00	Y	
09/21/88	HAWAII ISLAND CONTRACTORS' 4940 KALANIKOA ST. HILO, HI 96720	1000.00	Y	

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
** REPORT OF CONTRIBUTIONS OVER $100.00 **

07/28/89
Page 2

CANDIDATE NAME: NAME

DATE	CONTRIBUTOR NAME & ADDRESS	AMOUNT	CASH(Y/N)	DESCRIPTION	
02/27/89	MORRIS, GEORGE A. 45-302 PUULOKO PLACE KANEOHE, HI 96744	250.00	Y		
02/27/89	NIU CONSTRUCTION INC PO BOX 1525 LIHUE, HI 96766	250.00	Y	BBF	150.00 400.00
02/27/89	PACIFIC RESOURCES PAC PO BOX 3379 HONOLULU, HI 96842	150.00	Y	BBF	60.00 210.00
02/22/89	PUBLIC AFFAIRS CONSULTANTS 711 KEEAUMOKU STREET #10 HONOLULU, HI 96814	50.00	Y	BBF	75.00 125.00
06/30/89	SMITHS TROPICAL PARADISE 174 WAILUA ROAD KAPAA, HI 96746	300.00	N	DONATION OF FACILITY RENTA F/R 7/8/89	
03/17/89	U H PROFESSIONAL ASSEMBLY PAC 1649 KALAKAUA AVE HONOLULU, HI 96826	150.00	Y		

TOTAL CASH CONTRIBUTIONS:	4250.00
TOTAL NON-CASH CONTRIBUTIONS:	300.00
TOTAL CONTRIBUTIONS:	4550.00

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CANDIDATE NAME: EZRA R. KANOHO

DATE	CONTRIBUTOR NAME & ADDRESS	AMOUNT	CASH(Y/N)	DESCRIPTION
06/07/88	GENT LEE FISHING	60.00	N	FISH
06/25/88		120.00	N	FISH
	LIHUE, HI 96766			
01/26/87	GROVE FARM COMPANY	100.00	Y	
03/11/87	P.O. BOX 2069	100.00	Y	
12/22/87	LIHUE, HI 96766	100.00	Y	
07/11/88		100.00	Y	
01/26/87	GROVE FARM LAND CORPORATION	100.00	Y	
12/22/87	P.O. BOX 2069	100.00	Y	
07/11/88	LIHUE, HI 96766	100.00	Y	
01/26/87	GROVE FARM PROPERTIES INC.	100.00	Y	
12/22/87	P.O. BOX 2069	100.00	Y	
07/11/88	LIHUE, HI 96766	100.00	Y	
01/26/87	GROVE FARM ROCK CO., INC.	100.00	Y	
07/11/88	P.O. BOX 2069	100.00	Y	
	LIHUE, HI 96766			
02/25/87	HALE KAUAI, LTD	100.00	Y	
11/13/87	P.O. BOX 1749	100.00	Y	
03/31/88	LIHUE, HI 96766	100.00	Y	
07/25/88		250.00	Y	
08/26/88	HAMADA, RICHARD	250.00	N	ENTERTAINMENT-STARLIGHTERS
01/26/87	HAMANO,JOHN & ELFRIEDA A.	100.00	Y	
11/19/87	P.O. BOX 89	40.00	Y	
06/26/88	LAWAI, HI 96765	5.00	N	RICE
08/17/88		15.00	N	RICE
05/27/88	HANRAHAN, CECELIA CATHERINE	500.00	Y	
	1910 ALA MOANA, NO. 30C			
	HONOLULU, HI 96815			
04/03/87	HASEGAWA KOMUTEN (USA) INC.	500.00	Y	
05/18/88	820 MILILANI ST., SUITE 820	500.00	Y	
	HONOLULU, HI 96813			
11/19/87	HAWAII ASSOCIATION OF REALTORS	40.00	Y	
05/23/88	505 WARD AVENUE, 2ND FLOOR	100.00	Y	
06/20/88	HONOLULU, HI 96814	100.00	Y	

CANDIDATE NAME: EZRA R. KANOHO

DATE	CONTRIBUTOR NAME & ADDRESS	AMOUNT	CASH(Y/N)	DESCRIPTION
08/23/88	STAR SUPERMARKET P.O. BOX 2367 HONOLULU, HI 96804	150.00	Y	
11/19/87	SWAIN, WILLIAM DBA HAWAIIAN Z-	100.00	Y	
06/23/88	P.O. BOX 3013 PRINCEVILLE, HI 96722	200.00	Y	
04/10/87	TAKENOUCHI, ELLA & KANOHO, CAR	50.00	Y	
05/18/88	912 - 11TH AVE. HONOLULU, HI 96816	75.00	Y	
05/07/87	TANAKA, MARK	100.00	Y	
06/26/88		10.00	N	BEER
05/18/88	THE WESTIN KAUAI KALAPAKI BEACH LIHUE, HI 96766	250.00	Y	
05/07/87	TOKITA, TURK T & EMIT S	100.00	Y	
07/26/88	2794 PIKAKE STREET LIHUE, HI 96766	10.50	N	PASTRY & SODA
05/07/87	TOMITA, FLORENCE	40.00	Y	
05/07/87	4391 LAWEHANA ST.	95.00	N	LEIS
06/07/88	LIHUE, HI 96766	12.00	N	SODA & BEER
07/25/88		20.00	N	MIRROR & BOWLS-LUCKY NUMBE
08/22/88		9.00	N	TELESCOPES ETC-LUCKY DRAWI
01/26/87	TOYAMA, HIDEO & JODY	50.00	Y	
06/26/88	P.O. BOX 2272	100.00	Y	
08/31/88	PUHI, HI 96766	10.00	N	SANDWICHES
07/25/88		5.00	N	T SHIRTS-LUCKY NUMBER
01/15/88	VALERON, CESAR A JR.	130.00	Y	
07/25/88	P.O. BOX 1528 LIHUE, HI 96766	45.00	Y	
06/25/88	WIGEN, B	200.00	Y	
08/23/88	YOUNG BROTHERS LIMITED P.O. BOX 3288 HONOLULU, HI 96801	150.00	Y	

NAME OF CANDIDATE, COMMITTEE OR PARTY
Filing by Deposit [illegible]

DATE RECEIVED	NAME AND ADDRESS OF DONOR	COLUMN 1	COLUMN 2	AMOUNT
5/17/88	Japan Travel Bureau International, Inc. 2270 Kalakaua Ave. Honolulu, HI 96815			$250.00
5/2/88	William I. Kikuta, Contractor P. O. Box 173 Wailuku, HI 96793			$250.00
5/1/88	Kenneth F. Brown 220 S. King St., Suite 1212 Honolulu, HI 96813			$250.00
5/1/88	Park Development, Inc. 1165 Waimalu Ave., #200 Honolulu, HI 96814			$250.00
5/1/88	C. Brewer & Co. Ltd. P. O. Box 1436 Honolulu, HI 96805			$250.00
5/1/88	A & B HIPAC P. O. Box 3440 Honolulu, HI 96801		$200.00	$200.00
5/1/88	First Hawaiian Bank P. O. Box 3200 Honolulu, HI 96847		$250.00	$250.00
5/1/88	Fisher Printing P. O. Box 1635 Honolulu, HI 96806		$250.00	$250.00
5/1/88	Hawaii Consumer Finance PAC 1136 Union Mall, Rm. 410 Honolulu, HI 96813		$150.00	$150.00
5/1/88	HPAC of Hawaii 505 Ward Ave. Honolulu, HI 96814		$150.00	$150.00
5/1/88	Amfac Hawaii Inc. P. O. Box 3230 Honolulu, HI 96801		$150.00	$150.00
			TOTAL COLUMN 1	TOTAL COLUMN 2

EXHIBIT 9

NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1. SUBTOTAL of Contributions Over $100 This Page $2,400.00
2. TOTAL This Period (last page this line only) .....

9404357131309

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

Danny Kihano Campaign Comm.
PO 314
Waipahu, Hawaii 96797

NAME OF CANDIDATE, COMMITTEE OR PARTY

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCCUPATION OF A MINOR ENTER NAME OF PARENT	(COLUMN 1) AMOUNT OF THIS CASH CONTRIBUTION	(COLUMN 2) VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	(COLUMN 3) CUMULATIVE TOTAL FROM DONOR
	Dollar Rent A Car 1600 - Kapiolani Blvd. Honolulu, Hawaii 96814		200		
	Elevator Constructors, Local 126 707 Alakea St. Rm314 Honolulu, Hawaii 96813		150		
	FIN: State County Pac Fr2000 Honolulu, Hi 96805		250		
	Richard Furiwara 98-1673 Apala Lp. Aiea, Hawaii 96701		100		
	Fukunaga & Associates, Inc. 1188 Kapiolani Blvd. Honolulu, Hawaii 96814		250		
	GEM Political Action Comm. 1199 Dillingham Blvd. Honolulu, Hawaii 96817		1000		
	George Dean Studios, Inc. 94-268 Waipahu Depot St. Waipahu, Hawaii 96797		300		
	GMP Associates 841 Davies Pacific Center Hon. Hi 96813		150		
	John Grinnon 700 Richards #1506 Honolulu, Hawaii 96813		500		
	Hawaii Association of Realtors 505 Ward Ave., 2nd floor Honolulu, Hi 96814		250		
	Hawaii Chiropractical Action Committee 377 Keahole Honolulu, Hawaii 96825		250		
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

EXHIBIT R

1. SUBTOTAL of Contributions Over $100 This Page 3800.00
2. TOTAL This Period (last page this line only) .....

9404357131 0

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

Danny Kihano Campaign Comm.
PO 314
Waipahu, Hawaii 96797

NAME OF CANDIDATE, COMMITTEE OR PARTY

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCCUPATION OF A MINOR ENTER NAME OF PARENT	COLUMN 1 AMOUNT OF THIS EACH CONTRIBUTION	COLUMN 2 VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	COLUMN 3 ACCUMULATIVE TOTAL TO DATE
	Jon Uchiyama 94-723 Kamalo Waipahu, HI 96797		500		
	United Public Workers 1426 School Hon. HI 96817		250		
	Waiteo Development Inc. 828 Fort Hon. HI 96813		1000		
	Ronald Watase 209 N King Hon. HI 96817		500		
	West Beach Estates 1585 Kapiolani Blvd. Hon. HI 96814		400		
	West Maui Taxpayers Assn. PO 10338 Lahaina, HI 96761		250		
	American Hawaii Cruises 550 Kearny San Francisco, CA 94108			500	2500
		TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED	

1. SUBTOTAL of Contributions Over $100 This Page 1650.00
2. TOTAL This Period (last page this line only) 26,990.00

2404357131 1

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

ELECTION YEAR

REPORT OF CAMPAIGN RECEIPTS AND EXPENDITURES

This Report Covers The Period From 1/1/89 thru 6/30/89

'89 JUL 20 P1:30

RECEIVED

SECTION A
NAME AND ADDRESS OF CANDIDATE'S COMMITTEE

NAME: Friends of Joe Lenox
ADDRESS: P.O. Box 396
CITY, STATE: Lahaina, HI 96712
PHONE: 661-1431 BUS: 537-9056

This Report is: ☒ Supplemental Report

SECTION B SUMMARY OF RECEIPTS AND EXPENDITURES

RECEIPTS		EXPENDITURES	
	$ 6,133.29		5,733.4
	1,400.00		334.2
	7,533.29		6,067.6
	11,703.71		15,373.4
	19,237.00		21,441.1
		6/30/89	15,373.9

SECTION C AGGREGATE CONTRIBUTIONS OVER $100

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCCUPATION OF DONOR	EMPLOYER OF DONOR	AMOUNT
3/31/89	Hokuleia Land Company 88-540 Farrington Highway Waianae, Hawaii 96792			250
6/2/89	AMFAC/JHB Hawaii, Inc 700 Bishop St., Honolulu, HI 96801			150
#27 6/4/89	C. Brewer & Company, Ltd. 827 Fort Street Honolulu, Hawaii			200
6/13/89	Norman T. Kwon 2212 Nahinley Street Honolulu, HI 96822			250
6/13/89	Engineering Concepts, Inc. 250 Ward Avenue, Suite 206 Honolulu, Hawaii 96814			250
6/21/89	Waialua Sugar Company, Inc Waialua, Hawaii 96791			300

EXHIBIT S

17. TOTAL AGGREGATE CONTRIBUTIONS OVER $100 THIS PAGE → $1,400.
18. TOTAL AGGREGATE CONTRIBUTIONS OVER $100 FROM SUPPORTING SCHEDULE
19. TOTAL AGGREGATE CONTRIBUTIONS OVER $100 THIS PERIOD (Add Lines 17 & 18) $1,400.

2 4 0 4 3 5 7 1 3 1 2

STATE OF HAWAII
CAMPAIGN SPENDING COMMIS

ELECTION YEAR
1988

REPORT OF CAMPAIGN RECEIPTS AND EXPENDITURES

This Report Covers the Period From 1/1/88 thru 8/2/88

SECTION A
NAME AND ADDRESS OF CANDIDATE'S COMMITTEE

NAME Friends of Joe Leong
ADDRESS P.O. Box 396
City State Waipahu, Hawaii 96797
BUS. 843-1431 RES 637-9056
Treasurer's Telephone

THIS REPORT IS A
☒ Pre-Primary Report — Pre-General Report
Post-Primary Report — Post-General Report
Supplemental Report — Amended Report
Final Termination Report — Other
Balance Must be Reduced to Zero

SECTION B — **SUMMARY OF RECEIPTS AND EXPENDITURES**
Fill Out Sections C, D & E Below Section B

RECEIPTS		EXPENDITURES	
	8,285.00		4,187.13
	3,157.50		457.43
			1,343.16
	11,935.00		13,445.79
	23,493.12		818,290.21
	15,634.62		
	635,513.12		16,782.37

SECTION C — **AGGREGATE CONTRIBUTIONS OVER $100**

DATE RECEIVED	NAME AND ADDRESS OF DONOR	DESCRIPTION IF OTHER	AMOUNT OF THIS CONTRIBUTION	VALUE OF THIS NON-MONETARY CONTRIBUTION	CUMULATIVE TOTAL TO DATE
4/27/88	Castle & Cooke, Inc. 650 Iwilei Road Honolulu, Hawaii 96817		150.00		150.00
5/11/88	Laborer's International Union of North Americia, Local 368, AFL-CIO 1617 Palama St., Honolulu, Hi. 96817-3097		125.00		125.00
5/13/88	Sankyo Tsushin Co., Ltd. dba Nokuleia Land Company 68-540 Farrington Hwy. Waialua, Hi. 96791		2,000.00		2,000.00
5/25/88	C. Brewer and Company, Ltd. P.O. Box 1826 Honolulu, Hawaii 96805		150.00		150.00
6/7/88	Waialua Sugar Company, Inc. P.O. Box 645 Waialua, Hawaii 96791		125.00		125.00
6/7/88	Ohbayashi Hawaii Corporation 1001 Bishop Street, Suite 2680 Honolulu, Hawaii 96813		500.00		500.00
7/13/88	WDC Venture Suite 200, Halo Building International Market Place, Kon., Hi. 96815		250.00		250.00
8/5/88	Amfac Hawaii, Inc. P.O. Box 3230 Honolulu, Hawaii 96801		200.00		200.00

17 TOTAL AGGREGATE CONTRIBUTIONS OVER $100 THIS PAGE 3,300.00
18 TOTAL AGGREGATE CONTRIBUTIONS OVER $100 FROM SUPPORTING SCHEDULE 250.00
19 TOTAL AGGREGATE CONTRIBUTIONS OVER $100 THIS PERIOD (Add Lines 17 & 18) 3,750.00

9404357131313

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY: Friends of Tom Okamura

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCCUPATION OF A MINOR ENTER NAME OF PARENT	COLUMN 1 AMOUNT OF THIS CASH CONTRIBUTION	COLUMN 2 VALUE OF THIS IN KIND CONTRIBUTION DESCRIPTION	COLUMN 3 ACCUMULATIVE TOTAL THIS DONOR
05/17	Iwane and Yacko Kihara 99-510 Alipoe Drive Aiea 96701	professor/ teacher	150.00		150.00
05/17	Fisher Printing Co., Inc. P. O. Box 1655 Honolulu 96806		500.00		500.00
05/17	American Trust Co. of Hawaii 841 Bishop Street, Ste 2207 Honolulu 96813		500.00		500.00
05/17	HI Convention Park Council, Inc. 1001 Bishop Street, Ste 700 Honolulu 96813		200.00		200.00
05/17	Elevator Constructors Local 126 PAC 707 Kinau Street, Rm 310 Honolulu 96813		200.00		200.00
05/17	Foremost Dairies - Hawaii P. O. Box 1452 Honolulu 96805-7814		200.00		200.00
05/17	Hawn Life Insurance Co. P. O. Box 3140 Honolulu 96802		150.00		150.00
05/17	Sandwich Isle Tree Care, Inc. P. O. Box 686 Aiea 96701		200.00		200.00
05/20	Robert Ko 1500 Waialae Avenue #6038 Honolulu 96816	businessman	200.00		200.00
05/20	Hawn Tel Employees Good Govt Club P. O. Box 2200 Honolulu 96841		500.00		500.00
05/20	Hospital Business Management, 2405 Kalanianaole Avenue #7 Hilo 96720	Inc.	250.00		250.00
			TOTAL COLUMN 1 2,850.00	TOTAL COLUMN 2	NOTE IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USE

EXHIBIT I

1 SUBTOTAL of Contributions Over $100 This Page 2,850.00

2 TOTAL This Period (last page this line only) .....

2404357131 4

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY: Friends of Tom Okamura

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCCUPATION OF A MINOR ENTER NAME OF PARENT	COLUMN 1 AMOUNT OF THIS CONTRIBUTION	COLUMN 2 AMOUNT OF THIS CONTRIBUTION IF IN KIND ENTER DESCRIPTION	COLUMN 3 AGGREGATE TO DATE FOR CALENDAR YEAR
05/26	Clayton Chang 230 Ward Avenue, Ste 200 Honolulu 96814	business woman	200.00		200.00
05/26	Millicent Kim Kuuki Road RD Hilo 96720	consultant	200.00		200.00
05/26	Kenichi & Hanako Okamura [illegible] Palai Street Hilo 96720	retired	250.00		250.00
05/26	Ken & Karen Tatsuno 1142 Manokalanu Street Honolulu 96821	[illegible] editor	500.00		500.00
05/26	Waiola Enterprises 2222 Kalakaua Avenue, Ste 1600 Honolulu 96815	hotel manager	250.00		250.00
05/26	1200 Hawaii Inc. 655 Atkinson Drive Honolulu 96814		250.00		250.00
05/26	Crazy Shirts, Inc. 99-969 Iwaena Street Aiea 96701		200.00		200.00
05/26	Pan Hawaii, Inc. 1111 Akahi Street Honolulu 96819		300.00		300.00
05/26	HERD 2840 Nakamua Street Honolulu 96819		200.00		200.00
05/26	Pineapple Growers Committee 1150 S. King Street, Ste 901 Honolulu 96814		140.00		140.00
05/27	Maurice Sullivan P. O. Box 22837 Honolulu 96822	business man	200.00		200.00
			TOTAL COLUMN 1 2,490.00	TOTAL COLUMN 2	NOTE IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1 SUBTOTAL of Contributions Over $100 This Page 2,490.00

2 TOTAL This Period (last page this line only) .....

2404357131S

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY: Friends of Tom Okamura

DATE RECEIVED	NAME AND ADDRESS OF DONOR	DESIGNATION (IF A MEMBER OF PARTY)	COLUMN 1 AMOUNT OF THIS CONTRIBUTION	COLUMN 2 VALUE OF THIS IN-KIND CONTRIBUTION DESCRIPTION	AGGREGATE TO DATE FOR CALENDAR YEAR
05/27	Bank of Hawaii SPIA P. O. Box 2900 Honolulu 96846		1,000.00		1,000.00
05/27	Castle & Cooke, Inc. P. O. Box 3580 Honolulu 96811		250.00		250.00
05/27	Eagle Distributors, Inc. 99-877 Iwaena Street Aiea 96701		200.00		200.00
05/27	Mutual Hawaii, Inc. P. O. Box 3230 Honolulu 96801		200.00		200.00
05/27	Pacific Resources INC P. O. Box 3379 Honolulu 96842		500.00		500.00
05/27	Sunset Produce, Inc. 651 Iliale Street Honolulu 96813		500.00		500.00
05/27	WFNC, Inc. 99-440 B Kemoridge Place Aiea 96701		300.00		300.00
06/01	Herbert & Jean Cornuelle 3711 Puka Place Honolulu 96816	trustee	200.00		200.00
06/07	Kenneth Brown 220 S. King Street, Ste 1212 Honolulu 96813	businessman	250.00		250.00
06/07	Ezra, O'Connor, Nunn & Tam 220 S. King Street, 20th Fl Honolulu 96813		300.00		300.00
06/08	Carol Matsunaga 1946 Young Street, Ste 380 Honolulu 96826	realtor	200.00		200.00
			TOTAL COLUMN 1 3,800.00	TOTAL COLUMN 2	NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

2 SUBTOTAL of Contributions Over $100 This Page 3,800.00

3 TOTAL This Period (last page this line only) .....

2404357131316

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

Page 11 of 11

NAME OF CANDIDATE, COMMITTEE OR PARTY: Friends of Tom Okamura

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCCUPATION IF AN INDIVIDUAL; PRINCIPAL BUSINESS OF EMPLOYER	COLUMN 1 AMOUNT OF THIS CONTRIBUTION	COLUMN 2 VALUE OF THIS IN-KIND CONTRIBUTION (ATTACH EXPLANATION)	COLUMN 3 TOTAL CONTRIBUTIONS TO DATE
07/ 31	Kuilima Estates 1345 Kapiolani Blvd, Ste 1150 Honolulu 96814		500.00		500.00
08/ 24	Robert Matsushita 1580 Makaloa Street, Ste 550 Honolulu 96814	businessman	100.00		100.00
08/ 24	Herbert Matsumura 677 Kapiolani Blvd, Rm 2 Honolulu 96813	businessman	250.00		250.00
08/ 24	Calvin Kim 755 Kaolani Street Honolulu 96821	businessman	250.00		250.00
08/ 24	Dennis Murata 91-501 A Oneloa Street Ewa 96706	businessman	150.00		150.00
08/ 24	Phyllis Ng Mee 1601 Kewalo Street Honolulu 96817	businesswoman	250.00		250.00
08/ 24	Lillian Nakagawa 98-1817 Kuilawai Street Aiea 96701	businesswoman	200.00		200.00
08/ 24	Jerry Nakagawa 98-1817 Kuilawai Street Aiea 96701	businessman	150.00		150.00
08/24	Belt, Collins & Associates 680 Ala Moana Blvd, Ste 200 Honolulu 96813		1,000.00		1,000.00
08/24	Design Partners, Inc. 1251 D King Street Honolulu 96814		500.00		500.00
08/24	Albert C. Kobayashi, Inc. 94-535 Ukee Street Waipahu 96797		500.00		500.00
			TOTAL COLUMN 1 4,150.00	TOTAL COLUMN 2	NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USE

1 SUBTOTAL of Contributions Over $100 This Page 4,150.00

2 TOTAL This Period (last page this line only) .....

2404357131317

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY Friends of Paul T. Cahill

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCCUPATION OF A MAJOR SHAREHOLDER OF PARENT	COLUMN 1 AMOUNT OF THIS CASH CONTRIBUTION	COLUMN 2 AMOUNT OF THIS IN-KIND CONTRIBUTION (ITEMIZE)	COLUMN 3 AGGREGATE TOTAL TO DATE
2/21/89	Honolulu Land Use PAC #8-139 Punahu Street Honolulu, Hawaii 96707		$250.00		$250.00
2/27/89	State of Hawaii, Inc. P.O. Box 29422 Honolulu, Hawaii 96820		$250.00		$250.00
2/27/89	The Legislative Center [illegible] Ala Moana Blvd. #879 Honolulu, Hawaii 96813		$200.00		$200.00
3/22/89	[illegible] Systems, Inc. [illegible] Castle Street Honolulu, Hawaii 96813		$125.00		$125.00
3/22/89	United Airlines United Airlines Terminal Box 27 Honolulu, Hawaii 96819		$222.00		$222.00
3/1/89	University of Hawaii Professional Assembly PAC 1240 Waialae Avenue Honolulu, Hawaii 96816		$150.00		$150.00
3/15/89	Kuhio Beach Estates 1543 Kapiolani Blvd. Suite 1430 Honolulu, Hawaii 96814		$250.00		$250.00
3/14/89	West Maui Taxpayers Association, Inc. P.O. Box 10338 Lahaina, Maui, Hawaii 96761		$250.00		$250.00
3/14/89	Wilson Okamoto and Associates, Inc. P.O. Box 3530 Honolulu, Hawaii 96811		$250.00		$250.00
3/10/89	International Savings 1113 Bishop Street Honolulu, Hawaii 96813		$100.00		$100.00

EXHIBIT 4

	TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED
1. SUBTOTAL of Contributions Over $100 This Page			$ 2,115.00
2. TOTAL This Period (last page this line only)			$ 11,115.00

2404357131 8

STATE OF HAWAII
CAMPAIGN SPENDING COMMI[illegible]N

AGGREGATE [illegible]TRIBUTIONS OVER $100

Page [illegible] of [illegible]

NAME OF CANDIDATE, COMMITTEE OR PARTY [illegible]

DATE	NAME AND ADDRESS OF CONTRIBUTOR	COLUMN 1	COLUMN 2	TOTAL
[illegible]	[illegible]		$ 75.00	$[illegible]
[illegible]	[illegible]		$150.00	$[illegible]
[illegible]	[illegible]		$ 50.00	$[illegible]
[illegible]	[illegible]		[illegible]	$[illegible]
[illegible]	[illegible]		[illegible]	$[illegible]
[illegible]	[illegible]		$ 50.00	$[illegible]
[illegible]	[illegible]		$250.00	$250.00
1/6/88	[illegible] P.O. Box 522 [illegible], Hawaii 96721		$100.00	$100.00
1/21/88	[illegible]-Chevron Commercial [illegible] South King Street, Suite 901 [illegible], Hawaii 96814		$ 80.00	$180.00
1/27/88	[illegible] of Hawaii, Inc. P.O. Box 29420 [illegible], Hawaii 96820		$250.00	$250.00
1/27/88	Hawaii Auto Dealers PAC P.O. Box 560 Kailua, Hawaii 96734		$500.00	$500.00
		TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE: IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN US

SUBTOTAL of Contributions Over $100 This Page $1,905.00

TOTAL This Period (last page this line only) .....

2404357131 9

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSI

ELECTION YEAR
1988

REPORT OF CAMPAIGN RECEIPTS AND EXPENDITURES

This Report Covers The Period From 1-1-88 thru 9-2-88

SECTION A
NAME AND ADDRESS OF CANDIDATE'S COMMITTEE

NAME Friends of Henry Peters
ADDRESS 87-641 Farrington Highway
CITY, STATE Waianae, HI 96792
BUS 548-8422 RES 668-2211

This REPORT IS A:
- [x] The Primary Report
- [ ] First Primary Report
- [ ] Supplementary Report
- [ ] Final Termination Report
  Balance Must be Reduced to Zero
- [ ] Other

SECTION B — **SUMMARY OF RECEIPTS AND EXPENDITURES**

RECEIPTS		EXPENDITURES	
	$ 3,150.00		$ 1,117.61
	16,125.00		1,117.61
	621,775.00		
	3,784.97		
	$18,059.97		$ 1,117.61

As of 9-2-88

SECTION C — **AGGREGATE CONTRIBUTIONS OVER $100**

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCCUPATION & EMPLOYER	AMOUNT OF THIS ITEMIZED CONTRIBUTION	VALUE OF THIS NON-MONETARY CONTRIBUTION	CUMULATIVE TOTAL TO DATE
6-15-88	William Hee 1020 Auahi St., #6 Honolulu, HI 96814		$ 250.00		
6-15-88	Jerry S. Nakagawa 1020 Auahi St., #6 Honolulu, HI 96814		$ 250.00		
6-15-88	CBH Political Action Committee 1199 Dillingham Blvd. Honolulu, HI 96817		$ 250.00		
6-15-88	Morita Corp. 2024 No. King St., Room 209 Honolulu, HI 96819		$ 250.00		
6-15-88	Ms. DDR Hee Murabayashi 1188 Bishop St. Honolulu, HI 96813		$ 250.00		
6-15-88	Panda Travel, Inc. 1017 Kapahulu Ave., 2nd Floor Honolulu, HI		$ 250.00		
6-15-88S	Bancontrol - First Hawaiian Bank P.O. Box 3200 Honolulu, HI 96847		$ 250.00		
	Robert's Tours & Transportation, Inc. 444 Hobron Lane, 5th Floor Honolulu, HI 96815		$ 500.00		

EXHIBIT V

17	TOTAL AGGREGATE CONTRIBUTIONS OVER $100 THIS PAGE	$2,250.0
18	TOTAL AGGREGATE CONTRIBUTIONS OVER $100 FROM SUPPORTING SCHEDULE	14,175.0
19	TOTAL AGGREGATE CONTRIBUTIONS OVER $100 THIS PERIOD (Add Lines 17 & 18)	16,425.0

9404357 1320

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY: Friends of Henry Peters

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCCUPATION OF A MINOR ENTER NAME OF PARENT	COLUMN 1 AMOUNT OF THIS CASH CONTRIBUTION	COLUMN 2 AMOUNT OF THIS IN-KIND CONTRIBUTION DESCRIPTION	NOTE IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED
4-22	Long & Melone, Ltd. 333 Queen St., Suite 500 Honolulu, HI 96813		$ 250.00		
	M/M Raymond Iwamoto 7535 Nakalele St. Honolulu, HI 96825		$ 250.00		
	Mr. Steven Sofos 910 Richards St., Suite 800 Honolulu, HI 96813		$ 250.00		
	Mr. Jon R. Johnson P.O. Box 29829 Honolulu, HI		$ 250.00		
	Mr. Roy Doumani 4 Navel St. Marina Del Rey, CA 90292		$ 250.00		
	Robert M. Kaya Builders, INC. 525 Kokea St., Bldg. B-8 Honolulu, HI 96817		$ 250.00		
	KC (Hawaii) Corp. 1585 Kapiolani Blvd., No. 1404 Honolulu, HI 96814		$ 500.00		
	TSA International, Ltd. 1585 Kapiolani Blvd., Suite 1330 Honolulu, HI 96814		$ 500.00		
5-3-88	Hawaii Dental Political Action 903 Kamehameha Hwy., Suite 401 Honolulu, HI 96782		$ 250.00		
4-25-88	Mr. Edwin Shirose, Realtor Century Square, Suite 1207 1188 Bishop St. Honolulu, HI 96813		$ 150.00		
	Mr. Ray Fukumoto 3489 Manoa Rd. Honolulu, HI 96822		$ 250.00		
			TOTAL COLUMN 1	TOTAL COLUMN 2	

1 SUBTOTAL of Contributions Over $100 This Page ..... $ 3,150.00

2 TOTAL This Period (last page this line only) .....

940435713321

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCCUPATION (IF A MINOR ENTER NAME OF PARENT)	COLUMN 1 AMOUNT OF THIS PERIOD CONTRIBUTION	COLUMN 2 VALUE OF IN-KIND CONTRIBUTION DESCRIPTION	COLUMN 3 ACCUMULATIVE TOTAL CALENDAR YEAR
4-29-88	H/M Dan Carroll 1669 Kilihau St. Honolulu, HI 96819		$ 250.00		
	H/M Dwight Inouye 5250 Apo Drive Honolulu, HI 96821		$ 250.00		
	A & B HIPAC P.O. Box 3440 Honolulu, HI 96801		$ 250.00		
	Hawaii Milk Marketing Coop. PAC P.O. Box ?,? Waianae, HI 96792		$ 250.00		
	CBI Management Fund P.O. Box 90159 Honolulu, HI 96835		$ 250.00		
	G.K.C. Corporation 1520 Liliha Street, Suite 707 Honolulu, HI 96817		$ 250.00		
	Dai'ei (USA), Inc. 901 Kaheka Street Honolulu, HI 96814		$ 250.00		
	Mr. Michael A. Pietsch 2010 Kaiki Place Honolulu, HI 96822		$ 250.00		
	Mr. James Kimpau 1154 Fort St., Rm. 315 Honolulu, HI 96813		$ 250.00		
	HOTPAC P.O. Box 30164 Honolulu, HI 96820		$ 250.00		
	Ernst & Whinney 2400 Pauahi Tower 1001 Bishop St. Honolulu, HI 96813		$ 250.00		
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE: IN-KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED

1 SUBTOTAL of Contributions Over $100 This Page ..... $ 2,750.00

2 TOTAL This Period (last page this one only) .....

2 4 0 4 3 5 7 1 3 2 2

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY

DATE RECEIVED	NAME AND ADDRESS OF DONOR	OCCUPATION OF PERSON OR NAME OF PARENT	COLUMN 1 AMOUNT OF THIS CONTRIBUTION	COLUMN 2 AMOUNT OF THIS CONTRIBUTION DESIGNATION	NOTE: IN KIND CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN USED
5-20-88	Melvin Izumi 1717 Akahi St. Honolulu, HI 96819		$ 250.00		
	Kazuo Totoki, Ltd. 715 So. King Street, Rm. 400 Honolulu, HI 96813		$ 250.00		
	Appraisal Resource 620 Dillingham Blvd. Honolulu, HI 96817		$ 250.00		
5-6-88	C. Brewer and Company, Ltd. P.O. Box 1826 Honolulu, HI 96805		$ 250.00		
	Kaupuleku Developments 2828 Paa Street Honolulu, HI 96819		$1,000.00		
6-1-88	Honolulu Disposal Service P.O. Box 6361 Honolulu, HI 96818		$ 150.00		
	Hawaii Protective Assn. Ltd. 1290-A Nuuanu St. Honolulu, HI 96817		$ 250.00		
	International Savings & Loan 1111 Bishop St. Honolulu, HI 96813		$ 250.00		
6/?-88	Mercao Takahuki 850 Richards St., Suite 500 Honolulu, HI 96813		$ 500.00		
6-8-88	West Beach Estates 1585 Kapiolani Blvd., Suite 1430 Honolulu, HI 96814		$1,500.00		
	Outrigger Hotels Hawaii Executive Offices 2375 Kuhio Ave. Honolulu, HI 96815		$ 250.00		
			TOTAL COLUMN 1	TOTAL COLUMN 2	

1. SUBTOTAL of Contributions Over $100 This Page $4,900.00

2. TOTAL This Period (last page this line only) .....

9404357113223

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY PRESIDENT RON PAUL

Date Received	Name and Address of Donor	Occupation & Principal Place of Business	Column 1	Column 2	Total
5/4/88	Mr & Mrs. Carl E. Snow P.O. Box 299 Honolulu, HI 96809		100.00		100.00
5/4/88	Mrs. Jane Stanisawa 3345 Pali Highway Honolulu, HI 96817		100.00		100.00
5/4/88	Dayton & Nancy Tsutsumi 2071 Alred Place Honolulu, HI 96822		100.00		100.00
5/5/88	Harriet L. Cruzan, Esq. 1000 Bethel St. Honolulu, HI 96813		100.00		100.00
5/7/88	Mr & Mrs K. Sakamoto [illegible] Harris Lane Honolulu, HI 96821		100.00		100.00
5/10/88	Mr & Mrs Harold Ikeyama 1164 Hind St., #219 Honolulu, HI 96819		100.00		100.00
5/13/88	Trans-Hawaii Associations Agency, Inc. 1111 Castle Street Honolulu, HI 96814		125.00		125.00
5/13/88	[illegible] P.O. Box 3440 Honolulu, HI 96801		250.00		250.00
5/13/88	Foremost-Hawaii Dairies Suite 2000 Hawaii Corp. P.O. Box 1834, Hon HI 96805		100.00		100.00
5/21/88	American Hawaii Cruises (JA Fort Street Honolulu, HI 96813		250.00		250.00
5/21/88	Hawn Telephone Co. Legl Good Government Club P.O. Box 2200 Honolulu, HI 96841		125.00		125.00
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE: PLEASE CONTRIBUTIONS ARE ALSO EXPENDITURES WHEN MA

EXHIBIT W

1 SUBTOTAL of Contributions Over $100 This Page ... 1,350.00

2 TOTAL This Period (last page this line only) ...

2404357113324

STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION
AGGREGATE CONTRIBUTIONS OVER $100

NAME OF CANDIDATE, COMMITTEE OR PARTY Patricia Mink Saiki

DATE RECEIVED	NAME AND ADDRESS OF PERSON	DESCRIPTION OF OCCUPATION OR BUSINESS ENTERPRISE OF PERSON	COLUMN 1 AMOUNT OF THIS CAMPAIGN CONTRIBUTION	COLUMN 2 AMOUNT OF THIS CAMPAIGN CONTRIBUTION (IN KIND)	AMOUNT TO DATE
4/4/88	Kathleen & Eddie Oda (Eddie, a Maintenance) 4-1-1 Kuhaana Place Kaneohe, HI 96744		100.00		100.00
4/27/88	Outrigger Hotels Hawaii 2375 Kuhio Avenue Honolulu, HI 96815-2939		150.00		150.00
5/10/88	Mr. Harold Kawamura 1750-D Pelula Avenue Honolulu, HI 96815		150.00		150.00
5/18/88	The Takasaki Institute 1875 I Street, Northwest Washington, D.C. 20006 Thru: Law Office of [illegible] 1188 Bishop St., [illegible] Honolulu, HI		150.00		150.00
5/23/88	Oil Venture Palau Bldg. Suite 200 1441 Kapiolani Blvd. Honolulu, HI 96814 Thru: Law Office of Furutani, Watanabe & Char 220 So. King St. Suite 600 Honolulu, HI		250.00		250.00
5/27/88	West Beach Estates General Account 1585 Kapiolani Blvd. Suite 1430 Honolulu, HI 96814		975.00		975.00
5/27/88	Matson Navigation Co. P.O. Box 899 Honolulu, HI 96808		100.00		100.00
			TOTAL COLUMN 1	TOTAL COLUMN 2	NOTE IN KIND CONTRIBUTIONS ARE ALSO ENTERED AT FAIR MARKET VALUE

1 SUBTOTAL of Contributions Over $100 This Page 2181.00
2 TOTAL This Period (last page this line only) 3475.00

2404357113325

Foreign $$ in politics

A new Federal Election Commission ruling indicates that Hawaii companies financed or owned by foreign parent corporations are barred from contributing to local political candidates.

The ruling applies specifically only to Kuilima Development Company, but it seems to have broad implications for all such firms. Earlier the commission made clear its rules ban contributions from foreign individuals and corporations in all political races, federal, state and local; this extends that ban to the local corporate offspring of such companies.

Foreign investment is welcome when it provides jobs and economic growth. But a line must be drawn against foreign donations to political campaigns. Money too often translates into power, and we have enough trouble already on that score. Japan's recent scandal shows the tight relationship between money and politics in that society.

The state Legislature this year failed to pass a local ban on foreign contributions. With so much foreign investment coming into Hawaii, it still seems like a good idea. Lawmakers should do so early in the 1990 session to set the stage properly for the election year.

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

Victoria S. Creed
1057 Lunaanela Street
Kailua, Hawaii 96734

RE: MUR 3004

Dear Ms. Creed:

This letter acknowledges receipt on November 13,1989, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by various State of Hawaii Senators and Representatives. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints. If you have any questions, please contact Retha Dixon, Docket Chief, at (202) 376-3110.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Procedures

7404357113327

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

Donna Wong
1525 Uluhao Street
Kailua, Hawaii 96734

RE: MUR 3004

Dear Ms. Wong:

This letter acknowledges receipt on November 13,1989, of your complaint alleging possible violations of the Federal Election Campaign Act of 1971, as amended ("the Act"), by various State of Hawaii Senators and Representatives. The respondents will be notified of this complaint within five days.

You will be notified as soon as the Federal Election Commission takes final action on your complaint. Should you receive any additional information in this matter, please forward it to the Office of the General Counsel. Such information must be sworn to in the same manner as the original complaint. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence. For your information, we have attached a brief description of the Commission's procedures for handling complaints. If you have any questions, please contact Retha Dixon, Docket Chief, at (202) 376-3110.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosure
Procedures

2040357 1328

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

West Beach Estate
2024 N. King Street #209
Honolulu, HI 96819

RE: MUR 3004

Dear Gentlemen:

The Federal Election Commission received a complaint which alleges that West Beach Estate may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(A)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

9404357113329

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571330

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 20, 1989

West Beach Estates
1585 Kapiolani Blvd. #1430
Honolulu, HI 96814

RE: MUR 3004

Dear Gentlemen:

The Federal Election Commission received a complaint which alleges that the West Beach Estates may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(A)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357133 1

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571332

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

Japan Travel Bureau
International Inc.
2270 Kalakaua
Honolulu, HI 96826

RE: MUR 3004

Dear Gentlemen:

The Federal Election Commission received a complaint which alleges that Japan Travel Bureau International Inc. may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(A)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357133

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

29044357133 4

FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

November 20, 1989

Masao Hayashi
Japan Travel International, Inc.
2270 Kalakaua Avenue
Honolulu, HI 96815

RE: MUR 3004

Dear Mr. Hayashi:

The Federal Election Commission received a complaint which alleges that you and Japan Travel International, Inc. may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(A)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357133S

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571336

FEDERAL ELECTION COMMISSION

November 20, 1989

Kiyoko Miyamoto, Treasurer
Yamosaki Campaign Fund
238 W. Lanai Street
Kahului, Maui, HI 96732

RE: MUR 3004

Dear Ms. Miyamoto:

The Federal Election Commission received a complaint which alleges that the Yamosaki Campaign Fund and you, as treasurer may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

9404357133 7

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571338

FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

November 20, 1989

The Honorable Peter K. Apo
85-259 Mahinaau Road
Waianae, HI 96792

RE: MUR 3004

Dear Mr. Apo:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357139

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571340

FEDERAL ELECTION COMMISSION

November 20, 1989

Maxine Hee, Treasurer
Peter K. Apo Campaign Committee
85-259 Mahinaau Road
Waianae, HI 96792

RE: MUR 3004

Dear Ms. Hee:

The Federal Election Commission received a complaint which alleges that the Peter K. Apo Campaign Committee and you, as treasurer may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

9404357134 1

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571342

FEDERAL ELECTION COMMISSION

November 20, 1989

The Honorable Romy Cachola
P.O. 17675
Honolulu, HI 96817

RE: MUR 3004

Dear Mr. Cachola:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2 4 0 4 3 5 7 1 3 4 3

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571344

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 20, 1989

Irene Fujimoto, Treasurer
Friends of Romy Cachola
P.O. 17675
Honolulu, HI 96817

RE: MUR 3004

Dear Ms. Fujimoto:

The Federal Election Commission received a complaint which alleges that Friends of Romy Cachola and you, as treasurer may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

9404357134 5

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571346

FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

November 20, 1989

The Honorable Clarice Y. Hashimoto
98-162 Kauhihua Place
Pearl City, HI 96782

RE: MUR 3004

Dear Ms. Hashimoto:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2 4 0 4 3 5 7 1 3 4 7

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
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24043571348

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

Fusae Sumida, Treasurer
Clarice Y. Hashimoto
98-162 Kauhihua Place
Pearl City, HI 96782

RE: MUR 3004

Dear Mr. Sumida:

The Federal Election Commission received a complaint which alleges that Clarice Y. Hashimoto and you, as treasurer may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357134 9

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571350

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 20, 1989

The Honorable Ken Hiraki
920 Prospect Street
Honolulu, HI 96822

RE: MUR 3004

Dear Mr. Hiraki:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2043571351

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
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24043571352

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 20, 1989

Jack Aketa, Treasurer
Friends of Ken Hiraki
920 Prospect Street
Honolulu, HI 96822

RE: MUR 3004

Dear Mr. Aketa:

The Federal Election Commission received a complaint which alleges that Friends of Ken Hiraki and you, as treasurer may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357135 3

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
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24043571354

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

The Honorable Karen K. Horita
1303 Moelola Place
Honolulu, HI 96819

RE: MUR 3004

Dear Ms. Horita:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2043571355

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
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24043571356

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

Paul Matsuo, Treasurer
Friends of Karen Horita
1303 Moelola Place
Honolulu, HI 96819

RE: MUR 3004

Dear Mr. Matsuo:

The Federal Election Commission received a complaint which alleges that Friends of Karen Horita and you, as treasurer may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2043571357

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571358

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

The Honorable Marshall K. Ige
45-579 Keaahala Road
Kaneohe, HI 96744

RE: MUR 3004

Dear Mr. Ige:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357135 9

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571350

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 20, 1989

Wesley Imamura, Treasurer
Friends for Rep. Marshall K. Ige
45-579 Keaahala Road
Kaneohe, HI 96744

RE: MUR 3004

Dear Mr. Imamura:

The Federal Election Commission received a complaint which alleges that Friends for Rep. Marshall K. Ige and you, as treasurer may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357136 1

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571362

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

The Honorable Ezra R. Kanoho
P.O. Box 1471
Lihue, Kauai, HI 96766

RE: MUR 3004

Dear Mr. Kanoho:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

7404357136 3

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571364

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

Tom Whittemore, Treasurer
Friends of Ezra Kanoho
P.O. Box 1471
Lihue, Kauai, HI 96766

RE: MUR 3004

Dear Mr. Whittemore:

The Federal Election Commission received a complaint which alleges that Friends of Ezra Kanoho and you, as treasurer may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357136 5

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571366

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

The Honorable Bertha C. Kawakami
P.O. Box 52
Hanapepe, HI 96716

RE: MUR 3004

Dear Ms. Kawakami:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

7404357136 7

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
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24043571368

FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

November 20, 1989

Jeffrey Emoto, Treasurer
Friends of Bertha Kawakami
P.O. Box 52
Hanapepe, HI 96716

RE: MUR 3004

Dear Mr. Emoto:

The Federal Election Commission received a complaint which alleges that Friends of Bertha Kawakami and you, as treasurer may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(A)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

7404357139

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571370

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

The Honorable Daniel J. Kihano
P.O. Box 314
Waipahu, HI 96797

RE: MUR 3004

Dear Mr. Kihano:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(A)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357131

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571372

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 20, 1989

Wai Lan Grace, Treasurer
Danny Kihano Campaign Committee
P.O. Box 314
Waipahu, HI 96797

RE: MUR 3004

Dear Mr. Grace:

The Federal Election Commission received a complaint which alleges that the Danny Kihano Campaign Committee and you, as treasurer may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(A)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357137/3

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

2404357137/4

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 20, 1989

The Honorable Joseph P. Leong
P.O. Box 396
Haleiwa, HI 96712

RE: MUR 3004

Dear Mr. Leong:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(A)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2043571375

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571316

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

Walter Yamada, Treasurer
Friends of Joe Leong
P.O. Box 396
Haleiva, HI 96712

RE: MUR 3004

Dear Mr. Yamada:

The Federal Election Commission received a complaint which alleges that Friends of Joe Leong and you, as treasurer may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357137

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571378

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

The Honorable Tom Okamura
P.O. Box 637
Aiea, HI 96701

RE: MUR 3004

Dear Mr. Okamura:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2043571379

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571380

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

Lois Miyashiro, Treasurer
Friends of Tom Okamura
P.O. Box 637
Aiea, HI 96701

RE: MUR 3004

Dear Ms. Miyashiro:

The Federal Election Commission received a complaint which alleges that Friends of Tom Okamura and you, as treasurer may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

7404357113881

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

2404357139 2

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 20, 1989

The Honorable Paul T. Oshiro
91-784 Makule Road
Eva Beach, HI 96706

RE: MUR 3004

Dear Mr. Oshiro:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357133

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571334

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 20, 1989

Glenn S. Nagamine, Treasurer
Friends of Paul T. Oshiro
91-784 Makule Road
Eva Beach, HI 96706

RE: MUR 3004

Dear Mr. Nagamine:

The Federal Election Commission received a complaint which alleges that Friends of Paul T. Oshiro and you, as treasurer may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357138 5

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571386

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 20, 1989

The Honorable Henry Haalilio Peters
87-641 Farrington Hwy.
Waianae, HI 96792

RE: MUR 3004

Dear Mr. Peters:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357137

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571338

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

Donald Okimoto, Treasurer
Friends of Henry Peters
87-641 Farrington Hwy.
Waianae, HI 96792

RE: MUR 3004

Dear Mr. Okimoto:

The Federal Election Commission received a complaint which alleges that Friends of Henry Peters and you, as treasurer may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357139

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely.

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571390

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

The Honorable Clara J. Say
1984 10th Avenue
Honolulu, HI 96816

RE: MUR 3004

Dear Ms. Say:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2043571391

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571392

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 20, 1989

Clara J. Say, Treasurer
Friends for Say
1984 10th Avenue
Honolulu, HI 96816

RE: MUR 3004

Dear Ms. Say:

The Federal Election Commission received a complaint which alleges that Friends for Say and you, as treasurer may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2043571393

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571394

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

Kazuo Totoki, Ltd.
715 So. King Street #400
Honolulu, HI 96813

RE: MUR 3004

Dear Gentlemen:

The Federal Election Commission received a complaint which alleges that Kazuo Totoki, Ltd. may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(A)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357139 5

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571396

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 20, 1989

Dai'ei (USA), Inc.
801 Kaheka Street
Honolulu, HI 96814

RE: MUR 3004

Dear Gentlemen:

The Federal Election Commission received a complaint which alleges that Dai'ei (USA), Inc. may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(A)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357139 7

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571398

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

TSK International, Ltd.
1585 Kapiolani Blvd. #1330
Honolulu, HI 96814

RE: MUR 3004

Dear Gentlemen:

The Federal Election Commission received a complaint which alleges that TSK International, Ltd. may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(A)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357139 9

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571400

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

KG (Hawaii) Corp.
1585 Kapiolani Blvd. #1404
Honolulu, HI 96814

RE: MUR 3004

Dear Gentlemen:

The Federal Election Commission received a complaint which alleges that the KG (Hawaii) Corp. may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(A)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357140 1

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571402

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

Horita Corp.
2024 No. King Street #209
Honolulu, HI 96819

RE: MUR 3004

Dear Gentlemen:

The Federal Election Commission received a complaint which alleges that the Horita Corp. may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(A)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357114003

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely.

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571404

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

Obun Hawaii, Inc.
1711 Akahi Street
Honolulu, HI 96819

RE: MUR 3004

Dear Gentlemen:

The Federal Election Commission received a complaint which alleges that Obun Hawaii, Inc. may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357140 5

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571406

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

Foremost Dairies-Hawaii
P.O. Box 1834
Honolulu, HI 96805-7834

RE: MUR 3004

Dear Gentlemen:

The Federal Election Commission received a complaint which alleges that Foremost Dairies-Hawaii may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

7404357140 7

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571408

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

Ohbayashi Hawaii Corporation
1001 Bishop Street #2660
Honolulu, HI 96813

RE: MUR 3004

Dear Gentlemen:

The Federal Election Commission received a complaint which alleges that the Ohbayashi Hawaii Corporation may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

7404357140 9

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571410

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

Sankyo Tsusho Co., Ltd.
dba Mokuleia Land Co.
68-540 Farrington Hwy.
Waialua, HI 96791

RE: MUR 3004

Dear Gentlemen:

The Federal Election Commission received a complaint which alleges that the Sankyo Tsusho Co., Ltd dba Mokuleia Land Co. may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357141 1

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571412

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 20, 1989

Minami Group (USA), Inc.
1001 Bishop Street #2700
Honolulu, HI 96813

RE: MUR 3004

Dear Gentlemen:

The Federal Election Commission received a complaint which alleges that the Minami Group (USA), Inc. may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357141 3

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence H. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571414

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

The Ilikai
1777 Ala Moana Blvd.
Honolulu, HI 96815

RE: MUR 3004

Dear Gentlemen:

The Federal Election Commission received a complaint which alleges that the Ilikai may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2043571415

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571416

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

Central Development Corp.
2222 Kalakaua Avenue #1400
Honolulu, HI 96815

RE: MUR 3004

Dear Gentlemen:

The Federal Election Commission received a complaint which alleges that the Central Development Corp. may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357141417

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571418

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

Mauna Lani Bay Hotel
P.O. Box 4000
Kahala Coast, HI 96743

RE: MUR 3004

Dear Gentlemen:

The Federal Election Commission received a complaint which alleges that the Mauna Lani Bay Hotel may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357141419

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

> 40435714 20

FEDERAL ELECTION COMMISSION
WASHINGTON D C 20463

November 20, 1989

Mauna Lani Resort Inc. PAC
P.O. Box 4959
Kawaihai, HI 96743

RE: MUR 3004

Dear Gentlemen:

The Federal Election Commission received a complaint which alleges that the Mauna Lani Resort Inc. PAC may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2043571421

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571422

FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

November 20, 1989

Taivo Hawaii Co. Ltd.
1001 Bishop Street
Honolulu, HI 96813

RE: MUR 3004

Dear Gentlemen:

The Federal Election Commission received a complaint which alleges that the Taivo Hawaii Co. Ltd. may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

7404357142 3

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571424

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

Azabu U.S.A. Corp.
410 Atkinson Drive #826
Honolulu, HI 96814

RE: MUR 3004

Dear Gentlemen:

The Federal Election Commission received a complaint which alleges that Azabu U.S.A. Corp. may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

7404357142 5

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571426

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 20, 1989

Hasegava Komuten (Hi), Inc.
820 Mililani Street #820
Honolulu, HI 96813

RE: MUR 3004

Dear Gentlemen:

The Federal Election Commission received a complaint which alleges that Hasegava Komuten (Hi), Inc. may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357142 7

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

9404357142 8

FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

November 20, 1989

Otaka, Inc.
2571 Lemon Road
Honolulu, HI 96815

RE: MUR 3004

Dear Gentlemen:

The Federal Election Commission received a complaint which alleges that Otaka, Inc. may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357142 9

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571430

FEDERAL ELECTION COMMISSION
WASHINGTON D C 20463

November 20, 1989

The Westin Kauai
Kalapaki Beach
Lihue Kauai, HI 96766

RE: MUR 3004

Dear Gentlemen:

The Federal Election Commission received a complaint which alleges that the Westin Kauai may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357143

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571432

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

Gem Political Action Committee
1199 Dillingham Blvd.
Honolulu, HI 96817-4478

RE: MUR 3004

Dear Gentlemen:

The Federal Election Commission received a complaint which alleges that the Gem Political Action Committee may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357143 3

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571434

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

Ala Moana Hotel
410 Atkinson Drive
Honolulu, HI 96814

RE: MUR 3004

Dear Gentlemen:

The Federal Election Commission received a complaint which alleges that the Ala Moana Hotel may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2043571435

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

29043571436

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

Azabu Realty
410 Atkinson Drive
Honolulu, HI 96814

RE: MUR 3004

Dear Gentlemen:

The Federal Election Commission received a complaint which alleges that Azabu Realty may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

9404357143 7

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571438

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 20, 1989

Mokuleia Land Company
68-540 Farrington Hwy.
Waialua, HI 96791

RE: MUR 3004

Dear Gentlemen:

The Federal Election Commission received a complaint which alleges that the Mokuleia Land Company may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(A)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357143 9

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571440

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

Pacific Resources
P.O. Box 3379
Honolulu, HI 96842

RE: MUR 3004

Dear Gentlemen:

The Federal Election Commission received a complaint which alleges that Pacific Resources may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357144 1

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571442

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

Pacific Resources PAC
P.O. Box 3379
Honolulu, HI 96842

RE: MUR 3004

Dear Gentlemen:

The Federal Election Commission received a complaint which alleges that Pacific Resources PAC may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357144 43

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571444

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

Daiei Hawaii
801 Kaheka Street
Honolulu, HI 96814

RE: MUR 3004

Dear Gentlemen:

The Federal Election Commission received a complaint which alleges that Daiei Hawaii may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

9404357144 5

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571446

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

Hawaii Omori Corporation
Box 1570
Lahaina, HI 96761

RE: MUR 3004

Dear Gentlemen:

The Federal Election Commission received a complaint which alleges that the Hawaii Omori Corporation may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357144 47

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571448

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

The Honorable Anthony K.U. Chang
2052 Lee Place
Honolulu, HI 96817

RE: MUR 3004

Dear Mr. Chang:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2040357144 49

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571430

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

Lisa Konove, Treasurer
Friends for Tony Chang
2052 Lee Place
Honolulu, HI 96817

RE: MUR 3004

Dear Ms. Konove:

The Federal Election Commission received a complaint which alleges that Friends for Tony Chang and you, as treasurer may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2040357145

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571452

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

The Honorable Mike Crozier
92-923 Welo Street #118
Makakilo, HI 96707

RE: MUR 3004

Dear Mr. Crozier:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2043571453

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

7404357145454

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

Mike Crozier, Treasurer
Friends of Mike Crozier
92-923 Welo Street #118
Makakilo, HI 96707

RE: MUR 3004

Dear Mr. Crozier:

The Federal Election Commission received a complaint which alleges that Friends of Mike Crozier and you, as treasurer may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2043571455

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571456

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 20, 1989

The Honorable Gerold T. Hagino
36 Lauone Loop
Wahiawa, HI 96786

RE: MUR 3004

Dear Mr. Hagino:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2043571457

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571458

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 20, 1989

Terry Yamane, Treasurer
Friends of Gerry Hagino
36 Lauone Loop
Wahiawa, HI 96786

RE: MUR 3004

Dear Mr. Yamane:

The Federal Election Commission received a complaint which alleges that Friends of Gerry Hagino and you, as treasurer may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

9404357145 9

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571460

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 20, 1989

The Honorable Milton A.I. Holt
1461 N. School Street
Honolulu, HI 96817

RE: MUR 3004

Dear Mr. Holt:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357146 1

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

74043571462

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

Frank Kudo, Treasurer
Friends of Milton Holt
1461 N. School Street
Honolulu, HI 96817

RE: MUR 3004

Dear Mr. Kudo:

The Federal Election Commission received a complaint which alleges that Friends of Milton Holt and you, as treasurer may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357114663

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571464

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 20, 1989

The Honorable Richard M. Matsuura
131 Halai Street
Hilo, HI 96720

RE: MUR 3004

Dear Mr. Matsuura:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357146 5

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571466

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 20, 1989

Brian Iwata, Treasurer
Friends of Richard Matsuura
131 Halai Street
Hilo, HI 96720

RE: MUR 3004

Dear Mr. Iwata:

The Federal Election Commission received a complaint which alleges that Friends of Richard Matsuura and you, as treasurer may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357146 7

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

7404357114608

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 20, 1989

The Honorable Norman Mizuguchi
P.O. Box 452
Pearl City, HI 96782

RE: MUR 3004

Dear Mr. Mizuguchi:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2043571469

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

29043571470

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

Ann M. Yamamoto, Treasurer
Mizuguchi for Senate Committee
P.O. Box 452
Pearl City, HI 96782

RE: MUR 3004

Dear Ms. Yamamoto:

The Federal Election Commission received a complaint which alleges that the Mizuguchi for Senate Committee and you, as treasurer may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

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If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357147/1

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence H. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571472

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 20, 1989

The Honorable A. Leiomalama Solomon
Box 1319
Kamuela, HI 96743

RE: MUR 3004

Dear Mr. Solomon:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(A)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2 4 0 4 3 5 7 1 4 7 3

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571144

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

Hulali Solomon Covington, Treasurer
Friends of Malama Solomon
Box 1319
Kamuela, HI 96743

RE: MUR 3004

Dear Ms. Covington:

The Federal Election Commission received a complaint which alleges that Friends of Malama Solomon and you, as treasurer may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(A)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2 4 0 4 3 5 7 1 4 / 5

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

29043571476

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 20, 1989

The Honorable Richard S.H. Wong
841 Bishop Street, #142
Honolulu, HI 96813

RE: MUR 3004

Dear Mr. Wong:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(A)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2043571417

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571478

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

November 20, 1989

Kenneth J. Lee, Treasurer
Friends of Senator Richard S.H. Wong
841 Bishop Street, #142
Honolulu, HI 96813

RE: MUR 3004

Dear Mr. Lee:

The Federal Election Commission received a complaint which alleges that Friends of Senator Richard S.H. Wong and you, as treasurer may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(A)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357149

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571480

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

November 20, 1989

The Honorable Mamoru Yamasaki
238 W. Lanai Street
Kahului, Maui, HI 96732

RE: MUR 3004

Dear Mr. Yamasaki:

The Federal Election Commission received a complaint which alleges that you may have violated the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 3004. Please refer to this number in all future correspondence.

Under the Act, you have the opportunity to demonstrate in writing that no action should be taken against you in this matter. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 2 U.S.C. § 437g(A)(4)(B) and § 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission.

If you have any questions, please contact Mark Allen, the staff member assigned to this matter at (202) 376-8200.

2404357143 1

For your information, we have attached a brief description of the Commission's procedures for handling complaints.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

Enclosures
1. Complaint
2. Procedures
3. Designation of Counsel Statement

24043571432

06C47249

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

89 DEC -4 AM 9:46

Iwai, Motooka & Goto

ATTORNEYS AT LAW
A LAW CORPORATION
SUITE 502, HASEGAWA KOMUTEN BUILDING
820 MILILANI STREET
HONOLULU, HAWAII 96813

WILFRED K. IWAI
MILTON M. MOTOOKA
ARTHUR K. GOTO

AREA CODE 808
TELEPHONE 537-1935
FAX 528-5813

November 27, 1989

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

89 DEC -4 PM 12:37

Office of the General Counsel
Federal Election Commission
999 E Street N.W.
Washington, DC 20463

Attn: Mr. Mark Allen

Gentlemen:

Re: MUR 3004 In Re Haseko (Hawaii), Inc. fka Hasegawa Komuten (Hawaii), Inc., a Hawaii corporation

1. This office has the pleasure of representing Haseko (Hawaii), Inc., a Hawaii corporation, formerly known as Hasegawa Komuten (Hawaii), Inc. Your letter dated November 20, 1989 was received by our clients in Hawaii on November 27, 1989.

2. Enclosed, please find the original "Statement of Designation of Counsel" signed by our client's corporate Executive Vice President, identifying the undersigned and this office as counsel for the corporation in this case.

3. Inasmuch as the "complaint" in this case was received by the respondent on November 27, 1989, we construe the date for a response or answer to the complaint to be December 12, 1989. If our response date deadline is incorrect, please so inform us.

Very truly yours,

Arthur K. Goto

ARTHUR K. GOTO

AKG:al
enc.
7322C

2043571433

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3004

NAME OF COUNSEL: Arthur K. Goto

ADDRESS: IWAI, MOTOOKA & GOTO, Attorneys at Law
Suite 502, HK Building
820 Mililani Street
Honolulu, Hawaii 96813

TELEPHONE: (808) 537-1935

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

HASEKO (HAWAII), INC., fka
Hasegawa Komuten (Hawaii), Inc.,
a Hawaii corporation

November 27, 1989
Date

By _____
Signature: Henry K. Sheldon
Its: Executive Vice President

RESPONDENT'S NAME: HASEKO (HAWAII), INC., fka
HASEGAWA KOMUTEN (HAWAII), INC.

ADDRESS: Suite 820, HK Building
820 Mililani Street
Honolulu, Hawaii 96813-2924

HOME PHONE: N/A

BUSINESS PHONE: (808) 536-3771

1234G

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DOC 4773

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

89 DEC -4 AM 9:18

State Senator Richard M. Matsuura

Second District · · State of Hawaii

November 29, 1989

Mr. Mark Allen
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

89 DEC -4 PM 2:27

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

Re: Friends of Richard Matsuura
MUR 3004

Dear Mr. Allen:

Thank you for taking the time to talk to me today regarding the complaint filed against The Friends of Richard Matsuura and filling me in on some of the Federal requirements. As you know, the State of Hawaii election laws does not have any restrictions from whom contributions are received. It has always been my understanding, as Treasurer of the committtee, that Federal elections law applies to candidates seeking Federal offices and State laws govern candidates seeking state offices.

As I mentioned to you, Senator Richard Matsuura is presently out of the country attending a business meeting and will not be back in time to review the complaint and respond to you within the 15 days allowed. Therefore, I am requesting an extension of time through December 31, 1989 be granted to allow us additional time to address the complaint.

Should you have any questions, the telephone number where I can be reached during business hours is (808) 935-5404.

Sincerely,

Brian Iwata
Treasurer

cc: Senator Richard Matsuura

2404357148 5

Friends of Senator "Dick" Matsuura
1311 Lauwa Street, Hilo, Hawaii 96720 · (808) 935-7944

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 7, 1989

Mr. Brian Iwata
Treasurer, Friends of Senator "Dick" Matsuura
1311 Launa Street
Hilo, Hawaii 96720

RE: MUR 3004
Senator Richard Matsuura

Dear Mr. Iwata:

This is in response to your letter dated November 29, 1989, which we received on December 4, 1989, requesting an extension until December 31, 1989 to respond to the Commission's Notification letter. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on December 31, 1989.

If you have any questions, please contact Mark Allen, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

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MUR 3004 #4

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 DEC -5 AM 11:20

GCC #4360
RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
89 DEC -5 AM 9:49

KOBAYASHI, SUGITA, GODA
ATTORNEYS AT LAW
745 FORT STREET
HONOLULU, HAWAII 96813-3889
TELEPHONE (808) 544-8300

Kevin S.C. Chang *
Kate Feldman *
Alan M. Goda *
Lyle Y. Harada *
J. Douglas Ing *
Cheryl K. Kakazu *
James Kawashima *
Bert T. Kobayashi, Jr. *
John T. Komeiji *
Wesley H. Kondo *
Benjamin A. Kudo *
Dale W. Lee *
Ronald Y. K. Leong *
Lex R. Smith *
Kenneth Y. Sugita *
Robert T. Takamatsu *
Jeffrey N. Watanabe *
Cynthia Winegar *
Randall Y. Yamamoto *

* A Law Corporation

Jan M. L. Y. Aim
George S. Ajalat
Ferdinand G. Arbiola
Wendell H. Fuji
Charles W. Gall
Rosanna P. Guo
Lyle S. Hosoda
Robert K. Ichikawa
David B. Kaapu
Donna Y. Kanemaru
Pamela J. Larson
Michael A. Lorusso
Alan K. Maeda
David L. Morrey
Jansen A. Oda
Fred Toyofuku

OF COUNSEL:
George R. Ariyoshi
Bert T. Kobayashi, Sr.
Russell H. Kono

Facsimile: (808) 544-8399
Telex: 8003988685 MCI
MCI Mail: 388685
ABA / Net: ABA2281

December 1, 1989

Federal Election Commission
Office of General Counsel
999 E Street, N.W.
Washington, D.C. 20463

Attention: Mr. Mark Allen

Re: MUR 3004

Dear Mr. Allen:

As I mentioned to you over the telephone, we have been retained to represent Foremost Dairies-Hawaii in relation to the above-referenced complaint. An executed Statement of Designation of Counsel is included herein for your files.

We believe that a review of the complaint and the facts surrounding Foremost Dairies-Hawaii's business practices clearly evidences a lack of violation of the Federal Election Campaign Act.

In terms of Foremost Dairies-Hawaii, it is a Hawaii corporation with its principal place of business in Hawaii. All of its stock is owned by House Foods Corporation, which is a foreign corporation with its principal place of business in Japan.

Foremost Dairies-Hawaii is involved in the packaging and distribution of milk and milk by-products. Foremost Dairies-Hawaii's revenues are exclusively derived from sales made within the State of Hawaii. The contribution to candidates referenced in the Complaint were made from these revenues generated in the State of Hawaii.

The decisions regarding the political contributions are and were made by Akira Ozaki, Foremost Dairies-Hawaii's Vice-President of Sales and Marketing, who is and has always been an American citizen. Mr. Ozaki, along with input from the

2404357143 7

undersigned, determined who would receive political contributions and what amounts would be contributed, without any control or direction by foreign nationals. None of his decisions regarding campaign contributions were ever altered, modified or rejected by any foreign national.

We are enclosing affidavits of Nobuyuki Taguchi, President of Foremost Dairies-Hawaii and Mr. Ozaki, whose affidavit support the above-described factual matters.

Foremost Dairies-Hawaii would respectfully request that the complaint against it be dismissed without further investigation based upon the above undisputed facts. Foremost Dairies-Hawaii is not a foreign corporation, but a distinct corporate entity organized under the laws of Hawaii, with revenues being generated from sales in Hawaii. Finally, there was no foreign national controlling or directing decisions to make campaign contributions.

Should there be any questions, or if we could provide you with further information, please do not hesitate to contact me. We look forward to working with you to resolve this matter.

Very truly yours,

JOHN T. KOMEIJI
for
KOBAYASHI, WATANABE,
SUGITA, KAWASHIMA & GODA

JKo:cm
Enclosures
cc: Mr. Tatsuya Minewaki
Mr. Nobuyuki Taguchi
Mr. Aki Ozaki

2404357143 8

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3004

NAME OF COUNSEL: John T. Komeiji, Esq.

ADDRESS: Hawaii Building, 8th Floor
745 Fort Street
Honolulu, Hawaii 96813

TELEPHONE: (808) 544-8300

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

11/28/89
Date

Nobuyuki Jaguchi
Signature
PRESIDENT

RESPONDENT'S NAME: Foremost Dairies-Hawaii, Ltd.

ADDRESS: P.O. Box 1834
Honolulu, Hawaii 96805

HOME PHONE:

BUSINESS PHONE: (808) 841-5831

2404357143 89

STATE OF HAWAII)
: SS.
CITY AND COUNTY OF HONOLULU)

AFFIDAVIT OF AKIRA OZAKI

AKIRA OZAKI, being first duly sworn oath, deposes and says:

1. He was born in the United States of America and is and always has been an American citizen.

2. He has been employed by Foremost Dairies-Hawaii since June 1987, and has been the Vice President of Sales and Marketing since June 1987.

3. Foremost Dairies-Hawaii is a Hawaii corporation, with its principal place of business in the State of Hawaii.

4. The decision to make Foremost Dairies-Hawaii's campaign contributions identified in the Complaint were made by your Affiant without any control or direction from any foreign nationals.

5. None of your Affiant's decision to make campaign contributions were altered or rejected by any foreign national.

6. Money used to make the campaign contributions were money derived from sales made by Foremost Dairies-Hawaii in the State of Hawaii.

7. As a result of notification of the filing of this Complaint, your Affiant has decided that no further campaign

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contributions will be made by Foremost Dairies-Hawaii until this matter is resolved.

Further Affiant sayeth naught.

Akira Ozaki
AKIRA OZAKI

Subscribed and sworn to before me
this 15th day of December, 1989.

Lori M. Rojo
L.S. Notary Public, State of Hawaii

My commission expires: 11-9-92

24043571491

STATE OF HAWAII)
: SS.
CITY AND COUNTY OF HONOLULU)

AFFIDAVIT OF NOBUYUKI TAGUCHI

NOBUYUKI TAGUCHI, being first duly sworn oath, deposes and says:

1. He was born in Japan, and is a citizen of Japan.

2. He is the President of Foremost Dairies-Hawaii, a Hawaii corporation, with its principal place of business in Hawaii.

3. The entire stock of Foremost Dairies-Hawaii is owned by House Foods Corporation, which is a foreign corporation, with its principal place of business in Japan.

4. Neither your Affiant nor any foreign national had any input, controlled, influenced nor directed any decision to make any campaign contributions.

Further Affiant sayeth naught.

Nobuyuki Taguchi
NOBUYUKI TAGUCHI

Subscribed and sworn to before me
this 1st day of December, 1989.

L.S. Lori An. Ryo
Notary Public, State of Hawaii

My commission expires: 11-9-92

2404357149 2

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RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89DEC -5 PM 3:46

CARLSMITH, WICHMAN, CASE, MUKAI AND ICHIKI
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING LAW CORPORATIONS
1001 BISHOP STREET
PACIFIC TOWER, SUITE 2200
HONOLULU, HAWAII 96813
CABLE ADDRESS: CWCMI
TELEX 723-8770 CWCMI HR
TELECOPIER (808) 523-0842

HONOLULU OFFICE:
P. O. BOX 656
HONOLULU, HAWAII 96809
(808) 523-2500

GUAM OFFICE:
P. O. BOX BF
AGANA, GUAM 96910
(671) 472-6813
TELEX 721-6448 CWCMI GM

LOS ANGELES OFFICE
P. O. BOX 7169
LOS ANGELES, CALIFORNIA 90071-0169
(213) 955-1200

HILO OFFICE:
P. O. BOX 686
HILO, HAWAII 96721-0686
(808) 935-6644

KONA OFFICE:
P. O. BOX 1720
KAILUA-KONA, HAWAII 96745-1720
(808) 329-6464

MAUI OFFICE:
P. O. BOX 1086
WAILUKU, HAWAII 96793
(808) 242-4535

SAIPAN OFFICE
P. O. BOX 241 CHRB
SAIPAN, MP 96950
(670) 322-3455
TELEX 783-656 CWCMI SPN

November 30, 1989

VIA TELECOPIER

and

CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

Federal Election Commission
999 E Street N.W.
Washington, D.C. 20463

Attention: Mr. Mark Allen

89DEC -5 PM 1:46
RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

Re: MUR 3004/Taiyo Hawaii Company, Ltd.

Gentlemen:

As indicated on the enclosed "Statement of Designation of Counsel," this law firm represents Taiyo Hawaii Company, Ltd. ("Taiyo"), a Japan corporation registered to do business in Hawaii, in connection with the above-referenced matter. We are responding to your letter to Taiyo dated November 20, 1989, which was received by Taiyo on November 27, 1989.

We understand the complaint filed by Maunawili Community Association, et al., to allege that Taiyo has violated 2 U.S.C. § 441e which prohibits foreign nationals from making, directly or through any other person, any contribution in connection with an election to a political office. For the reasons stated herein, we believe that the complaint should be

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dismissed and no action should be taken by the Commission against Taiyo since it has not violated 2 U.S.C. § 441e.

We believe that the complaint should be dismissed because 2 U.S.C. § 441e does not apply to "contributions" made to state or local elections. Although the regulations of the Commission (11 C.F.R. § 110.4(a)(1)) expressly state that foreign nationals may not make contributions to state or local elections, 2 U.S.C. § 441e, which is the source of authority for 11 C.F.R. § 110.4(a)(1), does not expressly apply to state or local elections. In fact, it should be noted that the word "contribution" which is used in 2 U.S.C. § 441e is defined by 2 U.S.C. § 431(8)(A) as a gift, etc. "for the purpose of influencing any election for Federal office." Therefore, the complaint should be dismissed since 2 U.S.C. § 441e appears to apply only to elections for Federal office.

For the reasons stated above, we believe that the complaint against Taiyo should be dismissed and the Commission should find that no violation of 2 U.S.C. § 441e has occurred. Please be advised that Taiyo wishes to cooperate fully with the Commission in connection with the instant complaint. If you have any questions or require additional information in connection with this matter, please do not hesitate to contact us.

Very truly yours,

Karl K. Kobayashi

KK:cai
Enclosure
cc: Taiyo Hawaii Company, Ltd.

2404357149 4

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3004

NAME OF COUNSEL: Carlsmith, Wichman, Case, Mukai and Ichiki
Attention: Andy M. Ichiki, Esq.
Karl K. Kobayashi, Esq.

ADDRESS: Pacific Tower, Suite 2200
1001 Bishop Street
Honolulu, Hawaii 96813

TELEPHONE: (808) 523-2500

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

11/27/89
Date

Michio Itoh
Signature

RESPONDENT'S NAME: Michio Itoh
Vice President
Taiyo Hawaii Company, Ltd.

ADDRESS: Pacific Tower, Suite 1140
1001 Bishop Street
Honolulu, Hawaii 96813

HOME PHONE:

BUSINESS PHONE: (808) 523-1694

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OGC 4737

TANIGAWA & TANIGAWA
Attorneys at Law
Suite 1550 Pacific Tower
1001 Bishop Street
Honolulu, Hawaii 96813

Herbert H. Tanigawa
Michael K. Tanigawa

Telephone
(808) 521-8354
Fax
(808) 531-8263

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
89 DEC -4 AM 9:16

December 1, 1989

Mark Allen, Esq.
General Counsel's Office
Federal Election Commission
999 E.Street, NW
Washington, D.C. 20463

89 DEC -4 PM 12:38
FEDERAL ELECTION COMMISSION

Re: MUR 3004 Japan Travel Bureau International, Inc.

Dear Mr. Allen:

I am the attorney representing Japan Travel Bureau International, Inc. in MUR 3004. A Statement of Designation of Counsel is enclosed.

Every effort is being made to investigate and prepare a response to the charges of illegal contributions by Japan Travel Bureau International, Inc. However, due to the number of alleged contributions and one allegation of a contribution that is not identified by date or amount, we will not be able to prepare a complete response to the allegations within the fifteen day time limit.

For these reasons, I would greatly appreciate an extension of 30 days beyond the fifteen day deadline. Receipt of the complaint occurred on November 24, 1989. An extension of thirty days beyond the fifteen day deadline would expire on January 8, 1990.

Sincerely,

Michael K. Tanigawa

MICHAEL K. TANIGAWA

Tanigawa & Tanigawa
Attorneys for
JAPAN TRAVEL BUREAU
INTERNATIONAL, INC.

encl.

24043571496

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3004

NAME OF COUNSEL: TANIGAWA & TANIGAWA

ADDRESS: Suite 1550 Pacific Tower
1001 Bishop Street
Honolulu, Hawaii 96813

TELEPHONE: (808) 521-8354

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

11/30/89
Date

Signature Assistant General Manager

RESPONDENT'S NAME: Japan Travel Bureau International, Inc.

ADDRESS: ANA Kalakaua Center, 9th Floor
2255 Kalakaua Avenue
Honolulu, Hawaii 96815

HOME PHONE:

BUSINESS PHONE: (808) 922-0280

2404357114497

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 7, 1989

Mr. Michael Tanigawa
Tanigawa & Tanigawa
Suite 1550 Pacific Tower
1001 Bishop Street
Honolulu, Hawaii 96813

RE: MUR 3004
Japan Travel Bureau
International, Inc.

Dear Mr. Tanigawa:

This is in response to your letter dated December 1, 1989, which we received on December 4, 1989, requesting an extension of 30 days to respond to the Commission's Notification letter. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on January 8, 1990.

If you have any questions, please contact Mark Allen, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

Lois G. Lerner by MA

BY: Lois G. Lerner
Associate General Counsel

2043571498

26 47 36

TANIGAWA & TANIGAWA
Attorneys at Law
Suite 1550 Pacific Tower
1001 Bishop Street
Honolulu, Hawaii 96813

Herbert H. Tanigawa
Michael K. Tanigawa

Telephone
(808) 521-6354
Fax
(808) 531-8263

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
89 DEC -4 AM 9:12

December 1, 1989

Mark Allen, Esq.
General Counsel's Office
Federal Election Commission
999 E.Street, NW
Washington, D.C. 20463

Re: MUR 3004 Masao Hayashi

89 DEC -4 PM 12:38
RECEIVED
FEDERAL ELECTION COMMISSION

Dear Mr. Allen:

I am the attorney representing Masao Hayashi in MUR 3004. Statement of Designation of Counsel is forthcoming.

Every effort is being made to investigate the charge of an improper contribution by Mr. Hayashi as quickly as possible. However, Mr. Hayashi is presently out of the country and unable to provide us with the information we need to formulate a complete response to the allegation made in the complaint. In addition, since the alleged contribution by Mr. Hayashi may have been made for Japan Travel Bureau International, Inc. which is also named in the complaint under this MUR number I would prefer to respond to both complaints at the same time. A request for an extension of time to submit a response for Japan Travel Bureau International, Inc. has already been made.

For these reasons, I will not be able to formulate a complete response to the allegation against Mr. Hayashi within the fifteen day time limit and I would greatly appreciate an extension of time. An extension for a period of thirty days was requested for Japan Travel Bureau International, Inc. and I anticipate a delay of equal length for this case. Receipt of the complaint occurred on November 24, 1989. An extension of thirty days beyond the fifteen day deadline would expire on January 8, 1990.

Sincerely,

Michael K. Tanigawa

MICHAEL K. TANIGAWA

Tanigawa & Tanigawa
Attorneys for
MASAO HAYASHI

24043571499

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

December 14, 1989

Mr. Michael Tanigawa
Tanigawa & Tanigawa
Suite 1550 Pacific Tower
1001 Bishop Street
Honolulu, Hawaii 96813

RE: MUR 3004
Masao Hayashi Japan Travel
International, Inc.

Dear Mr. Tanigawa:

This is in response to your letter dated December 1, 1989, which we received on December 4, 1989, requesting an extension of 30 days to respond to the Commission's Notification letter. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on January 8, 1990.

If you have any questions, please contact Mark Allen, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

2404357150 0

GEM OF HAWAII, INC.

FEDERAL ELECTION COMMISSION

89 DEC -4 AM 9:06

November 29, 1989

Mr. Lawrence M. Noble
General Counsel
Federal Elections Commission
999 East Street, N.W.
Washington, D.C. 20463

ATTENTION: Ms. Lois Lerner
Associate General Counsel

89 DEC -4 PM 12:38

FEDERAL ELECTION COMMISSION

Dear Mr. Noble:

SUBJECT: MUR 3004

We have been advised by letter dated November 20, 1989 that the GEM Political Action Committee (GEM PAC) may have violated the Federal Election Campaign Act of 1971, as amended. This is in response to that transmittal.

In February of 1989, I placed a call to the Federal Election Commission, and spoke with Patricia Klein, to inquire as to the legality of GEM PAC's contributions to candidates running for various offices in the State of Hawaii and the City and County of Honolulu. We were informed by Ms. Klein that political contributions by foreign nationals or corporations to any State, Local or Federal candidate or election is prohibited by Federal law. We were aware of this.

However, we were also informed that a corporation that is a wholly-owned subsidiary of a foreign parent and incorporated in the state in which the contribution is made may contribute to candidates for political office, as long as the monies do not originate from foreign accounts and the foreign principals do not make policy decisions as to whom the recipients should be.

The GEM PAC was formed by, and is comprised of, residents of the State of Hawaii; we are United States citizens. The names of the present PAC members are:

Edean S. Hayashida (Chair)
757 Kinalau Place, #1003
Honolulu, HI 96813 Born: Hawaii, USA

2043571501

1199 Dillingham Boulevard • Honolulu, Hawaii 96817
EXECUTIVE OFFICE: (808)841-6224 • ADMINISTRATION: (808)847-1126 • Fax: (808)845-7769

Roy Ishioka (Treasurer)
55 Judd Street, #2010
Honolulu, HI 96817 Born: Hawaii, USA

Verna Maynard
251 Kuuhale Street
Kailua, HI 96734 Born: Hawaii, USA

As its committee chair, and government affairs officer for GEM of Hawaii, I, with the consensus of the committee, decide on the direction of our contributions and in what amounts. I have no contacts with Japan on political matters, whether they be affiliations or contributions. I should also inform you that the GEM PAC funds are derived from local sources. There is no involvement by our parent company in the day to day operations and administration of the GEM Department Stores.

I am hoping that this information will help you and suffice in your investigation of this matter.

If you have any questions, I can be reached at (808) 841-6224.

Very truly yours,

Edean S Hayashida

Edean S. Hayashida
Chairperson
GEM PAC

2404357150 2

DC 4737

KOBAYASHI, WATANABE, SUGITA, KAWASHIMA & GODA

ATTORNEYS AT LAW

HAWAII TOWER, 8th FLOOR

745 FORT STREET

HONOLULU, HAWAII 96813-3889

TELEPHONE (808) 544-8300

Kevin S.C. Chang *
Kate Feldman *
Alan M. Goda *
Lyle Y. Harada *
J. Douglas Ing *
Cheryl K. Kakazu *
James Kawashima *
Bert T. Kobayashi, Jr. *
John T. Komeiji *
Wray H. Kondo *

Benjamin A. Kudo *
Dale W. Lee *
Ronald Y. K. Leong *
Lee R. Smith *
Kenneth Y. Sugita *
Robert T. Takamatsu *
Jeffrey N. Watanabe *
Cynthia Winegar *
Randall Y. Yamamoto *

*A Law Corporation

Jan M. L.Y. Amii
George S. Ashe
Ferdinand G. Aranza
Wendell H. Fuji
Charles W. Gall
Rosanne K. Goo
Lyle S. Hosoda
Robert K. Ichikawa

David B. Kaapu
Donna Y. Kanemaru
Pamela J. Larson
Michael A. Lorusso
Alan K. Maeda
David L. Morricy
Janeen A. Olds
Fred Trancoso

OF COUNSEL:
George R. Ariyoshi
Bert T. Kobayashi, Sr.
Russell K. Kono

Facsimile (808) 544-8399
Telex 8803988686 MCI
MCI Mail: 3988686
ABA / Net ABA2789

December 1, 1989

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 DEC -4 PM 12:38

Federal Election Commission
999 E. Street, N.W.
Washington, DC 20463

Attn: Mark Allen

RE: MUR 3004

Dear Mr. Allen:

Our law firm represents Mauna Lani Resort, Inc. and Mauna Lani Resort PAC and Manua Lani Bay Hotel (collectively referred to as "Mauna Lani") to respond to the above referenced matter. We also represent Mauna Lani in MUR 2846 and responded to that complaint concerning contributions to Governor John Waihee in an answer dated May 24, 1989.

In response to the complaint in the present case, we would like to incorporate by reference our answer in MUR 2846. You will be receiving directly from Mauna Lani the form designating our law firm as their counsel.

If you have any questions, please feel free to contact me.

Sincerely,

Cheryl K. Kakazu

CHERYL K. KAKAZU
for
KOBAYASHI, WATANABE,
SUGITA, KAWASHIMA & GODA

89 DEC -4 AM 9:15
RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

3612E

cc: Max Yuki
Francine Duncan

2404357150 03

OGC 4795

KOBAYASHI, WATANABE, SUGITA, KAWASHIMA & GODA
ATTORNEYS AT LAW
HAWAII TOWER, 9th FLOOR
745 FORT STREET
HONOLULU, HAWAII 96813-3889
TELEPHONE (808) 544-5300

Kevin S.C. Chang *
Kale Feldman *
Alan M. Goda *
Lyle Y. Hiraoka *
J. Douglas Ing *
Cheryl K. Kakazu *
James Kawashima *
Bert T. Kobayashi, Jr. *
John T. Komeiji *
Wesley H. Kondo *
Benjamin A. Kudo *
Dale W. Lee *
Ronald Y. K. Leong *
Lex R. Smith *
Kenneth Y. Sugita *
Robert T. Takamatsu *
Jeffrey N. Watanabe *
Cynthia Winegar *
Randall Y. Yamamoto *

*A Law Corporation

Jon M. L. Y. Akin
George S. Apter
Ferdinand G. Arranza
Wendell H. Fuji
Charles W. Gall
Roxanne K. Goo
Lyle S. Hiraoka
Robert K. Ichikawa
David B. Kaaiai
Dennis Y. Kanemaru
Pamela J. Larson
Michael A. Lorusso
Alan K. Maeda
David L. Morrow
Janeen A. Oda
Fred Troncone

OF COUNSEL:
George R. Ariyoshi
Bert T. Kobayashi, Sr.
Russell K. Kono

Telecopier (808) 544-5300
Telex 8602386585 MCI
MCI mail: 386585
ABA/Net: ABA2281

December 6, 1989

89 DEC -8 PM 2:21
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

BY DHL COURIER

Federal Election Commission
Office of General Counsel
999 E. Street, N.W.
Washington, D. C. 20643

Attention: Lois G. Lerner
Associate General Counsel

Re: MUR 3004
Ohbayashi Hawaii Corporation

Dear Ms. Lerner:

Our law firm represents Ohbayashi Corporation in the above-refernced matter. Enclosed for your review and file is the original Statement of Designation of Counsel form executed by the President of Ohbayashi Hawaii Corporation.

This letter is also to request a twenty (20) day extension of time to submit a response to the Federal Election Commission in the above-referenced matter. Our firm received Ms. Lerner's correspondence and the enclosures on December 1. The extension of time is needed to review all of the relevant facts and circumstances before submitting a response.

Since Ohbayashi received Ms. Lerner's correspondence on or about November 27, we request that the deadline to respond be extended from December 12 to January 2, 1990.

I attempted to speak with FEC staff member Mark Allen regarding our request for extension of time today, missed his return telephone call and was unable to reach him due to the time difference.

2404357150 4

Thank you for your courtesy and consideration in this matter. Please contact me if you have any questions or require additional information.

Very truly yours,

KEVIN S.C. CHANG
for
KOBAYASHI, WATANABE,
SUGITA, KAWASHIMA & GODA

KSCC:me

Enclosure

cc: Ohbayashi Hawaii Corporation
(without enclosure)

24043571505

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3004

NAME OF COUNSEL: Kevin S. C. Chang

ADDRESS: 8th Floor, Hawaii Tower
745 Fort Street
Honolulu, Hawaii 96813

TELEPHONE: (808) 544-8300

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

DEC 08 1989
Date

Signature

RESPONDENT'S NAME: Ohbayashi Hawaii Corporation

ADDRESS: Suite 2680, Pacific Tower
1001 Bishop Street
Honolulu, Hawaii 96813

HOME PHONE:

BUSINESS PHONE: (808) 524- 5163

24043571506

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

December 14, 1989

Mr. Kevin Chang
Kobayashi, Watanabe, Sugita, Kawashima & Goda
Hawaii Tower, 8th Floor
745 Fort Street
Honolulu, Hawaii 96813

RE: MUR 3004
Ohbayashi Hawaii Corp.

Dear Mr. Chang:

This is in response to your letter dated December 6, 1989, which we received on December 11, 1989, requesting an extension of 21 days to respond to the Commission's Notification letter. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on January 2, 1990.

If you have any questions, please contact Mark Allen, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

2043571507

OGC 4826

CALVIN SAY

Room 430, State Capitol
Honolulu, Hawaii 96813
548-7845

December 4, 1989

RECEIVED
FEDERAL ELECTION COMMISSION
89 DEC 11 PM 1:06

Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

Attention: Lawrence M. Noble
General Counsel

RE: MUR 3004

Dear Mr. Noble:

At the time the contributions alleged in your complaint were made, I believe that the federal law to which you refer was not considered to be applicable to local elections (state/county). I personally believe that even the State Campaign Spending Executive Director, Mr. Jack Gonsalves, did not believe that such law was applicable to local elections.

At this time, I will not contest the applicability of the federal law to local election laws, and in the best interest of both the Federal Election Commission and my campaign committee, I am returning the contributions to the donors.

I hope this will resolve the complaint filed by the individuals. Please write or call me if you have any additional questions.

Very truly yours,

Calvin K.Y. Say

Calvin K.Y. Say

Encl.: Copy of checks returned

RECEIVED
FEDERAL ELECTION COMMISSION
89 DEC 11 AM 9:39

2404367150 8

FRIENDS FOR SAY
1984 10th Avenue
Honolulu, Hawaii 96816

#282

Dec. 6 19 89

PAY TO THE ORDER OF Fremont Dairie $ 100.00

One Hundred and 00/100 DOLLARS

HAWAII NATIONAL BANK
HAWAII

MEMO Reimbursement of Foreign contribution

Calvin K.Y. Say

⑆121301772⑆ 060-068762

FRIENDS FOR SAY
1984 10th Avenue
Honolulu, Hawaii 96816

#283

Dec. 6 19 89

PAY TO THE ORDER OF West Beach Estates $ 975.00

Nine Hundred Seventy Five & no/100 DOLLARS

HAWAII NATIONAL BANK
HAWAII

MEMO Reimbursement of Foreign contribution

Calvin K.Y. Say

⑆121301772⑆ 060-068762

2404357150 9

OSC 4827

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

89 DEC 11 AM 9:38

MAUNA LANI RESORT

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 DEC 11 PM 1:06

December 4, 1989

FEDERAL ELECTION COMMISSION
999 E. Street, N.W.
Washington, D.C. 20463
Attn: Mr. Mark Allen

Re: MUR 3004

Dear Mr. Allen:

Ms. Cheryl Kakazu, counsel for Mauna Lani Resort, Inc., Mauna Lani Resort PAC and Mauna Lani Bay Hotel (collectively referred to as "Mauna Lani") on the above referenced subject asked that the Statement of Designation of Counsel form be sent directly to you.

Sincerely,

MAUNA LANI RESORT, INC.

Francine Duncan
Vice President

FKD:lms

cc: Ms. Cheryl Kakazu w/encls.

Enclosure

2404357151 0

P.O. Box 4959, HCR 2 • Kohala Coast • Island of Hawaii 96743-4959
Telephone: (808) 885-6677 • TELEX: 752449 • FAX: (808) 885-6375

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3004

NAME OF COUNSEL: Kobayashi Watanabe Sugita Kawashima & Goda

ADDRESS: 745 Fort St., 8th Floor
Honolulu, HI 96813

TELEPHONE: (808) 544-8300

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

December 4, 1989
Date

Francine Duncan
Signature
Francine Duncan

RESPONDENT'S NAME: Mauna Lani Bay Hotel
Mauna Lani Resort, Inc. & Mauna Lani Resort PAC

ADDRESS: P.O. Box 4959
Kawaihae, HI 96743

HOME PHONE: (808) 885-8043

BUSINESS PHONE: (808) 885-6680

2404357151

OGC 4838

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

89 DEC -8 AM 11:04

Clarice Hashimoto
STATE HOUSE ■ 42ND DISTRICT

December 1, 1989

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 DEC 11 PM 1:06

Federal Election Commission
999 E St. N.W.
Washington, D.C. 20463

Re: MUR 3004

Gentlemen:

At the time the contributions alleged in your complaint were made, I believe that the federal law to which you refer was not considered to be applicable to local elections. I believe that even the State Campaign Spending Commissioner in Hawaii did not believe that such law as applicable to local elections.

Rather than contest the applicability of the federal law to local elections or to ask the persons or corporations you allege in complaint questions about who owns the company, the source of their revenues, and their decision making processes, I thought it best to return the contributions.

I hope that this course of action is a satisfactory resolution of the complaint. Please write or call me if you have any additional questions.

Sincerely,

Clarice Y. Hashimoto

CLARICE Y. HASHIMOTO
State Representative
42nd District

CYH:gu

2 4 0 4 3 5 7 1 5 1 2

■ 98-162 KAUHIHAU PLACE
PEARL CITY, HAWAII 96782

DGC 4822

TANIGAWA & TANIGAWA
Attorneys at Law
Suite 1550 Pacific Tower
1001 Bishop Street
Honolulu, Hawaii 96813

Herbert H. Tanigawa
Michael K. Tanigawa

Telephone
(808) 521-6354
Fax
(808) 531-6263

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
89 DEC 11 AM 9:52

December 1, 1989

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 DEC 11 PM 1:06

Mark Allen, Esq.
General Counsel's Office
Federal Election Commission
999 E.Street, NW
Washington, D.C. 20463

Re: MUR 3004 Masao Hayashi

Dear Mr. Allen:

Enclosed is the Statement of Designation of Counsel from Mr. Hayashi.

Sincerely,

Michael K. Tanigawa

MICHAEL K. TANIGAWA

Tanigawa & Tanigawa
Attorneys for
MASAO HAYASHI

encl.

2404357151513

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3004

NAME OF COUNSEL: TANIGAWA & TANIGAWA

ADDRESS: Suite 1550 Pacific Tower
1001 Bishop Street
Honolulu, Hawaii 96813

TELEPHONE: (808) 521-8354

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

December 6, 1989
Date

Signature

RESPONDENT'S NAME: MASAO HAYASHI

ADDRESS: c/o Japan Travel Bureau International, Inc.
ANA Kalakaua Center, 9th Floor
2255 Kalakaua Avenue, Honolulu, Hawaii 96815

HOME PHONE:

BUSINESS PHONE: (808) 922-0280

2404357151514

OGC 4825

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

89 DEC 11 AM 9:40

December 6, 1989

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
89 DEC 11 PM 1:06

Mr. Lawrence Noble
General Counsel
Federal Elections Commission
999 E St. N.W.
Washington, D.C., 20463

RE: MUR 3004

Dear Mr. Noble:

I received your letter dated November 20, 1989, on or about November 24, 1989. As you wished me to respond by December 9, 1989, I am taking this opportunity to address your concerns.

First, neither your letter nor the complaint that accompanies it gives me any idea as to the rule or law that I have allegedly violated by my acts or failure to act.

Secondly, I have no personal knowledge about the facts or circumstances that are alleged about the contributions or contributors that are purported to be in violation of federal law relating to state or local elections.

Finally, neither your letter nor the complaint states the basis for Federal Election Commission jurisdiction over the subject matter referred to in your letter.

These factors lead me to request two actions:

1. That the commission permit me an extension of thirty days to respond to your letter and the complaint;

2. That the commission enter into conciliation at the earliest possible opportunity for this matter.

I appreciate your communication to me about your concerns and look forward to your consideration of, and response to, my requests.

Sincerely,

Lisa M. Konove

Lisa M. Konove
Treasurer, Friends for Tony Chang
2052 Lee Place
Honolulu, HI 96817

2404357151 5

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3004

NAME OF COUNSEL: Anthony K.H. Chang

ADDRESS: 220 S. King St., Ste. 1501
Honolulu, HI 96813

TELEPHONE: (808) 526-9886

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

12/6/89
Date

Lisa M. Konove
Signature

RESPONDENT'S NAME: Lisa M. Konove

ADDRESS: 2052 Lee Place
Honolulu, HI 96817

HOME PHONE: (808) 595-3048

BUSINESS PHONE: (808) 522-4575

2043571516

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

December 14, 1989

Ms. Lisa M. Konove
Treasurer, Friends for Tony Chang
2052 Lee Place
Honolulu, Hawaii 96817

RE: MUR 3004
Sen. Tony Chang

Dear Ms. Konove:

This is in response to your letter dated December 6, 1989, which we received on December 11, 1989, requesting an extension of 30 days to respond to the Commission's Notification letter. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on January 8, 1990.

If you have any questions, please contact Mark Allen, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

2404357157

OGC 4823

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

89 DEC 11 AM 9:50

Iwai, Motooka & Goto

ATTORNEYS AT LAW
A LAW CORPORATION
SUITE 502, HASEGAWA KOMUTEN BUILDING
820 MILILANI STREET
HONOLULU, HAWAII 96813

WILFRED K. IWAI
MILTON M. MOTOOKA
ARTHUR K. GOTO

AREA CODE 808
TELEPHONE 537-1835
FAX 526-5813

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

89 DEC 11 PM 1:06

December 6, 1989

Federal Election Commission
Washington, D.C. 20463

Ladies and Gentlemen:

Re: MUR 3004 Haseko (Hawaii), Inc. fka Hasegawa Komuten (Hawaii), Inc.

1. This office represents the respondent in the above identified "MUR" matter.

2. May we request that a copy of the following advisory opinions of the Federal Election Commission, or such of those that are available be forwarded to us for your review in this matter.

1978-21
1980-7; -95; -100; -111
1981-36
1983-31

3. Your response would be appreciated.

Very truly yours,

Arthur K. Goto

ARTHUR K. GOTO

AKG:al
7387C

2043571518

DEC 06 89 11:53 KIEFER OSHIMA CHUN SHEBB

OGC 4787

KIEFER, OSHIMA, CHUN & WEBB

ATTORNEYS AT LAW

FOURTH FLOOR
DAVIES PACIFIC CENTER
841 BISHOP STREET
HONOLULU, HAWAII 96813
(808) 526-4200
TELECOPIER NO.
(808) 521-8468
TELEX
8809988749 HCI

DEBORAH HACER CHUN
STEVEN K.S. CHUNG
ANGELA FONG
JOSEPH T. KIEFER*
ALAN M. OSHIMA
MICHEAL C. WEBB

STEPHEN K. BOLLINGER
ADRIENNE CHUNG
LYNN H. HATT
ESTELLE M. HE..E*
JAN A. KOBAYASHI
MICHAEL M. LAU
DAVID A. BAIR

* A LAW CORPORATION

December 6, 1989

89 DEC -6 PM 8:18

VIA FACSIMILE

Mark Allen, Esq.
Office of the General Counsel
Federal Trade Commission
Washington, D.C. 20463

Re: MUR 3004

Dear Mr. Allen:

To confirm our telephone conversation yesterday, I will be representing the owner of The Westin Kauai in connection with the above-referenced matter. My client will be forwarding a copy of your Statement of Designation of Counsel to you shortly.

The November 20, 1989 letter from Lois G. Lerner to The Westin Kauai notifying it of the alleged violation of the Federal Election Campaign Act of 1971 was received by my client on November 29, 1989. I understand, therefore, that we have fifteen days, until December 14, 1989, to respond to that letter demonstrating why no action should be taken against The Westin Kauai. As I indicated on the telephone, I will be filing a response within that time limit.

Thank you for your assistance.

Very truly yours,

Joseph T. Kiefer

1340d

9043571519

STATEMENT OF DESIGNATION OF COUNSEL

NOAA 3004

NAME OF COUNSEL: Joseph T. Kiefer, Esq.

ADDRESS: Kiefer, Oshima, Chun & Webb
841 Bishop Street, Fourth Floor
Honolulu, Hawaii 96813

TELEPHONE: (808) 528-4200

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

HEMMETER-VMS KAUAI COMPANY II, a Hawaii limited partnership dba The Westin Kauai

By: Westin Hotel Company, its authorized agent

By: Barbara Williams

December 5, 1989
Date

Signature

RESPONDENT'S NAME: Hemmeter-VMS Kauai Company II dba The Westin Kauai

ADDRESS: Kalapaki Beach
Lihue, Kauai, Hawaii 91760
ATTN: Ms. Barbara Williams

HOME PHONE: n/a

BUSINESS PHONE: (808) 245-5050

9404357 15520

OGC 4828

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

89 DEC 11 PM 1:06

PRI Pacific Resources, Inc.

PRI Tower 733 Bishop Street
P.O. Box 3379 Honolulu, Hawaii 96842
Telephone (808) 547 3111 Telex (ITT) 7430292

December 7, 1989

HAND DELIVERED

89 DEC 11 AM 9:32

FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

Federal Election Commission
999 E Street Northwest
Washington, D.C. 20463

Attention: General Counsel's Office

Re: MUR 3004

Gentlemen:

In response to the Complaint [MUR 3004], Pacific Resources, Inc. (PRI) submits that, given its status as a U.S. corporation, whose principal place of business is in the State of Hawaii, with a Political Action Committee (PAC) Steering Committee and members comprised of all U.S. citizens, the PAC's contribution[1] to the state senators and representations noted in the Complaint do not violate 2 U.S.C. §441e of the Federal Election Campaign Act of 1971 (the "Act").

2 U.S.C. §441e(a) prohibits political contributions by "foreign nationals". 2 U.S.C. §441e(b)(1) defines a "foreign national" as being (i) "foreign principal, as such term is defined by §611(b) of Title 22, ..." 22 U.S.C. §611(b) defines a "foreign principal" as follows:

> "The term foreign principal includes:
> (1) a government of a foreign country and a foreign political party;
> (2) a person outside of the United States, unless it is established that such person is an individual and a citizen of and domiciled within the United States, or that such person is not an individual and is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States; and

[1] In the Complaint, PRI was credited with a $300 contribution on November 8, 1989 to Senator Mike Crozier. PRI's records do not indicate that any such contribution was ever made nor does Exhibit B, attached in support of the Complaint, evidence any such contribution. It is submitted that such listing is in error and, therefore, should be stricken.

2043571521

> (3) a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country." (emphasis added)

Based on 22 U.S.C. §611(b)(2), PRI is not a "foreign national" and, therefore, not prohibited from making the contributions noted in the Complaint. PRI is a Hawaii corporation, which was duly organized and incorporated under the laws of the State of Hawaii on February 26, 1970. Since its incorporation, its status as a Hawaii corporation, and its principal place of business in Honolulu, Hawaii, has never changed. On May 11, 1989, RTV, Inc., a Hawaii corporation, merged with and into PRI, making PRI a subsidiary of BHP Holdings (USA), Inc., a Delaware corporation, whose ultimate parent is The Broken Hill Proprietary Company Limited, a corporation organized under the laws of the State of Victoria, Commonwealth of Australia. However, even after the merger, PRI maintained its domestic corporate form as a Hawaii corporation with its principal place of business in the State of Hawaii. Before and after the merger, all of PRI's officers and all of its directors, except one, were U.S. citizens or lawfully admitted for permanent residence in the United States (See Hoffman Affidavit, attached).

PRI's situation is similar to the one presented by the Budd Company as described in A.O. 1978-21 [**see Federal Election Camp. Fin. Guide (CCH) ¶5327**]. In that opinion, the Budd Company, a Pennsylvania corporation, merged into Thyssen Acquisition Corporation, which was a wholly owned subsidiary of Thyssen A.G., a West German corporation. The Budd Company questioned whether its PAC, the "Budd Citizenship Committee," could still operate. The Commission, after noting that under §611(b) "... a domestic corporation whose principal place of business is within the United States is not a foreign principal and hence, not a foreign national under 2 U.S.C. §441e," found that the Budd Company was "... a discreet corporation organized under the laws of Pennsylvania, with its principal place of business in the United States" and, therefore, permitted the Budd Company to continue its sponsorship of its PAC. [**See also A.O.1980-100 Federal Election Camp. Fin. Guide (CCH) ¶5548; A.O.1982-10 Federal Election Camp. Fin. Guide (CCH) ¶5651; and A.O. 1983-31 Federal Election Camp. Fin. Guide (CCH) ¶5735**] Like the Budd Company, PRI, even after the merger, remained a Hawaii corporation, with its principal place of business in the State of Hawaii and, therefore, is not a "foreign national" as defined in 2 U.S.C. §441e.

The Commission went on to state that its conclusion assumes "...that the individuals who exercise decision making authority

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with respect to the committee activities are citizens of the United States or lawfully admitted for permanent residence in the United States" and "that decisions made for the committee by those individuals would not be dictated or directed by personnel of Thyssen, A.G. or any other foreign corporation who are foreign nationals."

The organization of PRI's PAC, with all of its members being U.S. citizens, ensures that its decisions will not be influenced or directed by any "foreign national", which is consistent with the Commission's assumptions made in the Budd opinion. PRI's PAC was established prior to 1980. Membership is open to all employees of PRI who are U.S. citizens. The Directors of PRI, who are not otherwise employed by PRI, are not considered employees and, therefore, cannot be members. The By-Laws of the PAC provide that it is to be managed by a Steering Committee of five (5) individuals, all of whom must be members of the PAC and who cannot be officers of PRI. All of the members of PRI's PAC and, thereby, all of the members of its Steering Committee are U.S. citizens. No member of the Steering Committee is an officer or director of PRI, further protecting the PAC from any foreign influence. The PAC operates on contributions made only by its members. At no time has the PAC ever accepted contributions from any "foreign national" as that term is defined in 2 U.S.C. §441e(b). (See Kusunoki Affidavit, attached) PRI's PAC is truly a domestic operation.

Based on the foregoing, it is respectfully submitted that no violation of the Act has occurred and the file on this matter be closed accordingly. Please don't hesitate to contact the undersigned at (808) 547-3282 or Mario A. Roberti at (808) 547-3109, should you have any questions or other inquiries.

Sincerely,

PACIFIC RESOURCES, INC.

George T. Aoki
Senior Counsel

GTA:rt

Attachments

2 4 0 4 3 5 7 1 5 2 3

AFFIDAVIT

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

F. DAVID HOFFMAN, JR., being first duly sworn, deposes and says:

1. That I am the Secretary for Pacific Resources, Inc. (PRI)

2. That PRI is a Hawaii corporation, duly organized and incorporated under the laws of the State of Hawaii since February 26, 1970.

3. That since RTV, Inc.'s merger with and into PRI, PRI's intermediate parent has been BHP Holdings (USA), Inc. a Delaware corporation, and ultimate parent has been The Broken Hill Proprietary Company, Limited, a corporation organized under the laws of the State of Victoria, The Commonwealth of Australia.

4. That immediately before and after the merger, up to and including the date hereof, all of PRI's officers, and all of its directors, except for one, are U.S. citizens or lawfully admitted for permanent residence in the United States.

5. That currently, PRI has six directors.

Further affiant sayeth naught.

Dated: December 7, 1989.

F. David Hoffman
Its: Secretary

Subscribed and sworn to before me this 7th day of December, 1989.

Donna L. Kubota
Notary Public, State of Hawaii

My commission expires: 10-30-90

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AFFIDAVIT

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

SUSAN A. KUSUNOKI, being first duly sworn, deposes and says:

1. That I am employed by Pacific Resources, Inc. (PRI).

2. That I am a member of the Pacific Resources Political Action Committee (PAC) and currently the Chairman of the PAC Steering Committee.

3. That the PAC was established prior to 1980.

4. That membership in the PAC is limited to PRI employees who are U.S. citizens and all funds in the PAC are from U.S. citizens.

5. That members of the Board of Directors, who are not otherwise employees of PRI are not considered employees of PRI for membership purposes.

6. That in accordance with the PAC's By-Laws, the PAC is managed by a Steering Committee of five (5) individuals, all of whom must be members of the PAC, and none of which can be officers of PRI.

7. That all of the PAC members and members of the PAC Steering Committee are U.S. citizens and all funds in the PAC are from U.S. citizens.

8. That in accordance with the By-Laws of the PAC, the Steering Committee makes all of the decisions for the PAC.

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9. That at no time has the PAC ever accepted or solicited contributions from any "foreign national" as that term is defined in 2 U.S.C. §441e(b).

Further affiant sayeth naught.

Dated: December 7, 1989.

Its: Chairman, Pac Steering Committee

n.p.

Subscribed and sworn to before me this 7th day of December, 1989.

Notary Public, State of Hawaii

My commission expires: 10-30-90

24043571526

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3004

NAME OF COUNSEL: GEORGE T. AOKI
MARIO A. ROBERTI

ADDRESS: Pacific Resources, Inc.
P. O. Box 3379
Honolulu, HI 96842

TELEPHONE: (808) 547-3282 [George Aoki]
(808) 547-3109 [Mario Roberti]

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

PACIFIC RESOURCES, INC.

December 11, 1989
Date

By F. David Hobson Jr.
Signature
Its: Secretary

RESPONDENT'S NAME: PACIFIC RESOURCES, INC.

ADDRESS: P. O. Box 3379
Honolulu, HI 96842

HOME PHONE: --

BUSINESS PHONE: (See above counsel's numbers)

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GOODSILL ANDERSON QUINN & STIFEL

ATTORNEYS AT LAW

1600 BANCORP TOWER
130 MERCHANT STREET
HONOLULU, HAWAII 96813

MAIL ADDRESS: P.O. BOX 3196
HONOLULU, HAWAII 96801

FACSIMILE (808) 531-2628
TELEPHONE (808) 547-5600
TELEX 7410246 JEKID

MARTIN ANDERSON* WILLIAM F. QUINN* RICHARD E. STIFEL* HENRY RAMSEYER (1898-1969) C. JEPSON GAILEY* CONRAD M. SPEIDEL* DAVID T. CHEZEM RICHARD T. TAMURA** ROBERT G. REYS* RONALD W. W. LUM DAVID J. ROSS H. MITCHELL SPONER JOHN E. LACY ROBERT F. HERANO RAYMOND S. TSUMOTO RONALD K. SAKIMURA THOMAS W. WILLIAMS, JR. MR. HANS A. NIELSEN

WILLIAM E. MILLER JACQUELINE L. E. EALE KENNETH A. BYRD LANI L. EWART RANDALL K. STEVENSON KENNETH K. F. WONG PETER LAY LEE GARY M. SLOVIN LISA WINDOM MUNGER LENWORTH B. HIFF ERNEST T. LOO BRUCE T. LAMOND PETER T. KAZUNGA RUSSELL S. KATO AMY A. JOHNSON STEVEN M. NAKASHIMA VINCENT A. PIKAREE MICHAEL J. O'MALLEY MARK B. DESMARAIS

LINDA DICHTTELLA LEONG SCOTT O. LEONG SCOTT A. MADDUX PAMELA W. MCALLISTER LAURENCE J. H. S. YUEN CYNTHIA M. NOJIMA CARL J. BOHLEN, JR. MIST OKINAGA MARK P. FIO WAYNE M. MURAOKA LYN FLANIGAN ARIAI AUDREY S. I. HO CORLISS J. CHANG DONNA A. TANOUE GREGORY R. KIM RICHARD K. MIYEYAMA CORINNE S. YEE ALAN S. FUJIMOTO WALTER C. DAWSON

DAVID W. SHERMAN R. CLAYTON WELCH** MARK E. RECKTENWALD DALE O. ANDRE KATHERINE C. ANDERSON CARL E. AGUINA MARGARET K. MATSUNAGA** DALE E. EAMS LINDALEE K. FARM BRIAN C. YEE F. ROY CATALANI MARGARET C. JENKINS CAROL A. EALAN CRAIG I. NAKAGAWA LAURA ELLEN MARRACK JEFFREY S. PIPER ROY JOHN TICE LYNNE TANAKA TOKOKU'KU JUDITH A. CARRITHERS

*A LAW CORPORATION

**KONA OFFICE
P.O. BOX 2610
KAILUA-KONA, HAWAII 96740
PHONE (808) 329-7781
FAX (808) 329-7184

COUNSEL
RANDALL W. ROTH
RONALD C. BROWN
F. LAWRENCE CAY

OF COUNSEL
JAMES M. RICHMOND
JOHN P. RUSSELL
W. [illegible] KLOWDEN
WALTER [illegible]
PAUL [illegible] ANDERSON
MARSHALL M. GOODSELL*

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December 7, 1989

Mr. Lawrence M. Noble
General Counsel
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

Re: MUR 3004 Otaka, Inc.

Dear General Counsel Noble:

We represent Otaka, Inc. with regard to MUR 3004 and, on behalf of Otaka, Inc., hereby respond to the Federal Election Commission's notification to Otaka, Inc., received on November 24, 1989, of a complaint ("Complaint"), dated November 3, 1989, by the Maunawili Community Association, Victoria Creed, Karen Kosoc, and Donna Wong.

The Complaint alleges that Otaka, Inc., a "foreign owned and/or controlled corporation" improperly donated $300.00 to State Senator Milton Holt on April 19, 1988 and $1,000.00 to State Senator Richard Wong on June 7, 1988.

Otaka, Inc. does not dispute that it made these donations to State Senators Holt and Wong. As the attached affidavit of Mr. B. Stephen Kawagishi, President for Otaka, Inc., demonstrates, the donations were made in response to fundraising event ticket solicitations mailed directly to Otaka, Inc.

Otaka, Inc. believes the Federal Election Commission should not take further action with regard to MUR 3004 because Otaka, Inc. did not make the donations with any knowledge or reason to believe that the donations could in any way be construed as a violation of any law. (See Affidavit of Mr. Kawagishi). Although Otaka, Inc. is

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OFFICE OF GENERAL COUNSEL

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wholly-owned by a foreign corporation, it is incorporated in the State of Hawaii and its President, Mr. Kawagishi, a U.S. citizen, alone made the decisions to make the donations to the State Senators' campaigns; the decisions were not made by a foreign national or influenced in any way by Otaka, Inc.'s parent corporation.

Second, it is Otaka, Inc.'s position that 2 U.S.C. § 441e only prohibits "contributions" by foreign nationals to elections of "candidates" to federal political office. Section 441e does not expressly provide that it applies to state and local elections. Indeed, the terms "contributions" and "candidate" are defined by 2 U.S.C. §§ 431(2) and (A) in a manner which renders them applicable only to "elections for Federal Office". Furthermore, while 11 CFR § 110.4 may purport to prohibit contributions by foreign nationals to elections in connection with "any local, state or federal public office," there is no indication in either the Federal Election Campaign Act itself or its legislative history that the law was intended to be construed so broadly. See S. Rep. No. 677, 94th Cong., 2nd Sess. 2 (1976), reprinted in 1976 U.S. Code Cong. and Ad. News 930. Thus, 11 CFR § 110.4 is invalid because it is not authorized by statute. Moreover, if 11 CFR § 110.4 were authorized by statute, it would be unconstitutional, since it would constitute an improper congressional attempt to regulate state and local elections. See Oregon v. Mitchell, 400 U.S. 112, 117-118 (1970) (Black J. announcing judgment); see also Tashjian v. Republican Party of Connecticut, 479 U.S. 208 (1986).

In sum, for the foregoing reasons, Otaka, Inc. respectfully requests that the Federal Election Commission not take action in MUR 3004.

Very truly yours,

GOODSILL ANDERSON QUINN & STIFEL

Russell S. Kato

Robert F. Hirano
Russell S. Kato

RFH:RSK:rr
Enclosures

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AFFIDAVIT OF B. STEPHEN KAWAGISHI

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

B. STEPHEN KAWAGISHI, being duly sworn under oath, deposes and says:

1. I am the President of Otaka, Inc. and have served in such capacity since August 1, 1987. Otaka, Inc. is a Hawaii corporation. I am a United States citizen. I am providing this affidavit in support of Otaka, Inc.'s response to the complaint pending before the Federal Election Commission (MUR 3004).

2. The two donations complained of in the November 3, 1989 letter from the Maunawili Community Association, et al., were made in response to written solicitations to Otaka, Inc. for the purchase of fundraiser tickets. The solicitation for Senator Holt's campaign was made by the Hawaii Hotel Association, an industry trade group which Otaka, Inc. is a member by virtue of its ownership of the Hawaiian Regent, the Holiday Inn Waikiki Beach, and the Kona Surf Resort, hotels located in the State of Hawaii. Attached hereto as Exhibit "A" is a copy of a letter dated April 8, 1988 which was sent to Otaka, Inc. from members of the Hawaii Hotel Association on behalf of Senator Holt's campaign. Accompanying this letter were 10 fundraiser event tickets, priced at $30.00

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each. Otaka, Inc. was also directly mailed 40 tickets priced at $25.00 each from Senator Wong's campaign. I approved both donations. My decisions to make these donations were not in any way influenced by Otaka, Inc.'s parent corporation or any foreign nationals. Otaka, Inc. has delegated the authority to make all decisions concerning such donations to myself.

3. Neither Otaka, Inc. nor I had any knowledge or reason to believe that campaign donations to State Senators Holt or Wong's campaign committees could be potentially in violation of any state or federal law.

FURTHER AFFIANT SAYETH NAUGHT.

S. Kawagishi

B. STEPHEN KAWAGISHI

Subscribed and sworn to before me
this 6th day of December, 1989.

Patricia M. Soraka

Notary Public, State of Hawaii

My Commission expires: 11/3/93

2043571531

April 8, 1988

Purchase all of them

OTAKA, INC.

Dear Visitor Industry Colleague:

It is extremely important that the Visitor Industry and the Hawaii Hotel Association, in particular, stand up and be counted now. Senator Milton Holt, Chairman of the Senate Tourism Committee, an individual who has been willing to go out on a limb for our Industry, most particularly on the Convention Center issue, is having a fundraiser on April 19th, from 5:30 p.m. to 8:30 p.m., at Aloha Tower. His function will have a "M.A.S.H." theme, and donations are $30 per person.

We have enclosed tickets for your consideration and we strongly urge your support of Senator Holt's event. We realize that you may be unable to personally attend, but we feel strongly that all of our membership should be counted in this effort. If you can help in a non-financial way, please advise.

In order for us to keep track of the Industry support, we ask that you mail your check in care of Clem Judd, at the HHA office. We are aware that tickets have been mailed. If you have already contributed to this effort, please drop Clem a note and let us know what your support has been.

Join us in promoting the efforts of this fine individual, who continues to be a staunch supporter of our Industry.

Mahalo and aloha.

Andre S. Tatibouet
ASTON HOTELS & RESORTS

Richard Kelley
OUTRIGGER HOTELS HAWAII

Adi W. Kohler
WESTIN MAUNA KEA BEACH HOTEL

Glenn A. Perry
STOUFFER WAIOHAI RESORT

Chris Von Imhof
MAUI PRINCE HOTEL

EXHIBIT A

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3004

NAME OF COUNSEL: GOODSILL ANDERSON QUINN & STIFEL
Robert F. Hirano
Russell S. Kato

ADDRESS: 130 Merchant Street, 16th Floor
Honolulu, Hawaii 96813

TELEPHONE: (803) 547-5600

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

DEC 6 - 1989
Date

S. Kawagishi
Signature

RESPONDENT'S NAME: B. STEPHEN KAWAGISHI
President

ADDRESS: Otaka, Inc.
2571 Lemon Road
Honolulu, Hawaii 96815

HOME PHONE:

BUSINESS PHONE: (808) 924-4067

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WALLACE S. FUJIYAMA
JAMES E. DUFFY, JR.
RODNEY M. FUJIYAMA
JAMES J. STONE
ARCHIE T. IKEHARA
RALPH R. LA FOUNTAINE
COLBERT M. MATSUMOTO
GLENN H. BATO
STEVEN J. T. CHON

DAVID E. ADAMIAN
LESLIE E. KOBAYASHI
NANCY J. RYAN
SCOTT S. HABIMOTO
HOLLY T. M. SHIKADA
WYNNE M. YAMAMOTO
WILLIAM H. TIN
BRUCE K. CAMPBELL
WARD P. N. FUJIMOTO
DEXTER D. DEL ROSARIO
ROSS M. TADSANA
CHRIS A. TADSANA

FUJIYAMA, DUFFY & FUJIYAMA
ATTORNEYS AT LAW, A LAW CORPORATION
SUITE 2700, PAUAHI TOWER, BISHOP SQUARE
1001 BISHOP STREET
HONOLULU, HAWAII 96813

TELEPHONE
[808] 536-0802
TELECOPIER
[808] 536-5417

December 8, 1989

89 DEC 11 PM 1:05
FEDERAL ELECTION COMMISSION

Federal Elections Commission
999 E St. N.W.
Washington, D.C. 20463

VIA TELECOPIER
NO. (202) 376-5280
AND REGULAR MAIL

Attention: Lois G. Lerner

RE: MUR 3004
Daiei (USA), Inc.

Gentlemen:

Our law firm represents Daiei (USA), Inc. ("Daiei") in the above matter. We are also representing Daiei in MUR 3004. Attached for your review and consideration is a statement of designation of counsel.

The complainants have previously indicated that confusion exists as to the applicability of federal law to local political campaigns in Hawaii. This is because the statutory law, as opposed to the administrative regulations, apparently do not extend the law's jurisdiction to non-federal elections.

Further, the State Campaign Spending Commissioner in Hawaii has reportedly advised people that the federal law did not apply to local campaigns. Clearly, it was not the intention of our client to violate any federal laws, if applicable.

Despite the ambiguity in the law, our client has decided not to contest the issue of the applicability of federal law to local campaigns. Our client has been informed that the political contribution referred to by the complainants is in the process of being returned.

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We trust the foregoing is a satisfactory response to your inquiry. Please don't hesitate to contact us if you have any further questions. Thank you.

Very truly yours,

FUJIYAMA, DUFFY & FUJIYAMA
Attorneys At Law, A Law
Corporation,

By JAMES J. STONE

JJS:di

Attachment

2 4 0 4 3 5 7 1 5 0 0

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3004

NAME OF COUNSEL: FUJIYAMA, DUFFY & FUJIYAMA ATTN: James J. Stone
Colbert M. Matsumoto

ADDRESS: 1001 Bishop Street
Suite 2700, Pauahi Tower
Honolulu, Hawaii 96813

TELEPHONE: (808) 536-0802

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

DAIEI (USA), INC.

December 8, 1989
Date

Signature
Moritaka Adachi

RESPONDENT'S NAME: DAIEI (USA), INC.

ADDRESS: 801 Kaheka Street
Honolulu, Hawaii 96814

HOME PHONE:

BUSINESS PHONE: (808) 949-1066

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RALPH R. LA FOUNTAINE
COLBERT M. MATSUMOTO
GLENN K. SATO
STEVEN J. Y. CHOW

DAVID Z. ARAKAWA
LESLIE E. KOBAYASHI
NANCY J. RYAN
SCOTT S. HASHIMOTO
HOLLY T. M. SHIKADA
WYNDE M. YAMAMOTO
WILLIAM H. YIM
BRUCE K. CAMPBELL
WARD T. N. FUJIMOTO
DEXTER D. DEL ROSARIO
ROSS N. YAOSAKA
CHRIS A. THOMAS

FUJIYAMA, DUFFY & FUJIYAMA
ATTORNEYS AT LAW, A LAW CORPORATION
SUITE 2700, PAUAHI TOWER, BISHOP SQUARE
1001 BISHOP STREET
HONOLULU, HAWAII 96813

TELEPHONE
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(808) 536-[illegible]

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December 8, 1989

Federal Elections Commission
999 E St. N.W.
Washington, D.C. 20463

VIA TELECOPIER
NO. (202) 376-5280
AND REGULAR MAIL

Attention: Lois G. Lerner

RE: MUR 3004
Daiei Hawaii

Gentlemen:

Our law firm represents Daiei Hawaii ("Daiei") in the above matter. We are also representing Daiei in MUR 3004. Attached for your review and consideration is a statement of designation of counsel.

The complainants have previously indicated that confusion exists as to the applicability of federal law to local political campaigns in Hawaii. This is because the statutory law, as opposed to the administrative regulations, apparently do not extend the law's jurisdiction to non-federal elections.

Further, the State Campaign Spending Commissioner in Hawaii has reportedly advised people that the federal law did not apply to local campaigns. Clearly, it was not the intention of our client to violate any federal laws, if applicable.

Despite the ambiguity in the law, our client has decided not to contest the issue of the applicability of federal law to local campaigns. Our client has been informed that the political contribution referred to by the complainants is in the process of being returned.

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We trust the foregoing is a satisfactory response to your inquiry. Please don't hesitate to contact us if you have any further questions. Thank you.

Very truly yours,

FUJIYAMA, DUFFY & FUJIYAMA
Attorneys At Law, A Law
Corporation,

By JAMES J. STONE

JJS:di

Attachment

2 4 0 4 3 5 7 1 5 3 0

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3004

NAME OF COUNSEL: FUJIYAMA, DUFFY & FUJIYAMA ATTN: James J. Stone
Colbert M. Matsumoto

ADDRESS: 1001 Bishop Street
Suite 2700, Pauahi Tower
Honolulu, Hawaii 96813

TELEPHONE: (808) 536-0802

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

DAIEI HAWAII

December 8, 1989
Date

Signature
Moritaka Adachi

RESPONDENT'S NAME: Daiei Hawaii

ADDRESS: 801 Kaheka Street
Honolulu, Hawaii 96814

HOME PHONE:

BUSINESS PHONE: (808) 949-1066

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FUJIYAMA, DUFFY & FUJIYAMA
ATTORNEYS AT LAW, A LAW CORPORATION
SUITE 2700, PAUAHI TOWER, BISHOP SQUARE
1001 BISHOP STREET
HONOLULU, HAWAII 96813

TELEPHONE
(808) 536-0804
TELECOPIER
(808) 536-8117

WALLACE E. FUJIYAMA
JAMES E. DUFFY, JR.
RODNEY M. FUJIYAMA
JAMES J. STONE
ARCHIE T. KEKAUA
RALPH R. LA FOUNTAINE
COLBERT M. MATSUMOTO
GLENN K. SATO
STEVEN J. T. CHON

DAVID J. MINAMI
LESLIE E. KOBAYASHI
NANCY J. RYAN
SCOTT S. HASHIMOTO
HOLLY T. M. SHIKADA
WYNNE M. YAMAMOTO
WILLIAM H. YIM
BRUCE A. CAMPBELL
WARD F. M. FUJIMOTO
DEXTER D. DEL ROSARIO
ROSE M. TADAMA
CHRIS A. THOMAS

December 8, 1989

89 DEC 11 PM 1:05
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

Federal Elections Commission
999 E St. N.W.
Washington, D.C. 20463

VIA TELECOPIER
NO. (202) 376-5280
AND REGULAR MAIL

Attention: Lois G. Lerner

RE: MUR 3004
West Beach Estates

Gentlemen:

Our law firm represents West Beach Estates ("West Beach") in the above matter. We are also representing West Beach in MUR 3004. Attached for your review and consideration is a statement of designation of counsel.

The complainants have previously indicated that confusion exists as to the applicability of federal law to local political campaigns in Hawaii. This is because the statutory law, as opposed to the administrative regulations, apparently do not extend the law's jurisdiction to non-federal elections.

Further, the State Campaign Spending Commissioner in Hawaii has reportedly advised people that the federal law did not apply to local campaigns. Clearly, it was not the intention of our client to violate any federal laws, if applicable.

Despite the ambiguity in the law, our client has decided not to contest the issue of the applicability of federal law to local campaigns. Our client has been informed that the political contribution referred to by the complainants is in the process of being returned.

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We trust the foregoing is a satisfactory response to your inquiry. Please don't hesitate to contact us if you have any further questions. Thank you.

Very truly yours,

FUJIYAMA, DUFFY & FUJIYAMA
Attorneys At Law, A Law
Corporation,

By JAMES J. STONE

JJS:di

Attachment

2043571

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3004

NAME OF COUNSEL: FUJIYAMA, DUFFY & FUJIYAMA ATTN: James J. Stone
Colbert M. Matsumoto

ADDRESS: 1001 Bishop Street
Suite 2700, Pauahi Tower
Honolulu, Hawaii 96813

TELEPHONE: (808) 536-0802

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

WEST BEACH ESTATES

December 8, 1989
Date

William W Blaisdell
Signature
William w. Blaisdell

RESPONDENT'S NAME: West Beach Estates

ADDRESS: 1585 Kapiolani Boulevard
Honolulu, Hawaii 96814

HOME PHONE:

BUSINESS PHONE: (808) 941-1533

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89 DEC 14 AM 11:17

WALLACE S. FUJIYAMA
JAMES E. DUFFY, JR.
RODNEY M. FUJIYAMA
JAMES J. STONE
ARCHIE T. IKEHARA
RALPH R. LA FOUNTAINE
COLBERT M. MATSUMOTO
GLENN S. SATO
STEVEN J. T. CHOW

DAVID Z. ARAKAWA
LESLIE C. KOBAYASHI
NANCY J. RYAN
SCOTT S. HASHIMOTO
HOLLY T. M. SHIKADA
WYNDE M. YAMAMOTO
WILLIAM H. YIM
BRUCE K. CAMPBELL
WARD Z. M. FUJIMOTO
DEXTER D. DEL ROSARIO
ROSE M. TAOSAKA
CHRIS A. THOMAS

FUJIYAMA, DUFFY & FUJIYAMA
ATTORNEYS AT LAW, A LAW CORPORATION
SUITE 2700, PAUAHI TOWER, BISHOP SQUARE
1001 BISHOP STREET
HONOLULU, HAWAII 96813

TELEPHONE
(808) 536-0602
TELECOPIER
(808) 536-5117

December 8, 1989

89 DEC 15 PM 12:00

Federal Elections Commission
999 E St. N.W.
Washington, D.C. 20463

VIA TELECOPIER
NO. (202) 376-5280
AND REGULAR MAIL

Attention: Lois G. Lerner

RE: MUR 3004
Minami Group (USA), Inc.

Gentlemen:

Our law firm represents Minami Group (USA), Inc. ("Minami") in the above matter. We are also representing Minami in MUR 3004. Attached for your review and consideration is a statement of designation of counsel.

The complainants have previously indicated that confusion exists as to the applicability of federal law to local political campaigns in Hawaii. This is because the statutory law, as opposed to the administrative regulations, apparently do not extend the law's jurisdiction to non-federal elections.

Further, the State Campaign Spending Commissioner in Hawaii has reportedly advised people that the federal law did not apply to local campaigns. Clearly, it was not the intention of our client to violate any federal laws, if applicable.

Despite the ambiguity in the law, our client has decided not to contest the issue of the applicability of federal law to local campaigns. Our client has been informed that the political contribution referred to by the complainants is in the process of being returned.

2043571543

We trust the foregoing is a satisfactory response to your inquiry. Please don't hesitate to contact us if you have any further questions. Thank you.

Very truly yours,

FUJIYAMA, DUFFY & FUJIYAMA
Attorneys At Law, A Law
Corporation,

By JAMES J. STONE

JJS:di

Attachment

J 4 0 4 3 5 7 1 5 : 4

STATEMENT OF DESIGNATION OF COUNSEL

NSR 3004

NAME OF COUNSEL: FUJIYAMA, DUFFY & FUJIYAMA ATTN: James J. Stone
Colbert M. Matsumoto

ADDRESS: 1001 Bishop Street
Suite 2700, Pauahi Tower
Honolulu, Hawaii 96813

TELEPHONE: (808) 536-0802

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

MINAMI GROUP (USA), INC.

December 8, 1989
Date

Signature
Masayuki Akumo

RESPONDENT'S NAME: MINAMI GROUP (USA), INC.

ADDRESS: c/o 1001 Bishop Street
Suite 2700, Pauahi Tower
Honolulu, Hawaii 96813

HOME PHONE:

BUSINESS PHONE: (808) 536-0802

7404357154 5

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

89 DEC 11 AM 11:34

OGC 4806

HOUSE OF REPRESENTATIVES
THE FOURTEENTH LEGISLATURE

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

RECEIVED
FEDERAL ELECTION COMMISSION

89 DEC 11 PM 1:04

December 6, 1989

Mr. Lawrence M. Noble, General Counsel
Federal Election Committee
999 E Street N.W.
Washington, D.C. 20463

Dear Mr. Noble: RE: MUR 3004

We received your letter dated November 20, 1989 informing the Campaign Committee of State Representative Ken Hiraki of a complaint under 2 U.S.C. 441 (E) Sec. A-319 (a) relative to a contribution from West Beach Estate.

It is our understanding that West Beach Estate was and is a domestically-owned company. We have asked West Beach Estate to verify its status for us and for the Federal Election Commission. Meanwhile, in the absence of proof of ownership status of this company, its contribution has been returned to avoid even the appearance of a possible conflict with any election laws.

The volume of foreign investment in Hawaii, as well as in other parts of the Nation, and the rapidity with which such investments occur make it extremely difficult to monitor domestic to foreign changes in ownership. It is even more difficult in Hawaii, where local investors are often listed as principals in transactions.

Even if the evidence does not support our assumption that the contribution of West Beach Estate was legitimate, we have already returned the check in an abundance of caution. In the future, we shall have contributors from the business sector attest as to their not being owned by foreign nationals. Thank you for bringing this to our attention.

Sincerely,

Jack Aketa

Jack Aketa, Treasurer
Friends of Ken Hiraki

Kenneth T. Hiraki

KENNETH T. HIRAKI
REPRESENTATIVE
35th District

2404357154 6

OGC 4851

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
89 DEC 12 PM 3:13

SUITE 1400
GROSVENOR CENTER
733 BISHOP STREET
HONOLULU, HAWAII 96813
TELEPHONE (808) 543-8840
FACSIMILE (808) 528-7144

SUYEKI OKUMURA
ROY E. TAKUSHI
JAMES T. FUNAKI
JOSEPH K. WEE
SHUICHI MIYASAKI
ALFRED M.K. WONG
ROBERT M. ERHORN, JR.
DICKSON C.H. LEE
PETER T. STONE
JAMES N.H. YEE
AARON S.H. TOO

December 6, 1989

FEDERAL ELECTION COMMISSION
RECEIVED
89 DEC 12 PM 3:36

Federal Election Commission
Washington, D.C. 20463

Attention: Mark Allen, Esq.

RE: MUR 3004

Dear Sir:

This letter refers to the pleading filed in the above referenced matter which was sent to each of the following persons who are members of the House of Representatives of the State of Hawaii and to some or all of their respective campaign treasurers:

NAME

Peter Apo
Romy Cachola
Kenneth Hiraki
Karen Horita
Marshall Ige
Ezra Kanoho
Bertha Kawakami
Daniel J. Kihano
Joseph Leong
Tom Okamura
Paul Oshiro
Henry Peters

On behalf of each of the above named persons and their respective campaign treasurers, we respectfully request that the Federal Election Commission grant an extension of time to January 15, 1990 to respond to the pleading. In that connection and pursuant to the telephone discussion with Mr. Allen this morning, it is our understanding that each of the above named persons and his/her campaign treasurer should submit one response rather than two separate responses.

5262V

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

This request for an extension of time to respond is made for the following reasons.

1. Several of the above named persons are presently traveling outside the State of Hawaii.

2. Due to the number of persons whom we will be representing, additional time is necessary to meet with each of them, to research the legal issues, including constitutional and jurisdictional issues, presented and to prepare responses on their behalf. Furthermore, because of prior commitments to other clients, specific transactions which must be completed before the end of the year, and conflicting schedules, we will not likely be available to meet with all of them and to respond to the pleading within the time specified therein.

3. The difficulty in responding to the pleadings within the time specified therein is compounded by the several holidays which are observed during the month of December.

We will be sending to you the "Statement of Designation of Counsel" forms as soon as we receive all of them. We look forward to receiving a favorable response to this request.

Very truly yours,

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

By James T. Funaki.
James T. Funaki
Dickson C. H. Lee
Attorneys for Peter Apo, et al.

JTF:DCHL:en

cc: Peter Apo, et al.
Rick Perkins, Esq.

2 4 0 4 3 5 7 1 5 4 8

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

January11, 1990

Mr. James Funaki
Okumura Takushi Funaki & Wee
733 Bishop Street
Suite 1400
Honolulu, Hawaii 96813

RE: MUR 3004
Representatives Apo, Cachola, Hiraki, Horita, Ige, Kanoho, Kawakami, Kihano, Leong, Okamura, Oshiro, Peters

Dear Mr. Funaki:

This is in response to your letter dated December 6, 1989, which we received December 12, 1989, requesting an extension of 37 days to respond to the complaint. After considering the circumstances presented in your letter, the Commission has granted the requested extension. Accordingly, your response is due by the close of business on January 15, 1990.

If you have any questions, please contact Mark Allen, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

2043571549

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 3004
Request for Extension of Time)

CERTIFICATION

I, Marjorie W. Emmons, Secretary of the Federal Election Commission, do hereby certify that on January 8, 1990, the Commission decided by a vote of 6-0 to take the following actions in MUR 3004:

1. Grant an extension of 37 days to the twelve Hawaiian state representatives, as recommended in the General Counsel's Report dated December 19, 1989.

2. Approve the letter as recommended in the General Counsel's Report dated December 19, 1989.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry and Thomas voted affirmatively for the decision.

Attest:

1/9/90
Date

for Marjorie W. Emmons
Secretary of the Commission

Received at the Secretariat: Tuesday, December 19, 1989, 4:18
Circulated to the Commission: Wednesday, December 20, 1989, 11:00
Deadline for vote: Monday, January 8, 1990, 4:00

2404357155O

RECEIVED
FEDERAL ELECTION COMMISSION
SECRETARIAT
89 DEC 19 PM 4:17

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SENSITIVE

December 19, 1989

MEMORANDUM

TO: The Commission

FROM: Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

SUBJECT: MUR 3004
Request for Extension of Time

By letter dated December 6, 1989, twelve Hawaiian state representatives requested an extension of 37 days in which to respond to the complaint. (Attachment 1). The letter explains that an extension is necessary because several of the respondents are presently travelling outside the State of Hawaii. In addition, due to the number of persons whom counsel will be representing, additional time is necessary to meet with each of them and to conduct the necessary research of the legal issues. Finally, counsel notes, the difficulty of responding to the complaint within the specified time is compounded by the holidays which are observed during the month of December.

The Office of the General Counsel recommends that the Commission grant the requested extension.

RECOMMENDATIONS

1. Grant an extension of 37 days to the twelve Hawaiian state representatives.

2. Approve the attached letter.

Attachments
1. Request for Extension
2. Letter

2043571551

OGC 4841

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

89 DEC 12 AM 11:46

D. L. McDonald
Chairman
Federal Election Commission
999 E Street N.W.
Washington, D. C. 20463

December 8, 1989

RE: MUR 3004

Dear Mr. Chairman:

RECEIVED
FEDERAL ELECTION COMMISSION
89 DEC 11 PM 3:57

Each of the undersigned, on behalf of ourselves and all of our campaign workers who received notice of the complaint in the referenced matter, hereby requests an extension of thirty (30) days within which to respond. As the complaint affects each of us in substantially the same way, we have consolidated our individual requests for an extension in this single letter.

Each of the undersigned members of the Hawaii State Senate received your separate notification letters dated November 20, 1989, together with copies of the complaint, on or about November 24, 1989. The fifteen-day period for response will therefore expire on December 9, 1989. For the reasons that follow, each of us believes that a complete response to the allegations of the complaint cannot be made in the time allotted and that an extension to January 8, 1990 is warranted.

First, none of us has ever dealt with a complaint of this sort before. The common belief among politicians in this state has been that the receipt of contributions from foreign nationals in connection with a state or local election campaign is not illegal. Hawaii law does not prohibit the acceptance of such contributions and it was thought that the federal election law applied only to candidates for federal office: not to state candidates such as ourselves. The instant complaint, of course, is of grave concern to all of us, not only in view of the potential civil and criminal penalties, but because we thought we had complied with all applicable laws. To be accused, at this point, of being in violation of the law is a terribly serious matter. We were greatly surprised and distressed to be subject to the accusations made against us. Given the importance of the matter and the seriousness of the legal issues raised, we respectfully request that the commission grant us an extension of thirty days so that the legal issues can be adequately researched and meaningfully addressed in our responses to the complaint.

Second, we anticipate that, in addition to the legal research that has to be done, we will all have to consult our records and gather information on the numerous contributors named in the complaint in order to determine the factual circumstances under which the contributions were received. This will take a substantial amount of time given the number of contributions and contributors, the fact that many of the contributions were made

2404357155 2

more than a year ago, and the fact that many of us have to check with other persons who were involved in our campaigns.

For these reasons we respectfully urge the commission to grant the requested extension. We also thank the commission for its attention and consideration in this matter.

Very truly yours,

Anthony K. U. Chang
2879 Pali Highway
Honolulu, Hawaii 96817

Mike Crozier
92-923 Welo Street, #118
Ewa Beach, Hawaii 96707

Gerald T. Hagino
36 Lauone Loop
Wahiawa, Hawaii 96786

Milton Holt
1461 N. School Street
Honolulu, Hawaii 96817

Richard M. Matsuura
1311 Launa Street
Hilo, Hawaii 96720

Norman Mizuguchi
c/o Mizuguchi for Senate
Committee
P.O. Box 452
Pearl City, Hawaii 96782

Malama Solomon
P.O. Box 219
Kohala, Hawaii 96755

Richard S. H. Wong
c/o Friends of Dickie Wong
Attn: Kenneth Lee
Rainbow Financial
941 Bishop St., Ste. 142
Honolulu, Hawaii 96813

Mamoru Yamasaki
238 W. Lanai Street
Kahului, Hawaii 96732

2404357155 3

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

December 19, 1989

Senator Mamoru Yamasaki
238 W. Lanai Street
Kahului, Hawaii 96732

RE: MUR 3004

Dear Senator Yamasaki:

This is in response to your letter dated December 8, 1989, which we received on December 12, 1989, requesting an extension of 30 days to respond to the Commission's Notification letter. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on January 8, 1990.

If you have any questions, please contact Mark Allen, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

2404357155 4

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 19, 1989

Senator Richard Wong
c/o Friends of Dickie Wong
ATTN: Kenneth Lee
Rainbow Financial
841 Bishop Street, Ste. 142
Honolulu, Hawaii 96813

RE: MUR 3004

Dear Senator Wong:

This is in response to your letter dated December 8, 1989, which we received on December 12, 1989, requesting an extension of 30 days to respond to the Commission's Notification letter. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on January 8, 1990.

If you have any questions, please contact Mark Allen, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

2404357155

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

December 19, 1989

Senator Malama Solomon
P.O. Box 219
Kohala, Hawaii 96755

RE: MUR 3004

Dear Senator Solomon:

This is in response to your letter dated December 8, 1989, which we received on December 12, 1989, requesting an extension of 30 days to respond to the Commission's Notification letter. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on January 8, 1990.

If you have any questions, please contact Mark Allen, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

2404357155 6

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

December 19, 1989

Senator Norman Mizuguchi
c/o Mizuguchi for Senate Committee
P.O. Box 452
Pearl City, Hawaii 96782

RE: MUR 3004

Dear Senator Mizuguchi:

This is in response to your letter dated December 8, 1989, which we received on December 12, 1989, requesting an extension of 30 days to respond to the Commission's Notification letter. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on January 8, 1990.

If you have any questions, please contact Mark Allen, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

2043571557

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

December 19, 1989

Senator Milton Holt
1461 N. School Street
Honolulu, Hawaii 96817

RE: MUR 3004

Dear Senator Holt:

This is in response to your letter dated December 8, 1989, which we received on December 12, 1989, requesting an extension of 30 days to respond to the Commission's Notification letter. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on January 8, 1990.

If you have any questions, please contact Mark Allen, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

2404357155 8

FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 19, 1989

Senator Gerald Hagino
36 Lauone Loop
Wahiawa, Hawaii 96786

RE: MUR 3004

Dear Senator Hagino:

This is in response to your letter dated December 8, 1989, which we received on December 12, 1989, requesting an extension of 30 days to respond to the Commission's Notification letter. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on January 8, 1990.

If you have any questions, please contact Mark Allen, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

2404357159

FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

December 19, 1989

Senator Mike Crozier
92-923 Welo Street #118
Ewa Beach, Hawaii 96707

RE: MUR 3004

Dear Senator Crozier:

This is in response to your letter dated December 8, 1989, which we received on December 12, 1989, requesting an extension of 30 days to respond to the Commission's Notification letter. After considering the circumstances presented in your letter, I have granted the requested extension. Accordingly, your response is due by the close of business on January 8, 1990.

If you have any questions, please contact Mark Allen, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

2043571560

RECEIVED
FEDERAL ELECTION COMMISSION
89 DEC 15 AM 10:50

ING, KUSHI & IGE
ATTORNEYS AT LAW
WELLS STREET PROFESSIONAL CENTER
2145 WELLS STREET, SUITE 204
WAILUKU, MAUI, HAWAII 96793-2022

AREA CODE 808
TELEPHONE 242-4855
FAX 244-5964

LAWRENCE N. C. ING
EDWARD S. KUSHI, JR.
DOUGLAS H. IGE
RICHARD H. HAAKE, JR.

December 8, 1989

89 DEC 15 AM 11:59
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL
WASHINGTON, D.C.

General Counsel's Office
Federal Election Commission
Washington, D.C. 20463

Attention: Lois G. Lerner, Associate General Counsel

Re: MUR 3004

Dear Counsel:

This office represents Hawaii Omori Corporation ("Hawaii Omori"), a corporation duly organized under the laws of the State of Hawaii effective as of February 26, 1973. Attached hereto find executed Statement of Designation of Counsel.

Pursuant to your November 20, 1989 letter to my client and the Federal Election Commission's ("FEC") preliminary procedures, request is herein made for consideration that no further action be taken against Hawaii Omori for the following reasons:

1) My client confirms that an expenditure of $500.00 was made on or about June 1988 to Hawaii State Senator Mamoru Yamasaki's Campaign fund, said expenditure representing the purchase of fifty (50) tickets at $10.00 per ticket to Senator Yamasaki's campaign "kick-off" dinner. It is further my understanding that said tickets were distributed to Hawaii Omori's employees and their families to attend said event.

2) To my knowledge and information, albeit limited due to the time period involved since receipt of your November 20, 1989 letter, only recently has the FEC ruled that foreign financed or owned domestic corporations come under the proscriptions of 2 U.S.C. §441(e) (11 C.F.R. 110.4). Please advise and/or send a copy of the "Kuilima Development Company" ruling which I believe references this matter.

2043571561

3) That assuming arguendo Hawaii Omori is technically in violation of 2 U.S.C. §441(e) and 11 C.F.R. §110.4(a), it should not be subject to any penalties and/or fines as the referenced expenditure was not made in "defiance of" nor was it a "knowing, conscious and deliberate flaunting of the act." National Right to Work Committee, Inc. v. Federal Election Commission, 716 F2d 1401 (1983).

4) Lastly, it is my understanding that Senator Yamasaki, upon receipt of your November 20, 1989 letter, is willing to remedy the alleged violation by returning the subject funds to my client.

Based on the above, request and consideration is herein made that the FEC take no further action against Hawaii Omori. Further, that your office contact the undersigned at your earliest opportunity to conclude this matter. Enclosed find the affidavit of Mr. Akio Hinohara attesting to the matters herein.

Very truly yours,

EDWARD S. KUSHI, JR.

lg/1255k

cc: Hawaii Omori Corporation

Encls.

CERTIFIED MAIL - RRR

2404357156 2

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3004

NAME OF COUNSEL: EDWARD S. KUSHI, JR.

ADDRESS: 2145 Wells Street, Suite 204
Wailuku, Hawaii 96793

TELEPHONE: 808-242-4555

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

HAWAII OMORI CORPORATION

December 8, 1989
Date

By [signature]
Signature
AKIO HINOHARA
Its Senior Vice President

RESPONDENT'S NAME: HAWAII OMORI CORPORATION

ADDRESS: 910 Honoapiilani Highway
P.O. Box 1570
Lahaina, Hawaii 96761

HOME PHONE: n/a

BUSINESS PHONE: 808-667-6872

2404357156 3

AFFIDAVIT OF AKIO HINOHARA

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

AKIO HINOHARA, being first duly sworn on oath, deposes and says:

1. That affiant is the Senior Vice President of HAWAII OMORI CORPORATION ("Hawaii Omori") whose principal place of business and address is 910 Honoapiilani Highway, Lahaina, Maui, Hawaii 96761.

2. That Hawaii Omori was duly incorporated under the laws of the State of Hawaii on February 26, 1973.

3. That the records of Hawaii Omori show that on or about June 1988, a corporation check was made out to Senator Mamoru Yamasaki's Campaign Fund for $500.00. That in return for said expenditure, Hawaii Omori received fifty (50) tickets to said Senator's campaign "kick-off" event.

4. That Hawaii Omori distributed said tickets to its employees and families to attend said event.

5. That at the referenced date (June 1988) neither your affiant nor any of the other corporate officers of Hawaii Omori understood that the subject expenditure to Senator Yamasaki was illegal or in violation of any State, local or Federal laws.

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Further affiant sayeth naught.

ARIO HINOHARA

Subscribed and sworn to before me
this 8th day of December, 1989.

Notary Public, State of Hawaii

My commission expires: 9.27.92

>4043571565

ES.

OGC 4889

KIEFER, OSHIMA, CHUN & WEBB
ATTORNEYS AT LAW

DEBORAH MACER CHUN
STEVEN K. S. CHUNG
ANGELA FONG
JOSEPH T. KIEFER*
ALAN M. OSHIMA
MICHEAL C. WEBB

STEPHEN K. BOLLINGER
ADRIENNE CHUNG
LYNN H. HIATT
ESTELLE M. KELLE*
JAN A. KOBAYASHI
MICHAEL H. LAU
DAVID M. RAIN

* A LAW CORPORATION

FOURTH FLOOR
DAVIES PACIFIC CENTER
841 BISHOP STREET
HONOLULU, HAWAII 96813
(808) 526-4200
TELECOPIER NO.
(808) 531-8468
TELEX
6502687249 MCI

December 12, 1989

89 DEC 15 PM 3:16

FEDERAL ELECTION COMMISSION
RECEIVED
OFFICE OF GENERAL COUNSEL

Mark Allen, Esq.
Office of the General Counsel
Federal Election Commission
Washington, D. C. 20463

Re: MUR 3004

Dear Mr. Allen:

We represent The Westin Kauai hotel in connection with the above-referenced matter.

By letter dated November 20, 1989 (the "notification letter"), Ms. Lois G. Lerner of the Federal Election Commission ("FEC") notified my client that the FEC has received a complaint that a $300 campaign contribution my client made to Senator Milton Holt of the Hawaii State Senate in June 1988 and a $250 campaign contribution my client made to Representative Ezra R. Kanoho of the Hawaii State House of Representatives in May 1988 allegedly violated Section 441e of the Federal Election Campaign Act of 1971, as amended (the "Act"). The notification letter indicated that we had 15 days to respond by letter demonstrating why no action should be taken as a result of that complaint. This letter is submitted for that purpose.

To the extent applicable here, Section 441e of the Act makes it unlawful for a "foreign national" to make any contribution of money in connection with an election to any political office. Section 441e(b) defines a "foreign national" as a "foreign principal" under Section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. § 611(b)) which, in turn, defines "foreign principal", as applicable here, as a "partnership . . . organized under the laws of or having its principal place of business in a foreign country.

The Westin Kauai hotel is wholly owned by Hemmeter-VMS Kauai Company II ("HVMSK II"), a limited partnership organized

2404357156

under Hawaii law with its principal place of business in Hawaii. It is not a foreign national as defined by the Act.

Although irrelevant to the definition of foreign national under the Act, it should be noted that the only general partners of HVMSK II are Hemmeter Kauai Company, a Hawaii limited partnership wholly owned (indirectly) by individuals who are citizens of the United States, and VMS Kauai Hotel Associates, a Hawaii limited partnership wholly owned (indirectly) by individuals who are citizens of the United States. Hemmeter Kauai Company and VMS Kauai Hotel Associates hold 84% of the partnership interest in HVMSK II. K.G.S. Investments, a Hawaii limited partnership which is indirectly owned by Japanese citizens, does hold a 16% limited partnership interest in HVMSK II. K.G.S. Investments, as a 16% limited partner, has no control over the management or operations of HVMSK II.

The two campaign contributions in question were made by and in the name of HVMSK II dba The Westin Kauai from HVMSK II's funds by checks drawn on HVMSK II's account no. 30-054970 at the Lihue branch of First Hawaiian Bank in Lihue, Kauai, Hawaii.

I trust that this letter will resolve this matter. If, however, you need any additional information to make your determination, please let me know.

Very truly yours,

Joseph P. Kiefer

1341d

2404357157

GCC 4940

GOODSILL ANDERSON QUINN & STIFEL

ATTORNEYS AT LAW

1600 BANCORP TOWER
130 MERCHANT STREET
HONOLULU, HAWAII 96813

MAIL ADDRESS: P.O. BOX 3196
HONOLULU, HAWAII 96801

FACSIMILE (808) 531-2628 | TELEPHONE (808) 547-5600 | TELEX 7430346 JERID

MARTIN ANDERSON* WILLIAM F. QUINN* RICHARD S. STIFEL* HUGH GREBER GERALD KAMIYAMA C. JEPSON GARLAND* CONRAD M. WEINER* DAVID J. DEZZANI* BRUCE H. HIRATA** ROBERT G. HITE RONALD H. W. LUM DAVID J. ROSEN H. MITCHELL DOLTER JOHN R. LACY ROBERT T. HIRANO RAYMOND S. TSUKAMOTO RONALD K. K. AKAMINE THOMAS B. WILLIAMS, JR. MICHAEL A. SHEA

WILLIAM S. MILLER JACQUELINE L. S. EARLE KENNETH A. BOYD JANE L. TWIST RANDALL E. STEVENSON KENNETH E. P. WONG PATRICK JAY LEE GARY M. SLOVIN LISA WATSON MCNABB KENNETH B. HIPP ERNEST T. TSAI BRUCE T. LAMKIN PETER T. CASHMAN RUSSELL S. KATO LANI A. JOHNSON STEVEN M. NAKASHIMA VINCENT A. PIERACCI MICHAEL J. O'MALLEY MARK R. MIYAMARU

LINDA FIORETTELLA LEONG SCOTT O. LIKONG SCOTT A. MAETANI PAMELA W. ALLISTER LEARNTON J. K. S. YUEH CYNTHIA M. HORIUCHI CARL SCHLACK, JR. MARK S. ITO MARINE M. MURAOKA LYN FLANIGAN ANDAI AUDREY E. HO LORILEE I. OKAMO NORMA A. TAMORI GREGORY S. KIM RICHARD E. MORIKITANI LORRAINE S. YEE ALAN S. FUJIMOTO WALTER C. DAWSON

DAVID W. SHERMAN B. CLAYTON WELCH** MARIE S. BECKTENWALD GAIL O. ADAMS KATHERINE C. ANDERSON LORI E. AQUINO MARGARET E. MATSUNAGA** PAUL S. SAMS LINDSLEY K. RAISH BRYAN C. YEE P. ROY CATALANI MARGARET C. JENKINS CAROL A. EBLEN I. MARC I. NAKAMURA LAURA ELLEN MARRACK JEFFREY S. PIPER ROY JOHN TOKE LYNNE TANAKA TONTEKU EDITH A. CABRITHERO

*A LAW CORPORATION

**KONA OFFICE P.O. BOX 3019 KAILUA-KONA, HAWAII 96745 PHONE (808) 329-7781 FACSIMILE (808) 326-2944

COUNSEL RANDALL W. ROTH RONALD C. BROWN F. LAURENCE CAY

OF COUNSEL JAMES RICHMOND CHARLES RUSSELL** H. BARD KIDWELL WILLIAM E. ROSS PAUL S. ANDERSEN MARSHALL M. O'DONNELL

December 7, 1989

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Lawrence M. Noble
General Counsel
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

Re: MUR 3004 Ala Moana Hotel

Dear General Counsel Noble:

We represent Azabu U.S.A. Corporation, a Hawaii corporation doing business as the Ala Moana Hotel ("Ala Moana"), with regard to MUR 3004 and on behalf of Ala Moana, hereby respond to the Federal Election Commission's notification to Ala Moana, received on November 27, 1989, of a complaint ("Complaint") dated November 3, 1989, by the Maunawili Community Association, Victoria Creed, Karen Kosoc, and Donna Wong.

The Complaint alleges that on an unknown date, Ala Moana, as a "foreign owned and/or controlled corporation," contributed $1,000 to "Friends of Gerry Hagino," the campaign committee for Gerald T. Hagino and that such contribution possibly violated federal law.

Ala Moana does not dispute that it made the contribution to "Friends of Gerry Hagino." As the attached affidavit of Mr. Hiro Nagasawa, Vice President of Ala Moana demonstrates, the contribution was made in response to a fundraising solicitation by "Friends of Gerry Hagino" to Ala Moana. However, Ala Moana did not

89 DEC 21 AM 11:04

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FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

89 DEC 21 PM 12:25

make the contribution with any knowledge or reason to believe that the contribution could in any way be construed as a violation of any law. (See Affidavit of Mr. Nagasawa).

Ala Moana believes that the Federal Election Commission should not take further action with regard to MUR 3004 for the following reasons,

First, the Complaint against Ala Moana should be dismissed because Ala Moana is not a foreign national within the meaning of 2 U.S.C. § 441e and 22 U.S.C. § 611(B). Ala Moana is a Hawaii corporation. Its corporate headquarters is in Hawaii and all of its business is conducted in Hawaii. Further, although Ala Moana is owned by a foreign corporation, the funds for the contribution were funds of Ala Moana earned in Hawaii and did not directly or indirectly come from Ala Moana's parent corporation.

Second, even if Ala Moana were a foreign national, which it is not, or in making the contribution acted on behalf of a foreign national, which it did not, it is Ala Moana's position that 2 U.S.C. § 441e only prohibits "contributions" by foreign nationals to elections of "candidates" to federal political office. Section 441e does not expressly provide that it applies to state and local elections. Indeed, the terms "contributions" and "candidate" are defined by 2 U.S.C. §§ 431(2) and (A) in a manner which renders them applicable only to "elections for Federal Office". Furthermore, while 11 CFR § 110.4 may purport to prohibit contributions by foreign nationals to elections in connection with "any local, state or federal public office," there is no indication in either the Federal Election Campaign Act itself or its legislative history that the law was intended to be construed so broadly. See S. Rep. No. 677, 94th Cong., 2nd Sess. 2 (1976), reprinted in 1976 U.S. Code Cong. and Ad. News 930. Thus, 11 CFR § 110.4 is invalid because it is not authorized by statute. Moreover, if 11 CFR § 110.4 were authorized by statute, it would be unconstitutional, since it would constitute an improper congressional attempt to regulate state and local elections. See Oregon

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v. Mitchell, 400 U.S. 112, 117-118 (1970) (Black J. announcing judgment); see also Tashjian v. Republican Party of Connecticut, 479 U.S. 208 (1986).

In conclusion, based on the foregoing reasons, Ala Moana respectfully requests that the Federal Election Commission not take action in MUR 3004.

Very truly yours,

GOODSILL ANDERSON QUINN & STIFEL

Raymond S. Iwamoto

Raymond S. Iwamoto

RSI:ek
Enclosure

cc: Mr. Hiro Nagasawa

24043571570

AFFIDAVIT OF HIRO NAGASAWA

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

HIRO NAGASAWA, being duly sworn on oath, deposes and says:

1. I am the Vice President of Azabu U.S.A. Corporation doing business as the Ala Moana Hotel ("Ala Moana") and have served in that capacity since February 1, 1987. I am providing this affidavit in support of Ala Moana's response to the Complaint pending before the Federal Election Commission in MUR 3004.

2. Ala Moana was incorporated under the laws of the State of Hawaii on June 16, 1986 and since then has been doing business in Hawaii as owners and operators of hotels.

3. Although Ala Moana is owned by a foreign corporation, it is a separate profit center from its parent corporation. It keeps its own books and performs its own year end audit separate and apart from its parent corporation. The $1,000 contribution made by Ala Moana to "Friends of Gerry Hagino" came from funds generated solely by Ala Moana and not by its parent corporation. The decision to make the $1,000 contribution was made solely in Hawaii by the officers of Ala Moana and not by any of its parent corporation.

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4. Ala Moana was solicited to purchase and did purchase fundraiser tickets from "Friends of Gerry Hagino," State Senator Gerald T. Hagino's campaign committee. Ala Moana had no knowledge or reason to believe that the purchase of these tickets could be potentially in violation of any state or federal law.

Further affiant sayeth naught.

HIRO NAGASAWA

Subscribed and sworn to before me
this 24 day of [illegible], 1989.

Notary Public, State of Hawaii

My Commission expires: 5/26/92

2404357152

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3004

NAME OF COUNSEL: Raymond S. Iwamoto, Esq.
Goodsill Anderson Quinn & Stifel

ADDRESS: 130 Merchant Street
16th Floor, Bancorp Tower
Financial Plaza of the Pacific
Honolulu, Hawaii 96813

TELEPHONE: (808) 547-5600

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

December 8, 1989
Date

Signature

RESPONDENT'S NAME: Ala Moana Hotel

ADDRESS: 410 Atkinson Drive
Honolulu, Hawaii 96814

HOME PHONE:

BUSINESS PHONE: (808) 944-6855

2940435715 73

OGC 4903

GOODSILL ANDERSON QUINN & STIFEL
ATTORNEYS AT LAW
1600 BANCORP TOWER
130 MERCHANT STREET
HONOLULU, HAWAII 96813
MAIL ADDRESS: P. O. BOX 3196
HONOLULU, HAWAII 96801
FACSIMILE
TELEPHONE (808) 547-5600
TELEX

December 7, 1989

89 DEC 18 A11:29

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Lawrence M. Noble
General Counsel
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

Re: MUR 3004 Azabu U.S.A. Corporation

Dear General Counsel Noble:

We represent Azabu U.S.A. Corporation ("Azabu"), a Hawaii corporation, with regard to MUR 3004 and on behalf of Azabu, hereby respond to the Federal Election Commission's notification to Azabu, received on November 27, 1989, of a complaint ("Complaint") dated November 3, 1989, by the Maunawili Community Association, Victoria Creed, Karen Kosoc, and Donna Wong.

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The Complaint alleges that on April 19, 1988, Azabu, as a "foreign owned and/or controlled corporation," contributed $300.00 to "Friends of Milton Holt," the campaign committee for Milton Holt, and that such contribution possibly violated federal law.

U.S.A. does not dispute that it made the contribution to "Friends of Milton Holt." As the attached affidavit of Mr. Hiro Nagasawa, Vice President of Azabu demonstrates, the contribution was made in response to a fundraising solicitation by "Friends of Milton Holt" to Azabu. However, Azabu did not make the contribution with any knowledge or reason to believe that the contribution

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could in any way be construed as a violation of any law. (See Affidavit of Mr. Nagasawa).

Azabu believes that the Federal Election Commission should not take further action with regard to MUR 3004 for the following reasons,

First, the Complaint against Azabu should be dismissed because Azabu is not a foreign national within the meaning of 2 U.S.C. § 441e and 22 U.S.C. § 611(B). Azabu is a Hawaii corporation. Its corporate headquarters is in Hawaii and all of its business is conducted in Hawaii. Further, although Azabu is owned by a foreign corporation, the funds for the contribution were funds of Azabu earned in Hawaii and did not directly or indirectly come from Azabu's parent corporation.

Second, even if Azabu were a foreign national, which it is not, or in making the contribution acted on behalf of a foreign national, which it did not, it is Azabu's position that 2 U.S.C. § 441e only prohibits "contributions" by foreign nationals to elections of "candidates" to federal political office. Section 441e does not expressly provide that it applies to state and local elections. Indeed, the terms "contributions" and "candidate" are defined by 2 U.S.C. §§ 431(2) and (A) in a manner which renders them applicable only to "elections for Federal Office". Furthermore, while 11 CFR § 110.4 may purport to prohibit contributions by foreign nationals to elections in connection with "any local, state or federal public office," there is no indication in either the Federal Election Campaign Act itself or its legislative history that the law was intended to be construed so broadly. See S. Rep. No. 677, 94th Cong., 2nd Sess. 2 (1976), reprinted in 1976 U.S. Code Cong. and Ad. News 930. Thus, 11 CFR § 110.4 is invalid because it is not authorized by statute. Moreover, if 11 CFR § 110.4 were authorized by statute, it would be unconstitutional, since it would constitute an improper congressional attempt to regulate state and local elections. See Oregon v. Mitchell, 400 U.S. 112, 117-118 (1970) (Black J. announcing judgment); see also Tashjian v. Republican Party of Connecticut, 479 U.S. 208 (1986).

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In conclusion, based on the foregoing reasons, Azabu respectfully requests that the Federal Election Commission not take action in MUR 3004.

Very truly yours,

GOODSILL ANDERSON QUINN & STIFEL

Raymond S. Iwamoto

RSI:dde
Enclosure

cc: Mr. Hiro Nagasawa

24043571576

AFFIDAVIT OF HIRO NAGASAWA

STATE OF HAWAII)
) SS:
CITY AND COUNTY OF HONOLULU)

HIRO NAGASAWA being duly sworn under oath, deposes and says:

1. I am the Vice President for Azabu U.S.A. Corporation ("Azabu") and have served in that capacity since February 1, 1987. I am providing this affidavit in support of Azabu's response to the Complaint pending before the Federal Election Commission in MUR 3004.

2. Azabu was incorporated under the laws of the State of Hawaii on June 16, 1986 and since then has been doing business in Hawaii as owners and operators of Hotels.

3. Although Azabu is owned by a foreign corporation, it is a separate profit center from its parent corporation. It keeps its own books and performs its own year end audit separate and apart from its parent corporation. The $300.00 contribution made by Azabu in April of 1988 to "Friends of Milton Holt" came from funds generated solely by Azabu and not by its parent corporation. The decision to make the $300.00 contribution was made solely in Hawaii by the officers of Azabu and not by any of its parent corporation.

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4. Azabu was solicited to purchase and did purchase fundraiser tickets from "Friends of Milton Holt," State Senator Milton Holt's campaign committee. Azabu had no knowledge or reason to believe that the purchase of these tickets could be potentially in violation of any state or federal law.

Further affiant sayeth naught.

HIRO NAGASAWA

Subscribed and sworn to before me
this 5th day of December, 1989.

Notary Public, State of Hawaii

My Commission expires: 6/22/92

9404357158

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3004

NAME OF COUNSEL: Raymond S. Iwamoto, Esq.
Goodsill Anderson Quinn & Stifel

ADDRESS: 130 Merchant Street
16th Floor, Bancorp Tower
Financial Plaza of the Pacific

Honolulu, Hawaii 96813

TELEPHONE: (808) 547-5600

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

December 8, 1989
Date

Signature

RESPONDENT'S NAME: Azabu U.S.A. Corporation

ADDRESS: 410 Atkinson Drive #200

Honolulu, Hawaii 96814

HOME PHONE:

BUSINESS PHONE: (808) 944-6855

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OGC 4911

GOODSILL ANDERSON QUINN & STIFEL

ATTORNEYS AT LAW

1600 BANCORP TOWER
130 MERCHANT STREET
HONOLULU, HAWAII 96813

MAIL ADDRESS: P.O. BOX 3196
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FACSIMILE (808) 547-5880 | TELEPHONE (808) 547-5600 | TELEX 7-23660 JEROD

*A LAW CORPORATION

**KONA OFFICE
P.O. BOX 3610
KAILUA-KONA, HAWAII 96745
PHONE (808) 329-7781
FAX (808) 326-7464

December 7, 1989

89 DEC 19 AM 11:35

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
RECEIPT NO. P 960 628 735

Mr. Lawrence M. Noble
General Counsel
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

Re: MUR 3004 Azabu Realty, Inc.

Dear General Counsel Noble:

We represent Azabu Realty, Inc. ("Azabu"), a Hawaii corporation, with regard to MUR 3004 and on behalf of Azabu, hereby respond to the Federal Election Commission's notification to Azabu, received on November 24, 1989, of a complaint ("Complaint") dated November 3, 1989, by the Maunawili Community Association, Victoria Creed, Karen Kosoc, and Donna Wong.

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FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

The Complaint alleges that on February 19, 1988 and on February 29, 1989, Azabu, "a foreign owned and/or controlled corporation" contributed $500.00 to "Friends of Richard Matsuura" and $250.00 to "Friends of Gerry Hagino" and that such contributions possibly violated federal law.

Azabu does not dispute that it made the contributions to "Friends of Richard Matsuura" and "Friends of Gerry Hagino". As the attached affidavit of Mr. Koichi Tadokoro, Executive Vice President of Azabu demonstrates, the contributions were made in response to fundraising solicitations by "Friends of Richard Matsuura" and "Friends of Gerry Hagino" to Azabu. However, Azabu did not make the contributions with any knowledge or reason to

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believe that the contributions could in any way be construed as a violation of any law. (See Affidavit of Mr. Tadokoro).

Azabu believes that the Federal Election Commission should not take further action with regard to MUR 3004 for the following reasons:

First, the Complaint against Azabu should be dismissed because Azabu is not a foreign national within the meaning of 2 U.S.C. § 441e and 22 U.S.C. § 611(B). Azabu is a Hawaii corporation. Its corporate headquarters is in Hawaii and all of its business is conducted in Hawaii. Further, although Azabu is owned by a foreign corporation, the funds for the contributions were funds of Azabu earned in Hawaii and did not directly or indirectly come from Azabu's parent corporation.

Second, even if Azabu were a foreign national, which it is not, or in making the contribution acted on behalf of a foreign national, which it did not, it is Azabu's position that 2 U.S.C. § 441e only prohibits "contributions" by foreign nationals to elections of "candidates" to federal political office. Section 441e does not expressly provide that it applies to state and local elections. Indeed, the terms "contributions" and "candidate" are defined by 2 U.S.C. §§ 431(2) and (A) in a manner which renders them applicable only to "elections for Federal Office". Furthermore, while 11 CFR § 110.4 may purport to prohibit contributions by foreign nationals to elections in connection with "any local, state or federal public office," there is no indication in either the Federal Election Campaign Act itself or its legislative history that the law was intended to be construed so broadly. See S. Rep. No. 677, 94th Cong., 2nd Sess. 2 (1976), reprinted in 1976 U.S. Code Cong. and Ad. News 930. Thus, 11 CFR § 110.4 is invalid because it is not authorized by statute. Moreover, if 11 CFR § 110.4 were authorized by statute, it would be unconstitutional, since it would constitute an improper congressional attempt to regulate state and local elections. See Oregon v. Mitchell, 400 U.S. 112, 117-118 (1970) (Black J. announcing judgment); see also Tashjian v. Republican Party of Connecticut, 479 U.S. 208 (1986).

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In conclusion, based on the foregoing reasons, Azabu respectfully requests that the Federal Election Commission not take action in MUR 3004.

Very truly yours,

GOODSILL ANDERSON QUINN & STIFEL

Raymond S. Iwamoto

Raymond S. Iwamoto

RSI/dde
Enclosure

cc: Mr. Koichi Tadokoro

24043571582

AFFIDAVIT OF KOICHI TADOKORO

STATE OF HAWAII)
) SS.:
CITY AND COUNTY OF HONOLULU)

KOICHI TADOKORO, being duly sworn under oath, deposes and says:

1. I am the Executive Vice President of Azabu Realty, Inc. ("Azabu") and have served in that capacity since June, 1987. I am providing this affidavit in support of Azabu's response to the Complaint pending before the Federal Election Commission in MUR 3004.

2. Azabu was incorporated under the laws of the State of Hawaii on June 30, 1987 and has done business only in Hawaii as a brokerage business continually since then.

3. Although Azabu is owned by a foreign corporation, it is a separate profit center from its parent corporation. It keeps its own books and performs its own year end audit separate and apart from its parent corporation. The $500.00 and $250.00 contributions made by Azabu on February 19, 1988 and on February 29, 1989 to "Friends of Richard Matsuura" and "Friends of Gerry Hagino", respectively, came from funds generated solely by Azabu and not by any of its parent corporation. The decision to make the $500.00 and $250.00 contributions was

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made solely in Hawaii by the officers of Azabu and not by any of its parent corporation.

4. Azabu was solicited to purchase and did purchase fundraiser tickets from the "Friends of Richard Matsuura" and the "Friends of Gerry Hagino". Azabu had no knowledge or reason to believe that the purchase of these tickets could be potentially in violation of any state or federal law.

Further affiant sayeth naught.

KOICHI TADOKORO

Subscribed and sworn to before me
this 8th day of December, 1989.

Notary Public, State of Hawaii

My Commission expires: 8/24/92

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STATEMENT OF DESIGNATION OF COUNSEL

MUR 3004

NAME OF COUNSEL: Raymond S. Iwamoto, Esq.
Goodsill Anderson
Quinn & Stifel

ADDRESS: 130 Merchant Street
16th Floor, Bancorp Tower
Financial Plaza of the Pacific
Honolulu, Hawaii 96813

TELEPHONE: (808) 547-5600

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

December 8, 1989
Date

Signature

RESPONDENT'S NAME: Koichi Tadokoro, Executive Vice President

ADDRESS: Azabu Realty, Inc.
410 Atkinson Drive, Suite 200
Honolulu, Hawaii 96814

HOME PHONE: (808) 955-4811

BUSINESS PHONE: (808) 944-6855

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OGC 4889

CARLSMITH, WICHMAN, CASE, MUKAI AND ICHIKI
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HONOLULU, HAWAII 96809
(808) 523-2500

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AGANA, GUAM 96910
(671) 472-6813
TELEX 721-6448 CWCMI GM

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P. O. BOX 7169
LOS ANGELES, CALIFORNIA 90071-0169
(213) 955-1200

DIRECT DIAL NUMBER:
(808) 523-2527

HILO OFFICE
P. O. BOX 686
HILO, HAWAII 96721-0686
(808) 935-6644

KONA OFFICE
P. O. BOX 1720
KAILUA-KONA, HAWAII 96745-1720
(808) 329-6464

MAUI OFFICE
P. O. BOX 1086
WAILUKU, HAWAII 96793
(808) 242-4535

SAIPAN OFFICE
P. O. BOX 24
SAIPAN, MP 96950
(670) 322-3455
TELEX 783-658 CWCMI SPN

December 11, 1989

89 DEC 15 PM 12:00
RECEIVED
FEDERAL ELECTION COMMISSION

Lawrence M. Noble, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D. C. 20463

Attention: Mark Allen

Dear Mr. Noble:

Re: MUR 3004 - KG (Hawaii) Corporation

We represent KG (Hawaii) Corporation ("Respondent") which acknowledges receipt of a complaint enclosed with your correspondence dated November 20, 1989. Respondent maintains that there is no reason to believe that a violation has been committed and that the complaint can be dismissed.

The complaint alleges, inter alia, that Respondent made a contribution of $500.00 on April 22, 1988 to Friends of Henry Peters, a state campaign election committee. The complaint further alleges that Respondent is a foreign owned and/or controlled corporation. See Count 22 of the complaint.

As discussed more fully below, under the FECA, the accompanying regulations and the relevant Advisory Opinions, the contribution referred to in the complaint was entirely proper in all respects. Accordingly, the complaint as to Respondent is wholly without merit and should summarily be dismissed.

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FEDERAL ELECTION COMMISSION

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FACTUAL BACKGROUND

Respondent is a Hawaii corporation with its principal office located in Honolulu, Hawaii. Its stock is wholly-owned by its parent, Kumagai International USA Corporation, a Texas corporation with its principal office located in San Mateo, California ("Kumagai International"). Kumagai International is a wholly-owned subsidiary of Kumagai Gumi Co. Ltd., a Japan corporation.

Respondent's President, who is lawfully admitted for permanent residence in the United States, is solely responsible for decision-making with regard to political contributions and expenditures made to Hawaii candidates for state and local elections. Respondent is engaged in construction and real estate development projects throughout the State of Hawaii and derives its revenue from transactions in this state. Political contributions are made, from time to time, from revenue generated through Hawaii and other business activities in the United States.

DISCUSSION

1. Hawaii law permits corporate contributions.

As a preliminary matter, Hawaii law permits a corporation to make contributions to candidates for state or local election. See Hawaii Revised Statutes, Sections 11-191(18) and 11-204(f), attached hereto as Exhibit 1.

2. Neither Respondent nor its Parent is a foreign national.

Under the FECA and the accompanying regulations, foreign nationals may not make any contributions, directly or through any other person, in connection with any election to political office. 2 U.S.C. Section 441e; 11 C.F.R. Section 110.4(1). Under Section 441e(b)(1), "foreign national" means a foreign principal, as that term is defined in 22 U.S.C. Section 611(b), or an individual who is not a citizen of the United States and is not lawfully admitted for permanent residence, as defined by 8 U.S.C. Section 1101(a)(20).

With respect to corporations, Section 611(b) of Title 22 states that a corporation will be considered a "foreign principal" when it is organized under the laws of, or has its principal place of business in, a foreign country. Numerous Advisory Opinions have interpreted this portion of Section 611(b) to establish that a corporation organized under the laws of any state of the United States with its principal place of business in the United States is not a foreign principal. Accordingly, such a corporation would not be a "foreign national" under Section 441e of FECA. See Advisory Opinions 1985-3; 1983-31; 1982-10; 1981-36.

Respondent is organized under the laws of the State of Hawaii, the parent is a Texas corporation, and both have their principal place of business in the United States. The fact that the parent is owned by a Japanese corporation does not render the parent or Respondent a foreign national, because stock ownership is not the test. Rather, the Commission has repeatedly stated that "a domestic corporation whose principal place of business is within the United States is not a 'foreign principal' and hence not a 'foreign national'. . . ." Advisory Opinion 1980-100. See also Advisory Opinion 1985-3 ("a corporation organized under the law of any state within the United States whose principal place of business is in the United States is not a foreign principal and, accordingly, would not be a 'foreign national'. . ."). Therefore, Respondent is not a "foreign national" under 2 U.S.C. 441e.

3. A corporation which is not a foreign national may lawfully contribute to state and local elections as long as foreign nationals do not contribute funds nor exercise decision-making authority with regard to political contributions.

It is equally well established that Respondent may make contributions to state and local elections. A host of Advisory Opinions make it clear that a United States subsidiary that is wholly-owned by a foreign national may make contributions to a state or local election as long as the foreign parent does not directly or indirectly provide funds for such contributions nor have any decision-making responsibility with respect to the contributions. See e.g., Advisory Opinion 1985-3; Advisory Opinion 1978-21; Advisory Opinion 1982-10; Advisory Opinion 1980-100. Thus, in Advisory Opinion 1985-3, a wholly-owned U.S. subsidiary of a Canadian

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corporation asked the Commission whether it could make a contribution to an election without violating the prohibitions of Section 441e. The Commission held that the subsidiary could make a contribution under the following conditions:

1. The foreign parent could not directly or indirectly provide the funds for any contribution;

2. No foreign national could have any decision-making role or control with respect to the making of any political contribution by the subsidiary.

Advisory Opinion 1985-3 (citing Advisory Opinion 1981-36; Advisory Opinion 1983-31).

In the present case, Respondent's corporate revenue is derived from Hawaii-based activities and no foreign national contributed to Respondent nor exercised control over its decisions regarding political contributions. In the first instance, Respondent did not receive any funds at all from foreign nationals. Therefore, the contributions at issue were not funds directly or indirectly contributed by foreign nationals. Kumagai Gumi Co. Ltd., which is the foreign national that owns Respondent's parent, did not contribute funds to Respondent.

Second, with respect to decision-making authority, as stated above, all decision-making with regard to contributions is vested in Respondent's President who is, and at all relevant times has been, lawfully admitted for permanent residence in the United States.

These opinions indicate that Respondent's donation was not prohibited by 2 U.S.C. Section 441e. This conclusion is based upon four reasons. First, Respondent is itself a domestic corporation with a principal place of business within the United States and is not prohibited from using its general corporate funds in non-federal elections. Second, no foreign national has any decision-making role or control with respect to the making of any political contribution in state and local elections because the person delegated that responsibility is lawfully admitted for permanent residence in the United States. Third, Respondent has not solicited nor accepted contributions from foreign nationals. Finally, according to Advisory Opinion 1981-36, the fact that the parent of Kumagai International is a

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foreign corporation should not affect the ability of Respondent to make donations to non-federal elections.

Given the facts presented and the analysis of the Commission's Advisory Opinions, Respondent appears to be entitled to a dismissal of the complaint. Respondent will provide any additional information that would be helpful to the General Counsel's office in formulating its recommendation to the Commission.

Very truly yours,

CARLSMITH, WICHMAN, CASE,
MUKAI AND ICHIKI

By Stanley D. Suyat
Lawrence S. Okinaga
Stanley D. Suyat

SDS:jsi
Attachment

24043571590

issued once or more per month which is written and published in the State.

(17) "Office" means any elective public or constitutional office excluding federal elective offices.

(18) "Person" means an individual, partnership, committee, association, corporation, or labor union and its auxiliary committees.

(19) "Political party" means any party which satisfies the requirements of section 11-61.

(20) "Private contribution" means a monetary contribution other than from a candidate's own funds or from the Hawaii election campaign fund.

(21) "Qualifying campaign contribution" means a monetary contribution of $100 or less, and not more than $100 of a person's total aggregate monetary contribution. Qualifying contributions do not include loans or in-kind contributions. [am L 1987, c 369, §1(1)]

Revision Note

Only the definitions amended or added are contained in this Supplement.

§11-194 Registration. (a) Each candidate, committee, or party shall file an organizational report as set forth in section 11-196, within ten days from the date the committee receives any contribution, the aggregate amount of which is more than $100 or makes any expenditure.

(b) Committees that form within ten days of an election and expend in the aggregate more than $1,000 shall register and fully disclose such expenditure by 4:30 p.m. the last calendar day prior to the expenditure.

(c) Each candidate who is certified to be a candidate by the lieutenant governor or county clerk by way of the "write-in" ballot shall file an organizational report within five days of being certified as a candidate. [L 1979, c 224, pt of §2; am L 1980, c 246, §1(b); am L 1981, c 218, §1; am L 1987, c 369, §1(2)]

§11-196 Organizational report. (a) The organizational report shall include:

(1) The name and address of the candidate or individual, committee, or party filing the report;

(2) The name, address, office sought, district, and party affiliation, of each candidate or individual whom the committee or party is supporting;

(3) The names and addresses of the campaign treasurer and deputies;

(4) The names and addresses of the campaign chairman and deputy campaign chairman;

(5) A list of all banks, safety deposit boxes, or other depositories used with each applicable account number;

(6) The amount, name, and address of each donor who has contributed an aggregate amount of more than $100 since the last election applicable to the office being sought or to the ballot issue or question and the amount and date of deposit of each such contribution; and

(7) In the case of a report by a committee or party supporting or opposing a ballot question or issue, all of the information described in paragraphs (2) to (6) and a description of the question or issue.

***

[am L 1987, c 369, §1(3)]

EXHIBIT 1
(Page 1 of 2 Pages)

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is filed by the person in charge of the function with the commission prior to the date of the function setting forth the name and address of the person in charge, the price per person, the date, hour, and place of the affair and the method thereof.

(d) Fundraisers sponsored by a candidate for a statewide office are exempt from the $25 limit of subsection (a) and the restrictions of subsection (b), and fundraisers sponsored by a party for a political purpose for the general benefit of the party are exempt from the restrictions of subsection (b).

(e) The following expenses incident to a fundraiser and to all other political fundraising activities held for the benefit of a candidate for which there is a charge for attending or participating in the fundraiser or fundraising activity shall not be considered expenditures within the limitations set by section 11-209:

(1) The cost of food and beverages consumed at the function;
(2) Rent and utilities for the premises where the function is held;
(3) The amount paid for guest speakers and entertainment;
(4) Printing and postage related to a function; and
(5) All other direct costs incurred in solicitation of the fundraiser, or fundraising activity. [L 1979, c 224, pt of §2; am L 1980, c 232, §1 and c 246, §1(e); am imp L 1984, c 90, §1; am L 1987, c 369, §1(6)]

§11-204 Campaign contributions; limits as to persons. (a) No person or any other entity shall make contributions to a candidate or candidate's committee in an aggregate amount greater than $2,000 in any primary, special primary, special, or general election.

(b) A candidate or the candidate's immediate family in making a contribution 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 year.

(c) A contribution by a dependent minor shall be reported in the name of the minor but shall be counted against the contribution of the minor's parent or guardian.

(d) Any candidate or candidate's committee who knowingly receives in the aggregate more than $2,000 in any primary, special primary, special, or general election from a person, shall be required to return any excess over $2,000 to such person. If the contributor cannot be found, the excess over the contribution limit shall be deposited with the Hawaii election campaign fund. A candidate or candidate's committee who complies with the provisions of this subsection prior to the initiation of prosecution shall not be subject to any penalty under section 11-228.

(e) All payments made by a person or whose contributions or expenditure activity is financed, maintained or controlled by any corporation, labor organization, association, political party or any other person or committee, including any parent, subsidiary, branch, division, department or local unit of the corporation, labor organization, association, political party or any other person, or by any group of such persons shall be considered to be made by a single person.

(f) A contribution made by two or more corporations shall be treated as one person when such corporations:

(1) Share the majority of members of their boards of directors;
(2) Share two or more corporate officers;
(3) Are owned or controlled by the same majority shareholder or shareholders; or
(4) Are in a parent-subsidiary relationship.

(g) An individual and any general partnership in which the individual is a partner, or an individual and any corporation in which the individual owns a controlling interest, shall be treated as one person.

EXHIBIT 1
(Page 2 of 2 Pages)

9404357159 2

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3004

NAME OF COUNSEL: Lawrence S. Okinaga, Esq.
Stanley D. Suyat, Esq.

ADDRESS: CARLSMITH, WICHMAN, CASE, MUKAI & ICHIKI
Pacific Tower, Suite 2200
1001 Bishop Street
Honolulu, HI 96813

TELEPHONE: (808) 523-2500

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

KG (HAWAII) CORPORATION

December 4, 1989
Date

BY: [signature]
Signature
Its: Vice President

RESPONDENT'S NAME: KG (Hawaii) Corporation

ADDRESS: 1585 Kapiolani Boulevard
Suite 1404
Honolulu, Hawaii 96814

HOME PHONE:

BUSINESS PHONE: (808) 942-7743

2404357159 3

OGC 4883

CARLSMITH, WICHMAN, CASE, MUKAI AND ICHIKI
ATTORNEYS AT LAW
A PARTNERSHIP INCLUDING LAW CORPORATIONS
1001 BISHOP STREET
PACIFIC TOWER, SUITE 2200
HONOLULU, HAWAII 96813
CABLE ADDRESS: CWCMI
TELEX 723-8770 CWCMI HR
TELECOPIER (808) 523-0842

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HONOLULU, HAWAII 96809
(808) 523-2500

GUAM OFFICE
P. O. BOX BF
AGANA, GUAM 96910
(671) 472-6813
TELEX 721-6448 CWCMI GH

LOS ANGELES OFFICE
P. O. BOX 7189
LOS ANGELES, CALIFORNIA 90071-0189
(213) 955-1200

DIRECT DIAL NUMBER:
(808) 523-2527

HILO OFFICE
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HILO, HAWAII 96721-0686
(808) 935-8644

KONA OFFICE
P. O. BOX 1720
KAILUA-KONA, HAWAII 96745-1720
(808) 329-6464

MAUI OFFICE
P. O. BOX 986
WAILUKU, HAWAII 96793
(808) 244-4515

SAIPAN OFFICE
P. O. BOX 24
SAIPAN, MP 96950
(670) 322-3455
TELEX 783-6556 CWCMI SPN

December 12, 1989

89 DEC 15 PM 11:59
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

Lawrence M. Noble, Esq.
General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D. C. 20463

Dear Mr. Noble:

Re: MUR 3004 - TSA International, Limited

We represent TSA International, Limited ("Respondent"), which acknowledges receipt of a complaint and your correspondence dated November 20, 1989. Pursuant to 2 U.S.C. Section 437(g)(a)(1) and 11 C.F.R. Section 111.6, Respondent hereby respectfully requests that the Commission find, pursuant to 11 C.F.R. Section 111.7, that there is no reason to believe that a violation has been committed and that the complaint be dismissed.

The complaint states, inter alia, that Respondent made a $500.00 contribution on April 22, 1988 to Friends for Henry Peters, a state campaign election committee. The complaint further alleges that Respondent is a foreign owned and/or controlled corporation. See Count 22 of the complaint.

As discussed more fully below, under the FECA, the accompanying regulations and the relevant Advisory Opinions, the contribution referred to in the complaint was entirely proper in all respects and, specifically, was not made, directly or indirectly, through foreign nationals. Accordingly, the complaint as to Respondent is without merit and should summarily be dismissed.

89 DEC 15 AM 10:37
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

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FACTUAL BACKGROUND

Respondent is a Hawaii corporation with its principal office located in Honolulu, Hawaii. All of Respondent's stock is owned by TSA Holding Company, Limited ("Parent") which is also a Hawaii corporation with its principal place of business in Honolulu, Hawaii. The Parent is a wholly-owned subsidiary of TSA Delaware Holding Corp., a Delaware corporation, with its principal place of business in Delaware.

Respondent has three directors, two of whom are its officers. One officer/director, who resides in Honolulu, Hawaii, is lawfully admitted to the United States for permanent residence. The other two directors are citizens of Japan.

The directors and officer who are Japanese nationals have not provided any of the funds used by Respondent for political contributions to state and local elections nor have they exercised any decision-making authority over Respondent's activities. The officer/director who is lawfully admitted to the United States for permanent residence has the sole responsibility for deciding Respondent's political contributions to state and local elections. The funds utilized for political contributions to state and local elections are derived from income earned in the United States from the sale of real property developed by Respondent.

DISCUSSION

1. Hawaii law permits corporate contributions.

As a preliminary matter, Hawaii law permits a corporation or its political action committee to make contributions to candidates for state or local election. See Hawaii Revised Statutes, Sections 11-191(18) and 11-204(f), attached hereto as Exhibit 1.

2. Neither Respondent nor its Parent organizations is a foreign national.

Under the FECA and the accompanying regulations, foreign nationals may not make any contributions, directly or through any other person, in connection with any election to political office. 2 U.S.C. Section 441e; 11 C.F.R. Section

110.4(1). Under Section 441e(b)(1), foreign national means a foreign principal, as that term is defined in 22 U.S.C. Section 611(b), or an individual who is not a citizen of the United States and is not lawfully admitted for permanent residence, as defined by 8 U.S.C. Section 1101(a)(20).

With respect to corporations, Section 611(b) of Title 22 states that a corporation will be considered a "foreign principal" when it is organized under the laws of, or has its principal place of business in, a foreign country. Numerous Advisory Opinions have interpreted this portion of Section 611(b) to establish that a corporation organized under the laws of any state of the United States with its principal place of business in the United States is not a foreign principal. Accordingly, such a corporation would not be a "foreign national" under Section 441e of FECA. See Advisory Opinions 1985-3; 1983-31; 1982-10; 1981-36.

Respondent and its immediate Parent are organized under the laws of the State of Hawaii, and each has its respective principal place of business in Honolulu, Hawaii. The "grandparent" of Respondent is a Delaware corporation with its principal place of business in Delaware. The fact that the stock of all three corporations are owned by foreign nationals does not render any of the entities a foreign national because stock ownership is not the test. Rather, the Commission has repeatedly stated that "a domestic corporation whose principal place of business is within the United States is not a 'foreign principal' and hence not a 'foreign national'. . . ." Advisory Opinion 1980-100. See also Advisory Opinion 1985-3 ("a corporation organized under the law of any state within the United States whose principal place of business is in the United States is not a foreign principal and, accordingly, would not be a 'foreign national'. . ."). Therefore, neither Respondent nor its Parent organizations is a "foreign national" under 2 U.S.C. 441e.

3. A corporation which is not a foreign national may lawfully contribute to state and local elections as long as foreign nationals do not contribute funds or exercise decision-making authority.

In addition to prohibiting direct contributions by foreign nationals, Section 441e also prohibits contributions by foreign nationals "through any other person". Under the

standards discussed below, because foreign nationals do not contribute to or have any decision-making authority over Respondent's contributions listed in the complaint, it cannot be said to have violated this provision either.

In the first instance, a domestic corporation, even one that is wholly-owned by foreign nationals, may make political contributions to state and local elections if the foreign nationals do not contribute to the fund nor exercise decision-making authority with respect to the corporation's political activities. A host of Advisory Opinions make it clear that a United States subsidiary that is wholly-owned by a foreign national may make contributions to a state or local election as long as the foreign parent does not directly or indirectly provide funds for such contributions nor have any decision-making responsibility with respect to the contributions. See e.g. Advisory Opinion 1985-3; Advisory Opinion 1978-21; Advisory Opinion 1982-10; Advisory Opinion 1980-100. Thus, in Advisory Opinion 1985-3, a wholly-owned U.S. subsidiary of a Canadian corporation asked the Commission whether it could make a contribution to an election without violating the prohibitions of Section 441e. The Commission held that the subsidiary could make a contribution under the following conditions:

1. The foreign parent could not directly or indirectly provide funds for any contribution;

2. No foreign national could have any decision-making role or control with respect to the making of any political contribution by the subsidiary.

Advisory Opinion 1985-3 (citing Advisory Opinion 1981-36; Advisory Opinion 1983-31).

In the present case, no foreign national contributed to the funds used for political contributions nor exercised control over the officer/director who had been delegated the authority to decide upon political contributions. In the first instance, Respondent derived its funds from business activities in the United States, not from foreign nationals. Therefore, the contribution at issue was not a fund directly or indirectly contributed by foreign nationals.

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Second, with respect to decision-making authority, all decision-making with regard to contributions is vested in the officer/director who is lawfully admitted to the United States for permanent residence. Moreover, the officer and/or directors who are foreign nationals do not participate in any manner in the decision-making process of Respondent in connection with contributions to state and local elections.

SUMMARY

On the basis of the facts presented and analysis of the Commission's previous Advisory Opinions, Respondent respectfully requests that the Commission dismiss the complaint against it. Respondent will also provide any additional information that will be helpful to the General Counsel's Office in formulating its recommendation to the Commission.

Respectfully submitted,

CARLSMITH, WICHMAN, CASE,
MUKAI AND ICHIKI

By Stanley D. Suyat
Franklin K. Mukai
Stanley D. Suyat

SDS:jsi
Attachment

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***

[am L 1987, c 369, §1(3)]

EXHIBIT 1
(Page 1 of 2 Pages)

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(2) Rents and utilities for the premises where the function is held;
(3) The amount paid for guest speakers and entertainment;
(4) Printing and postage related to a function; and
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(e) All payments made by a person or whose contributions or expenditure activity is financed, maintained or controlled by any corporation, labor organization, association, political party or any other person or committee, including any parent, subsidiary, branch, division, department or local unit of the corporation, labor organization, association, political party or any other person, or by any group of such persons shall be considered to be made by a single person.

(f) A contribution made by two or more corporations shall be treated as one person when such corporations:

(1) Share the majority of members of their boards of directors;
(2) Share two or more corporate officers;
(3) Are owned or controlled by the same majority shareholder or shareholders; or
(4) Are in a parent-subsidiary relationship.

(g) An individual and any general partnership in which the individual is a partner, or an individual and any corporation in which the individual owns a controlling interest, shall be treated as one person.

EXHIBIT 1
(Page 2 of 2 Pages)

2404357160 0

STATEMENT OF DESIGNATION OF COUNSEL

MDR 3004

NAME OF COUNSEL: Franklin K. Mukai, Esq.
Stanley D. Suyat, Esq.

ADDRESS: Carlsmith, Wichman, Case,
Mukai and Ichiki
Suite 2200, Pacific Tower
1001 Bishop Street

Honolulu, Hawaii 96813

TELEPHONE: (808) 523-2500

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

TSA INTERNATIONAL, LIMITED

December 12, 1989
Date

H Hagiki
Signature

RESPONDENT'S NAME: TSA International, Limited

ADDRESS: 1585 Kapiolani Boulevard #1600

Honolulu, Hawaii 96814

HOME PHONE:

BUSINESS PHONE: (808) 942-2131

>24035716001

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RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

89 DEC 13 PM 4:13

Iwai, Motooka & Goto

ATTORNEYS AT LAW
A LAW CORPORATION
SUITE 502, HASEGAWA KOMUTEN BUILDING
820 MILILANI STREET
HONOLULU, HAWAII 96813

WILFRED K. IWAI
MILTON M. MOTOOKA
ARTHUR K. GOTO

AREA CODE 808
TELEPHONE 537-1836
FAX 536-6813

December 12, 1989

89 DEC 15 PM 12:01

Federal Election Commission
999E Street N.W.
Washington, DC 20463

Ladies and Gentlemen:

Re: MUR 3004 Hasegawa Komuten (Hawaii), Inc., now known as Haseko (Hawaii), Inc., a Hawaii corporation

1. This law office represents Hasegawa Komuten (Hawaii), Inc., nka Haseko (Hawaii), Inc., a Hawaii corporation in this matter. A Statement of Designation of Counsel was transmitted earlier to the attention of your staff member Mark Allen, per our letter dated November 27, 1989.

2. For reasons hereinafter set forth, respondent Haseko (Hawaii), Inc. respectfully believes that no action should be taken on the basis of the complaint filed in this matter.

3. The complaint in this matter is a letter dated November 3, 1989 signed by three individuals plus the Maunawili Community Association. The complaint concerns itself with the "acceptance and retention of campaign contributions received from foreign nationals which appear to be be in violation of 2 U.S.C. 441 (E) Sec A-319(a)" (sic). The complaint does not allege violations by the contributors but is focused upon the recipients. While the undersigned is aware of the position of the Federal Election Commission with respect to contributions by foreign nationals to political candidates for state and local elections, this complaint is not focused upon the contributor but upon the recipient.

a. The second and third unnumbered paragraphs of the complaint similarly indicate the focus of the complainants. Such paragraphs read as follows.

> "The first section of our complaint is against various State of Hawaii Senators who reported received contributions from foreign national individuals and contributions."

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Iwai, Motooka & Goto
ATTORNEYS AT LAW
A LAW CORPORATION

"The second part of our complaint is against various State of Hawaii representatives who reported received contributions from foreign national individuals and corporations."

b. The paragraphs in the section of the complaint titled "Specific Counts as to Possible Violations of Federal Election Act" each contain an introductory allegation that a particular state legislator has received contributions from certain individuals, corporations or legal entities. The allegations in this section are thus not against the contributor.

c. Therefore, inasmuch as no accusation of wrongdoing has been made against our client by the complainant, and they have elected to proceed only against the recipient, we believe this matter against our client should be terminated. 11 C.F.R. §111.4(d)(1).

4. We also note a complete absence of facts or allegations in the complaint sufficient even to form a prima facie case if such allegations are taken as true. The complaint merely sets forth the conclusion that contributions were from foreign nationals and corporations, and that the specific defective contributions were from a checklist of persons, corporations and entities derived from reports to the State of Hawaii Campaign Spending Commission.

a. As to any accusation that our client, being a Hawaii corporation, is foreign owned, our position is that even if true, and even assuming that the Federal Campaign Act of 1971 (the "Federal Act") prohibits contributions by any person to state or local elections, which we do not admit, a Hawaii corporation with a principal place of business in Honolulu, Hawaii as is our client, is not a "foreign national" under the Federal Act. 22 U.S.C. §611 (b).

b. As to the accusation that our client is "foreign controlled", there is a complete absence of facts or even allegations upon which that accusation is based. Assuming the correctness of the premise that a "foreign controlled" contribution of this nature is prohibited (which as indicated we do not admit), the complaint fails to state sufficient facts or allegations which if proven to be true would constitute a

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Imai, Matsuka & Goto
ATTORNEYS AT LAW
A LAW CORPORATION

violation. This office respectfully declines to have our client placed in a position of having to prove a case against itself or try to defend against an accusation the basis of which has not even been stated.

c. The complaint therefore fails to meet the provisions of 11 C.F.R. §111.4(d)(3) and therefore no further action should be taken by the Commission. In re Federal Election Campaign Act Litigation, 474 F. Supp. 1044 (D.C.D.C. 1979).

5. A complaint should not be permitted to be transmitted to respondents which in turn places such respondents under the burden of a reply, and in a position of incurring defense costs when all the complaining party has done is to state a conclusion that a contribution or receipt is violative of the Federal Act without sufficient allegations as to how such conclusion is reached. Elementary principles of justice and fair play should require that more be provided before the complaint is found to have met the requirements of "substantial compliance" with the requirements of 11 C.F.R. §111.4; §111.5(a). To permit these grossly deficient "complaints" to reach the level of requiring a response shifts the burden of proof to the respondent, increases the cost and administrative workload to the Federal Election Commission, and invites similar conduct from other complainants, or even more likely from the same complainant.

6. In the event that the Commission believes the complaint to have stated sufficient matters to initiate action by the Commission as an internally generated matter, we respectfully request that we be provided with a copy of the staff report setting forth the legal basis and the alleged facts for such belief. 11 C.F.R. §111.8(b).

7. If further information is requested or desired, please feel free to contact the undersigned.

Very truly yours,

ARTHUR K. GOTO

AKG:al
7423C

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FEDERAL ELECTION COMMISSION
MAIL ROOM

89 DEC 17 AM 9:57

The Ilikai
WAIKIKI

Robert H. Francis
Vice President-General Manager

89 DEC 18 PM 12:36

December 12, 1989

General Counsel
Federal Election Commission
Washington, D.C. 20463

Re: MUR 3004

Dear Sir:

In response to your communication regarding the $125.00 contribution that the Ilikai Hotel made to Romy Cachola on April 5th, 1989. I have the following comments:

1. The Ilikai, an 800-room resort hotel located on Waikiki Beach, is owned by JOWA, Hawaii, Inc., a Delaware Corporation, owned by JOWA KOSAN, Ltd., a Japanese Real Estate Company.

2. It was our understanding that American subsidiaries may make Corporate contributions to State and local candidates so long as the subsidiary's principal place of business is within the United States. This is obviously true in this instance.

3. Funds for the operation of the Ilikai are generated by The Ilikai and not provided by the Parent Foreign Company.

4. The Parent Company does not, has not, and did not, exercise any control over this contribution. They had no knowledge of it.

Please direct any further correspondence on this matter to me.

Sincerely,

Robert H. Francis

RHF/sn

2043571605

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RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 JAN -3 AM 11:52

TANIGAWA & TANIGAWA
Attorneys at Law
Suite 1550 Pacific Tower
1001 Bishop Street
Honolulu, Hawaii 96813

Herbert H. Tanigawa
Michael K. Tanigawa

Telephone
(808) 521-8354
Fax
(808) 531-8263

December 18, 1989

90 JAN -3 PM 2:50

Mark Allen, Esq.
General Counsel's Office
Federal Election Commission
999 E. Street, NW
Washington, D.C. 20463

Re: MUR 3004 Japan Travel Bureau International, Inc.

Dear Mr. Allen:

I am the attorney representing Japan Travel Bureau International, Inc. with regard to MUR 3004. In that capacity and on behalf of Japan Travel Bureau International, Inc., I hereby respond to the Federal Election Commission's notice of complaint dated November 20, 1989, alleging a violation of the Federal Election Campaign Act of 1971 (hereinafter referred to as the "Act"). This response is made pursuant to 11 C.F.R. Part 111 and the extension of time in which to respond to the notice of complaint which was approved by your Office by letter dated December 7, 1989.

It is our position that there is no reason to believe that the complaint sets forth a violation of the Act by Japan Travel Bureau International, Inc. and, accordingly, the Commission should take no further action on this matter.

I. CONTRIBUTIONS BY A U.S. CORPORATION TO A CANDIDATE FOR STATE OFFICE DO NOT CONSTITUTE VIOLATIONS OF THE ACT.

The allegations of violations of the Act by Japan Travel Bureau International, Inc. contained in the complaint are based upon an assumption that Japan Travel Bureau International, Inc. is a "foreign national" under 2 U.S.C. §441e. This assumption is incorrect.

"Foreign national" is defined by 2 U.S.C. §441e as "a foreign principal, as such term is defined by section 611(b) of Title 22, except that the term 'foreign national' shall not include any individual who is a citizen of the United States...." 2 U.S.C. 441e(b)(1). Section 611(b) of Title 22 defines foreign principal as regards corporations as a corporation "organized

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under the laws of or having its principal place of business in a foreign country." 22 U.S.C. §611(b)(3).

The Federal Election Commission has construed this definition to mean that even if a U.S. corporation is a wholly owned subsidiary of a foreign principal, the U.S. corporation would not be considered a foreign national for the purposes of 2 U.S.C. §441e. *See* Federal Election Commission Advisory Opinion 1983-31 (November 10, 1983). The determination of whether or not a corporation is a foreign national is determined solely by the country under whose laws the corporation was formed and the location of the corporation's principal place of business. 22 U.S.C. §611(b)(3).

Japan Travel Bureau International, Inc. was organized and created under the laws of the State of New York. See Exhibit "A". Its principal place of business is in the State of New York and it is registered and licensed to do business in the State of Hawaii. Since Japan Travel Bureau International, Inc. was neither formed under the laws of a foreign country nor does it maintain its principal place of business in a foreign country, it is not a foreign national as contemplated by 2 U.S.C. §441e.

As a U.S. corporation, Japan Travel Bureau International, Inc. is not prohibited from making a contribution to a candidate for a State public office by 2 U.S.C 441 or 11 CFR §110.4(a)(1). Therefore the complaint fails to allege a violation of the Act warranting further action by the Commission.

In addition to the fact that Japan Travel Bureau International, Inc. is not a foreign national, it is the position of Japan Travel Bureau International, Inc. that no further action should be taken with respect to specific allegations for the following reasons:

II. THE COMPLAINT FAILS TO ALLEGE SUFFICIENT FACTS TO SUPPORT A BELIEF THAT JAPAN TRAVEL BUREAU INTERNATIONAL, INC. MADE A CONTRIBUTION TO STATE SENATOR TONY K. U. CHANG TO WARRANT FURTHER ACTION BY THE COMMISSION.

Under Section 1, paragraph 1, the complaint states that "Senator Chang also received a contribution from Japan Travel Bureau International[,] Inc. 2270 Kalakaua, Honolulu[,] H[I] 96826, amount and date unknown." No documentation supporting this specific allegation is attached to the complaint. *See* 11 CFR 111.6(c)(4). Contrary to the rules regulating the form of a complaint, no indication is given as to whether or not the allegation is based upon personal knowledge or information and belief. See 11 CFR §111.4(b)(c).

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The rules require that a complaint "contain a clear and concise recitation of the facts which describe a violation of a statute or regulation over which the Commission has jurisdiction." Without even an approximation of the date of the alleged contribution or the amount, the complaint fails to provide a "recitation of facts describing a violation" as required by the rules. Due to these deficiencies of the complaint no further action by this Commission is warranted with respect to the allegation regarding a contribution to State Senator Tony Chang.

III. THE CONTRIBUTION TO STATE REPRESENTATIVE HASHIMOTO HAS BEEN RETURNED TO JAPAN TRAVEL BUREAU INTERNATIONAL, INC. AND THEREFORE NO FURTHER ACTION IS WARRANTED.

Section 2, paragraph 12 of the complaint alleges that Japan Travel Bureau International, Inc. made a contribution of $250.00 to State Representative Clarice Hashimoto. By letter dated December 1, 1989, State Representative Clarice Y. Hashimoto returned the contribution made by Japan Travel Bureau International to her campaign. See Exhibit "B". Since the net result of Representative Hashimoto's action is that no contribution to her campaign from Japan Travel Bureau International, Inc. has been made, there is no reason for the Commission to take any further action on this allegation.

IV. CONCLUSION

For the foregoing reasons and authorities, Japan Travel Bureau International, Inc. respectfully submits that its compliance with the plain meaning of relevant statutory authority with respect to all the allegations contained in the complaint and the absence of evidence to support two of the allegations strongly supports a conclusion that no further action by the Commission on this matter is warranted.

Sincerely,

Michael K. Tanigawa

MICHAEL K. TANIGAWA
Tanigawa & Tanigawa

Attorneys for
JAPAN TRAVEL BUREAU
INTERNATIONAL, INC.

encl.

24043571608

CERTIFICATE OF INCORPORATION

OF

JAPAN TRAVEL BUREAU INTERNATIONAL INC.

Under Section 402 of the
Business Corporation Law

The undersigned, being natural persons of at least 21 years of age and acting as the incorporators of the corporation, hereby being formed under the Business Corporation Law, certify that:

FIRST: The name of the corporation is

JAPAN TRAVEL BUREAU INTERNATIONAL INC.

111827

SECOND: The corporation is formed for the following purposes:

To maintain office or offices for the purpose of collecting and furnishing information in reference to travels and tours on railroads, steamships, airplanes, automobiles and other means of travel or transportation; to collect and furnish information of all sorts in connection with, and to plan and map out tours, journeys, and travels in all parts of the world; to secure and furnish information regarding hotels, inns, boarding houses, and other places for the accommodation of travelers in all parts of the world; to organize and conduct tours, furnish guides and personal attendance to its patrons, and in connection therewith to print, publish and issue from time to time, travel booklets, pamphlets, bulletins, schedules, or other publications.

To buy and sell and generally deal in tickets for transportation on railroads, steamships, airplanes and all other means of transportation and to arrange for the transportation of persons and baggage thereof; to act as agents and representatives of railroads, airplane, steamship and bus companies in the sale of transportation on railroads, airplanes, steamships, busses and generally to do every act and thing that may be necessary, proper, convenient or useful for the carrying on of the general business of travel service.

To secure and furnish accommodations in hotels, inns, boarding houses and other places for the accommodation of travelers in all parts of the world.

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EXHIBIT "A"

To arrange for transportation of passengers, goods, wares and merchandise, and personal property of every kind and description from and to any point or place in the United States or elsewhere by means of transportation and to make all necessary arrangements for that purpose with railroad, shipping, airline, express or other companies and with individuals.

To act for insurance companies in soliciting and receiving applications for accident, health, baggage, and life insurance, the collection of premiums and doing such other business as may be delegated to agents by such companies and in general to act as insurance agents in reference to the issuance of baggage and, or accident insurance tickets primarily for the purpose of covering risks of travel.

To act as forwarding, shipping, freight, and passenger agent, clearance and custom house broker; to do any and all lawful things as agent for or intermediary between shippers or passengers and carriers which may seem calculated to promote their interests.

To engage in, conduct and operate the business of general exporters, importers, jobbers and traders, as principals, factors, brokers, agents or commission merchants with respect to goods, wares, merchandise and commodities of any kind and nature whatsoever; to buy and sell at wholesale and retail, receive, export, import, ship, bill and otherwise deal in goods, wares, merchandise and commodities of any kind and nature whatsoever.

To apply for, obtain, register, purchase, lease or otherwise acquire, and to hold, own, use, operate, sell, assign or otherwise dispose of, any trade-mark, trade-name, patent, invention, improvement, license, concession and process used in connection with or secured under letters patent of the United States or any other country or otherwise, and to use, exercise, receive, operate under, develop, and grant any and all trade-marks, trade-names, patents, inventions, improvements, licenses, concessions and processes.

To acquire the stock and trade, good will, franchises, assets and property of any person or persons, partners, or corporations domestic or foreign engaged in business of the same general nature as that for which this corporation is formed and, in connection therewith to pay for the same in cash, stocks or bonds of this corporation or otherwise, and to assume all or part of the liabilities of any such person or persons, partner or corporation.

To have, in furtherance of the corporate purposes, all of the powers conferred upon corporations organized under the Business Corporation Law subject to any limitations thereof contained in this Certificate of Incorporation or in the laws of the State of New York.

THIRD: The city, incorporated village or town and the county within the State of New York in which the office of the corporation is to be located are as follows:

City	County
New York	New York

FOURTH: The aggregate number of shares which the corporation shall have authority to issue is two hundred (200), all of which are without par value, and all of which are of the same class.

FIFTH: The Secretary of State is designated as the agent of the corporation upon whom process against the corporation may be served. The post office address within or without the State of New York to which the Secretary of State shall mail a copy of any process against the corporation served upon him is: 45 Rockefeller Plaza, New York 20, New York.

IN WITNESS WHEREOF, we have made, signed and acknowledged this certificate this 27th day of July, 1961.

KAZUO IWATA
83-40 118th Street
Kew Gardens, N.Y.

KAZUO HIKU
105-28 65th Avenue
Forest Hills 75, N.Y.

THOMAS T. HAYASHI
522 Fifth Avenue
New York 36, N.Y.

STATE OF NEW YORK)
: ss.:
COUNTY OF NEW YORK)

On the date hereinafter set forth, before me came KAZUO IWATA, KAZUO RIKO and THOMAS T. HAYASHI to me known to be the individuals who are described in, and who signed the foregoing certificate of incorporation and they acknowledged to me that they signed the same.

Dated: December 17, 1963

Notary Public

ARLENE MEDONIA
Notary Public, State of New York
No. 24-007-9016, Qual. in Kings Co.
Cert. Filed in New York County
Commission Expires March 30, 1965

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CERTIFICATE OF INCORPORATION

OF

JAPAN TRAVEL BUREAU

INTERNATIONAL INC.

111827

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED DEC 24 1963
TAX $ 10—
FILING FEE $ 50—

Thomas T. Hayashi
522 Fifth Ave.
New York, New York

State of New York
DEPARTMENT OF STATE } ss.:

17379

I CERTIFY That I have compared the preceding copy with the original Certificate of Incorporation of

JAPAN TRAVEL BUREAU INTERNATIONAL INC.,

filed in this department on the 24th day of December, 1963, and that such copy is a correct transcript therefrom and of the whole of such original.

WITNESS my hand and the official seal of the Department of State at the City of Albany, this sixteenth day of September, one thousand nine hundred sixty-four.

John P. Lomenzo
Secretary of State

Form CO-504

2404357161614

Clarice
Hashimoto

December 1, 1989

Japan Travel Bureau International Inc.
2270 Kalakaua Avenue
Honolulu, HI 96815

Gentlemen:

A complaint was filed with the Federal Election Commission regarding your contribution to my campaign in 1988.

I have decided that it would probably be best if I were to immediately return your contribution to you. This is not a judgment on my part as to whether you are a foreign national, for I do not know who owns your company, where your sources of revenue come from, or who controls your decision making.

I really appreciate your faith and confidence in me, and I hope you understand this decision on my part to return the contribution rather than contest this matter with the Federal Election Commission.

Sincerely,

Clarice Y. Hashimoto

CLARICE Y. HASHIMOTO
State Representative
42nd District

CYH:gu
Enclosure

24043571-615

EXHIBIT "B"

RECEIVED DEC 08

Reilly

HONG, IWAI AND HULBERT

ATTORNEYS AT LAW
SUITE 2200, PAUAHI TOWER
BISHOP SQUARE
001 BISHOP STREET
HONOLULU, HAWAII 96813

89 DEC 18 AM 9:38

GEORGE E. N. HONG
DONALD K. IWAI
NEIL F. HULBERT*
CAROL LEE HONG
JEFFREY C. WILK
ROY K. KAWANO
HARLAN Y. KIMURA

* A LAW CORPORATION

TELEPHONE
(808) 524-4900

FAX
(808) 528-5473

December 14, 1989

FAX (202) 376-5280 &
First Class Mail

Lawrence M. Noble, Esq.
General Counsel
Lois G. Lerner, Esq.
Associate General Counsel
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

89 DEC 18 P12:34

Dear Counsel:

Re: MUR-2892, Sankyo Tsusho Co., Ltd., dba Mokuleia Land Company

Enclosed please find the Statement of Designation of Counsel executed by Mokuleia authorizing our law firm to receive any notifications and other communications from the Federal Election Commission ("Commission") and to act on behalf of Mokuleia. I spoke by telephone with Mark Allen on December 11, 1989, indicating to him that because of the time lapse in receiving the letter from the Federal Election Commission, transmitting it to Mokuleia's manager and then on to me and the transmittal back to Mokuleia of the Statement of Designation of Counsel and its final return to me, I did not believe we would be able to respond within 15 days of November 30, 1989, the date I believe Mokuleia received the letter. Request is hereby made for a retroactive application of an extension of time up to the date this letter is actually received by the Federal Election Commission.

The response of Mokuleia is based upon the following documents received from your office:

1. Letter to Mokuleia from Lois G. Lerner dated November 20, 1989;

2. Description of Preliminary Procedures for Processing Complaints filed with the Commission; and

3. Letter to D. L. McDonald and Lawrence Noble from Maunawili Community Association, Karen L. Kosoc, Donna Wong and Victoria S. Creed ("Complainants") dated November 3, 1989 with Exhibits A through W ("Complaint").

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If we are missing any documents not above-described out part of the record, please inform our office at your earliest convenience.

Assuming the above documents constitute all that is part of the record in MUR 2892, it appears the Complainants are alleging that Mokuleia may have violated the Federal Election Campaign Act of 1971, as amended ("the Act") because in paragraphs 3 and 19 of the Complaint, it is alleged that Mokuleia is a foreign owned and/or controlled corporation and made contributions in the amount of $2,000.00 on May 11, 1988 and $250 on May 3, 1989, to the Friends of Joe Leong campaign, and $250 on March 9, 1989, and $500 on March 17, 1989 to the Friends of Gerry Hagino campaign.

Mokuleia requests that the Complaint be dismissed and no action be taken against it in the above-referenced matter for the following reasons.

I. THE ACT, AND REGULATIONS PROMULGATED THEREBY, DO NOT APPLY TO STATE AND LOCAL ELECTIONS.

A. The Act Regulates Only Federal Elections.

The Act is entitled the Federal Election Campaign Act and refers to candidates as those individuals seeking "Federal office" 2 U.S.C. §431(2). Federal office refers to the "office of President or Vice President, or of Senator or Representative, in, or Delegate or Resident Commissioner to, the Congress." 2 U.S.C. §431(3). A contribution is defined as "any gift, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office." 2 U.S.C. §431(8)(A). (Emphasis added) These definitions apply to all sections of the Act, and therefore, only apply to contributions for elections to Federal office. Since the alleged contributions were to state election campaigns, the Act does not apply because a local election was involved, not a Federal election.

B. Other Specific Provisions of the Act Cover Only Federal Elections.

The Act and rules prescribed thereunder supercede and preempt all provisions of State law as they relate to election to Federal office. 2 U.S.C. §453. If the Act intended to supercede and preempt State law with respect to State and local elections, Congress could have easily included language to that

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effect. However, Congress did not intend to have the Act apply to State and local elections. See Pollard v. Board of Police Commissioners, 665 S.W. 2d 333, 336-338 (Mo. 1984) cert. den. 473 U.S. 907. (Congress only intended to have 2 U.S.C. §453 apply to state statutes imposing restrictions on candidates for federal office); Washington Ed. Ass'n v. Smith, 638 P.2d 77, 82 (Wash. 1981). (The Act affects only Federal elections and State law governs State elections.)

Another section of the Act that relates to statements and reports to State officers required to be filed only refers to candidates for Federal office. 2 U.S.C. §439(a)(2)(A) and (B). If the Act was intended to apply to State and local elections, statements and reports on those elections would also be included in the filing requirement. The fact that statements and reports for state and local elections are not required by the statutory scheme of the Act necessarily implies that Congress never intended to have it supercede State law in this regard.

State and local elections in the State of Hawaii are governed by Hawaii Revised Statutes. §11-1 et seq. Pursuant to statutory authority, the lieutenant governor for the State of Hawaii has promulgated rules and regulations to govern State and local elections. The Hawaii State Campaign Spending Commission has been empowered by the lieutenant governor to publish booklets and forms for use by candidates and political action committees in State and local elections. Nothing in these booklets and forms, or in Hawaii law, precludes Mokuleia from making contributions to candidates for State and local office. Cf. Cort v. Asn, 422 U.S. 66, 84-85 (1975) (Where State law allows political contributions in State elections, the Court is reluctant to extend a federal right of recovery even if it is a violation under federal law). Therefore, Mokuleia is neither in violation of the Act nor State law by making contributions to the Leong and Hagino campaigns.

2. The Legislative History of the Act Refers to Only Federal Elections.

The Act became effective on February 7, 1972 as P.L. 92-225, 86 Stat. 3. It was amended in 1976 to include the prohibition of foreign nationals from making contributions to candidates for Federal office. P.L. 94-283, Title II, §112(2), 90 Stat. 493. Nowhere in the legislative history to this amendment is there any reference that Congress intended it to apply to State and local elections. See S. Rep. No. 677, 94th Cong., 2nd Sess. 2 (1976).

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This section (2 U.S.C. §441e) was originally part of Title 18 (formerly 18 U.S.C. §613). Title 18 also dealt with regulation of elections for Federal office. See 18 U.S.C. §591 (repealed 1980). The definitions of "Candidate", "Federal Office" and "Contributions" in Title 18 are virtually identical to those contained in the Act. Therefore, when Section 441e was transferred from Title 18, it came from a statutory scheme that regulated only Federal elections. The Commission cannot exercise jurisdiction over contributions by foreign nationals to candidates running for State and local offices without further statutory authority.

D. Since the Act Applies Only to Federal Elections, the Commission's Rules Cannot Encompass More and Extend Coverage to State and Local Elections.

As previously discussed, the plain language of the Act, its statutory scheme, and case law interpretation, indicates it relates to only Federal elections. However, the Commission's rules purport to make the Act also applicable to State and local elections. Specifically, the rules of the Commission provide that:

> A foreign national shall not directly or through any other person make a contribution, or expressly or impliedly promise to make a contribution, in connection with a convention, caucus, primary, general, special, or runoff election in connection with any local, State or Federal public office.

11 C.F.R. §110.4(a)(1). (Emphasis added)

The rule making authority of the Commission is conferred upon it by the Act. 2 U.S.C. §§438(a)(8) and 438(d). Since the act relates to only Federal elections, any rule which exceeds this scope is invalid. Chrysler Corporation v. Brown, 441 U.S. 281, 295-309 (1979); State of California v. Block, 690 F.2d 753, 760 (9th Cir. 1982). Any interpretation other than the Commission's rules relate to only Federal elections is impermissible. Orloski v. Federal Election Commission, 795 F.2d 156, 161-64 (D.C. Cir. 1986).

Based upon the foregoing, Mokuleia respectfully requests that the Commission take no action against it because the Act does not apply to State and local elections. Alternatively, if th Commission finds reason to investigate this matter further, Mokuleia requests conciliation with the Commission. Mokuleia

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also requests that this matter remain confidential in accordance with the Act.

Very truly yours,

HONG, IWAI AND HULBERT

By _____
Neil F. Hulbert

NFH:et
Enclosure
cc: Mokuleia Land Company
Ms. Ouk Hee Murabayashi

3005B

94043570620

STATEMENT OF DESIGNATION OF COUNSEL

MCR 3004

NAME OF COUNSEL: Hong, Iwai and Hulbert

ADDRESS: Suite 2200, Pauahi Tower
1001 Bishop Street
Honolulu, HI 96813

TELEPHONE: (808) 524-4900

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Dec 11, 1999
Date

Signature

RESPONDENT'S NAME: Sankyo Tsusho Co., Ltd., dba Mokuleia Land Company

ADDRESS: 98-540 Farrington Highway
Waialua, HI 96711

HOME PHONE:

BUSINESS PHONE: (808) 637-8088

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 22, 1989

Neil F. Hulbert
Hong, Iwai and Hulbert
Suite 2200 Pauahi Tower
1001 Bishop Street
Honolulu, Hawaii 96813

RE: MUR 3004
Mokuleia Land Company
Sankyo Tausho Co., Ltd.

Dear Mr. Hulbert:

This is in response to your letter dated December 14, 1989, which we received on December 18, 1989, responding to the complaint and requesting a short retroactive extension of time to cover the period between the expiration of the 15-day response time and the date of receipt. After considering the circumstances presented in your letter, I have granted the requested extension. We have accepted the response and it will be considered by the Commission.

If you have any questions, please contact Mark Allen, the staff member assigned to this matter, at (202) 376-5690.

Sincerely,

Lawrence M. Noble
General Counsel

BY: Lois G. Lerner
Associate General Counsel

2404357162 2

OGC 5029

TANIGAWA & TANIGAWA
Attorneys at Law
Suite 1550 Pacific Tower
1001 Bishop Street
Honolulu, Hawaii 96813

Herbert H. Tanigawa
Michael K. Tanigawa

Telephone (808) 521-4364
Fax (808) 531-8263

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
90 JAN -3 AM 11:

December 1, 1989

Mark Allen, Esq.
General Counsel's Office
Federal Election Commission
999 E. Street, NW
Washington, D.C. 20463

90 JAN -3 PM 2:52
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

Re: MUR 3004 Masao Hayashi

Dear Mr. Allen:

I am the attorney representing Mr. Masao Hayashi with regard to MUR 3004. In that capacity and on behalf of Mr. Hayashi, I hereby respond to the Federal Election Commission's notice of complaint dated November 20, 1989, alleging a violation of the Federal Election Campaign Act of 1971 (hereinafter referred to as the "Act"). This response is made pursuant to 11 C.P.R. Part 111 and the extension of time in which to respond to the notice of complaint which was approved by your Office.

It is our position that there is no reason to believe that the complaint sets forth a violation of the Act by Masao Hayashi and, accordingly, the Commission should close the file on this matter.

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I. THE COMPLAINT DOES NOT ALLEGE THAT MASAO HAYASHI, AS AN INDIVIDUAL, VIOLATED THE ACT.

The complaint does not allege a violation of the Act by Masao Hayashi as an individual. The rules of procedure governing the contents of a complaint under the Act require that "[i]t should clearly identify as a respondent each person or entity who is alleged to have committed a violation." 11 CFR 111.4 (d)(1). The only reference to Mr. Hayashi is contained on page 4 of the complaint under Section 2, paragraph 11 which identifies the following party as having made a contribution to State Representative Romy Cachola: "Masao Hayashi Japan Travel International, Inc. - 2270 Kalakaua Ave[.], Honolulu[,] H[I] 96815, a foreign owned and/or controlled corporation contributed $250.00 on 2/23/89."

The allegation is explicitly made against a corporate entity rather than an individual. Masao Hayashi is a natural

person. He is neither a corporate entity nor does he have knowledge of a corporation by the name of "Masao Hayashi Japan Travel International, Inc." *See Affidavit of Masao Hayashi.*

The power of the Commission to engage in enforcement proceedings is governed by 2 U.S.C. §437g. Under this section, the procedures for enforcement are limited to "any person alleged in the complaint to have committed" a violation of the Act. In light of this limitation imposed upon the Commission by 2 U.S.C. §437g and the procedural requirements of 11 CFR 111.4(d)(1), the failure of the complaint to allege that Masao Hayashi individually violated the Act precludes any action by the Commission against Mr. Hayashi based upon the present complaint.

II. MASAO HAYASHI DID NOT MAKE A CONTRIBUTION TO STATE REPRESENTATIVE ROMY CACHOLA.

Even if the Commission were permitted to investigate Masao Hayashi based upon the complaint, there is no factual basis for a belief that Masao Hayashi violated the Act. Mr. Hayashi did not make a contribution to State Representative Romy Cachola in the amount of $250.00 on February 23, 1989.

Based upon our investigation of the allegation against Mr. Hayashi, it appears that the complaint is based upon a contribution made by Japan Travel Bureau International, Inc. to Friends of Romy Cachola. *See Exhibit "A".* That contribution was made by Japan Travel Bureau International, Inc., a United States corporation that was created under the laws of New York and which is licensed to do business in the State of Hawaii. There is nothing on the check to indicate that it represents a personal contribution by Masao Hayashi or that Mr. Hayashi was involved in a personal capacity in the making of the contribution to the Friends of Romy Cachola.

Further action by the commission against Mr. Hayashi based upon this complaint is not warranted by the facts underlying the allegation made in the complaint.

III. CONCLUSION

No further action against Mr. Masao Hayashi based on this complaint is warranted. The complaint does not allege that Mr. Hayashi violated the Act in any manner. Even if the complaint had identified Mr. Hayashi as the source of the contribution to Romy Cachola, the evidence clearly establishes that no such contribution was in fact made by Mr. Hayashi.

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Based upon the arguments presented herein and the Affidavit of Masao Hayashi and Exhibit "A" attached hereto, there is no reason to believe that Masao Hayashi has committed or is about to commit a violation of the Act as alleged in the complaint.

Sincerely,

Michael K. Tanigawa

MICHAEL K. TANIGAWA

Tanigawa & Tanigawa
Attorneys for
MASAO HAYASHI

encl.

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JAPAN TRAVEL BUREAU INTERNATIONAL, INC.
OFFICE ACCOUNT
2270 Kalakaua Ave.
Honolulu, Hawaii 96815

18410

--PROCESSED--06303

DATE	PAY TO THE ORDER OF	AMOUNT
Feb. 23, 1989	FRIENDS OF BOMY CACHOLA	$***250.00***

WAIKIKI BRANCH
Central Pacific Bank
HONOLULU, HAWAII

--PROCESSED--072015 03

K. Hata

⑈018410⑈ ⑆121301578⑆ 06-00469 5⑈ ⑈0000025000⑈

⑆940435716226

EXHIBIT "A"

AFFIDAVIT OF MASAO HAYASHI

STATE OF HAWAII)
) SS:
CITY AND COUNTY OF HONOLULU)

I, MASAO HAYASHI, having been duly sworn on oath, deposes and says:

1. I have received a copy of the complaint in MUR 3004 and I am aware of the allegations made against me by that complaint;

2. The complaint alleges that on February 23, 1989, "Masao Hayashi Japan Travel International, Inc. - 2270 Kalakaua Ave, [sic] Honolulu Hi [sic] 96815, a foreign owned and/or controlled corporation contributed" two hundred and fifty dollars ($250.00) to Representative Romy Cachola;

3. I have no knowledge of a corporation by the name of Masao Hayashi Japan Travel International, Inc.;

4. I did not make a personal contribution of two hundred and fifty dollars ($250.00) to Representative Romy Cachola or to the Friends of Romy Cachola in 1989;

5. On February 23, 1989, Japan Travel Bureau International, Inc. made a contribution to the Friends of Romy Cachola in the amount of two hundred and fifty dollars ($250.00) drawn on the office account (see Exhibit "A");

6. I did not sign the check dated February 23, 1989 drawn on the office account of Japan Travel Bureau International, Inc. and made payable to the Friends of Romy Cachola;

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7. Japan Travel Bureau International, Inc. is a U.S. corporation organized and created under the laws of the State of New York;

FURTHER, AFFIANT SAYETH NAUGHT.

MASAO HAYASHI

Subscribed and sworn to before me
this 26th day of December, 1989.

Notary Public, State of Hawaii
My commission expires: 1/22/93

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MUR 3004 24043571622

OGC 4984

RECEIVED
FEDERAL ELECTION COMMISSION
89 DEC 27 AM 11:44

RECEIVED
FEDERAL ELECTION COMMISSION
89 DEC 27 PM 3:23

OKUMURA TAKUSHI FUNAKI & WEBB
ATTORNEYS AT LAW
A LAW CORPORATION

SUYEKI OKUMURA
ROY E. TAKUSHI
JAMES T. FUNAKI
JOSEPH K. WEE

SHUICHI MIYASAKI
ALFRED M.K. WONG
ROBERT M. EHRHORN, JR.
DICKSON C.H. LEE

PETER T. STONE
JAMES N.H. YEE
AARON S.H. YOO

SUITE 1400
GROSVENOR CENTER
733 BISHOP STREET
HONOLULU, HAWAII 96813

TELEPHONE (808) 543-9800
FACSIMILE (808) 599-1960

December 19, 1989

Federal Election Commission
Washington, D.C. 20463

VIA FAX (202) 376-5260

Attention: Mark Allen, Esq.

RE: MUR 3004

Dear Mr. Allen:

We are transmitting to you originals of the "Statement of Designation of Counsel" forms for the following candidates and their respective campaign treasurers in connection with the above referenced matter by mail and copies by FAX:

Candidate	Campaign Treasurer
Kenneth Hiraki	Jack Aketa
Karen Horita	Paul Matsuo
Marshall Ige	Wesley Imamura
Ezra Kanoho	Thomas P. Whittemore
Bertha Kawakami	Jeffrey L. Emoto
Joseph Leong	Walter C. Yamada
Tom Okamura	Lois C. Miyashiro
Paul Oshiro	Glenn S. Nagamine
Henry Peters	Donald Okimoto

5262V

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

Based on our recent telephone discussion with Mr. Allen on December 6, we are of the understanding that only one response should be filed on behalf of a candidate and his/her campaign treasurer.

The following candidates are not available. For that reason, we will be sending you their Statement of Designation of Counsel at a later date:

Candidate	Campaign Treasurer
Peter Apo	(To be obtained)
Romy Cachola	(To be obtained)
Daniel Kihano	(To be obtained)

Please call us if you have any clarifications to the matters set forth in this letter. We previously requested an extension of time to respond to the pleadings to January 15, 1990. However, we have not received any response from you.

Very truly yours,

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

By _____
Dickson C. H. Lee

DCHL:en

Enclosures

24043571350

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3004

NAME OF COUNSEL: James T. Funaki
Dickson C. H. Lee
(Okumura Takushi Funaki & Wee)

ADDRESS: 733 Bishop Street, Suite 1400
Honolulu, HI 96813

TELEPHONE: (808) 543-9800
FAX: (808) 599-1960

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

12/4/89
Date

Kenneth Hiraki
Signature

RESPONDENT'S NAME: Rep. Kenneth Hiraki

ADDRESS: State Capitol, Rm 441
Honolulu, HI 96813

HOME PHONE: (808) 533-0187

BUSINESS PHONE: (808) 548-4305

24043571631

STATEMENT OF DESIGNATION OF COUNSEL

NOR 3004

NAME OF COUNSEL: James T. Funaki
Dickson C. H. Lee
(Okumura Takushi Funaki & Wee)

ADDRESS: 733 Bishop Street, Suite 1400
Honolulu, HI 96813

TELEPHONE: (808) 543-9800
FAX: (808) 599-1960

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

12/4/89
Date

Jack Aketa
Signature

RESPONDENT'S NAME: Jack Aketa

ADDRESS: 419 Atkinson Dr. #1505
Honolulu, Hawaii 96814

HOME PHONE: (808) 946-1048

BUSINESS PHONE: (808) 536-6446

2404357163 2

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3004

NAME OF COUNSEL: James T. Funaki
Dickson C. H. Lee
(Okumura Takushi Funaki & Wee)

ADDRESS: 733 Bishop Street, Suite 1400
Honolulu, HI 96813

TELEPHONE: (808) 543-9800
FAX: (808) 599-1960

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Dec. 4, 1989
Date

Signature

RESPONDENT'S NAME: Karen K. Horita

ADDRESS: 1303 Moelola Place
Honolulu, HI 96819

HOME PHONE: 833-7876

BUSINESS PHONE: 548-4661

2404357163 3

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3004

NAME OF COUNSEL: James T. Funaki
Dickson C. H. Lee
(Okumura Takushi Funaki & Wee)

ADDRESS: 733 Bishop Street, Suite 1400
Honolulu, HI 96813

TELEPHONE: (808) 543-9800
FAX: (808) 599-1960

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Dec. 4, 1989
Date

Paul Matsuo
Signature

RESPONDENT'S NAME: Paul Matsuo

ADDRESS: Friends of Karen Horita
1303 Moelola Place
Honolulu, HI 96819

HOME PHONE: 839-5040

BUSINESS PHONE: 548-6046

2404357163 34

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3004

NAME OF COUNSEL: James T. Funaki
Dickson C. H. Lee
(Okumura Takushi Funaki & Wee)

ADDRESS: 733 Bishop Street, Suite 1400
Honolulu, HI 96813

TELEPHONE: (808) 543-9800
FAX: (808) 599-1960

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Date

Signature

RESPONDENT'S NAME: Marshall K. Iga

ADDRESS: 45-579 Keaahala Road
Kaneohe, HI 96744

HOME PHONE: (808) 235-4648

BUSINESS PHONE: (808) 548-7881

24043571635

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3004

NAME OF COUNSEL: James T. Funaki
Dickson C. H. Lee
(Okumura Takushi Funaki & Wee)

ADDRESS: 733 Bishop Street, Suite 1400
Honolulu, HI 96813

TELEPHONE: (808) 543-9800
FAX: (808) 599-1960

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

12/4/89
Date

Wesley Imamura
Signature

RESPONDENT'S NAME: Wesley Imamura

ADDRESS: Friends For Rep. Marshall K. Ige
45-579 Keaahala Road
Kaneohe, HI 96744

HOME PHONE:

BUSINESS PHONE: (808) 845-2271, ext. 268

24043571636

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3004

NAME OF COUNSEL: James T. Funaki
Dickson C. H. Lee
(Okumura Takushi Funaki & Wee)

ADDRESS: 733 Bishop Street, Suite 1400
Honolulu, HI 96813

TELEPHONE: (808) 543-9800
FAX: (808) 599-1960

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

Dec 1, 1989
Date

Ezra R Kanoho
Signature

RESPONDENT'S NAME: Ezra R. Kanoho

ADDRESS: 2755 Kapa St
Lihue Hi 96766

HOME PHONE: 245-2236

BUSINESS PHONE: 548-8888

24043571637

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3004

NAME OF COUNSEL: James T. Funaki
Dickson C. H. Lee
(Okumura Takushi Funaki & Wee)

ADDRESS: 733 Bishop Street, Suite 1400
Honolulu, HI 96813

TELEPHONE: (808) 543-9800
FAX: (808) 599-1960

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

12/1/89
Date

Signature

RESPONDENT'S NAME: Thomas P. Whittemore

ADDRESS: 2850 Kanani Street
Lihue, Hawaii 96766

HOME PHONE: 245-7220

BUSINESS PHONE: 245-7516

2404357163 8

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3004

NAME OF COUNSEL: James T. Funaki
Dickson C. H. Lee
(Okumura Takushi Funaki & Wee)

ADDRESS: 733 Bishop Street, Suite 1400
Honolulu, HI 96813

TELEPHONE: (808) 543-9800
FAX: (808) 599-1960

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

12-4-89
Date

Bertha K. Kawakami
Signature

RESPONDENT'S NAME: Bertha C. Kawakami

ADDRESS: P. O. Box 52
Hanapepe, Kauai
Hawaii 96716

HOME PHONE: (808) 335-3721

BUSINESS PHONE: (808) 548-5982

24043571639

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3004

NAME OF COUNSEL: James T. Funaki
Dickson C. H. Lee
(Okumura Takushi Funaki & Wee)

ADDRESS: 733 Bishop Street, Suite 1400
Honolulu, HI 96813

TELEPHONE: (808) 543-9800
FAX: (808) 599-1960

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

12/4/89
Date

Jeffrey L. Emoto
Signature

RESPONDENT'S NAME: Jeffrey L. Emoto

ADDRESS: P.O. Box 437
Lawai HI 96765

HOME PHONE: (808) 332-9557

BUSINESS PHONE: (808) 332-9557

24043571640

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3004

NAME OF COUNSEL: James T. Funaki
Dickson C. H. Lee
(Okumura Takushi Funaki & Wee)

ADDRESS: 733 Bishop Street, Suite 1400
Honolulu, HI 96813

TELEPHONE: (808) 543-9800
FAX: (808) 599-1960

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

12-4-89
Date

Joseph P. Leong
Signature

RESPONDENT'S NAME: JOSEPH P. LEONG

ADDRESS: P.O. BOX 396
HALEIWA, HI 96712

HOME PHONE: (808) 637-4344

BUSINESS PHONE: (808) 548-7804

24043571641

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3004

NAME OF COUNSEL: James T. Funaki
Dickson C. H. Lee
(Okumura Takushi Funaki & Wee)

ADDRESS: 733 Bishop Street, Suite 1400
Honolulu, HI 96813

TELEPHONE: (808) 543-9800
FAX: (808) 599-1960

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

12/4/89
Date

Walter C. Yamada
Signature

RESPONDENT'S NAME: Walter C. Yamada

ADDRESS: 66-248B Haleiwa Rd
Haleiwa, H. 96712

HOME PHONE: 637-9056

BUSINESS PHONE: 845-1451

24043571642

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3004

NAME OF COUNSEL: James T. Funaki
Dickson C. H. Lee

ADDRESS: (Okumura Takushi Funaki & Wee)
733 Bishop Street, Suite 1400
Honolulu, HI 96813

TELEPHONE: (808) 543-9800

FAX: (808) 599-1960

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

12/1/89
Date

Tom Okamura
Signature
(Friends of Tom Okamura)

RESPONDENT'S NAME: Tom Okamura

ADDRESS: 99-060 Kauhale St #603
Aiea, Hawaii 96701

HOME PHONE: (808) [redacted] 488-7093

BUSINESS PHONE: (808) 548-7805

2404357163643

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3004

NAME OF COUNSEL: James T. Funaki
Dickson C. H. Lee
(Okamura Takushi Funaki & Moo)

ADDRESS: 733 Bishop Street, Suite 1400
Honolulu, HI 96813

TELEPHONE: (808) 543-9800
FAX: (808) 599-1960

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

12/01/89
Date

Lois C Miyashiro
Signature
Friends of Tom Okamura

RESPONDENT'S NAME: Lois C. Miyashiro

ADDRESS: P.O. Box 637
Aiea, HI 96701

HOME PHONE: 487-7652

BUSINESS PHONE: 548-7885

24043571644

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3004

NAME OF COUNSEL: James T. Funaki
Dickson C. H. Lee
(Okumura Takushi Funaki & Wee)

ADDRESS: 733 Bishop Street, Suite 1400
Honolulu, HI 96813

TELEPHONE: (808) 543-9800
FAX: (808) 599-1960

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

December 3, 1989
Date

Paul T. Oshiro
Signature

RESPONDENT'S NAME: Paul T. Oshiro

ADDRESS: 91-784 Makule Road
Ewa Beach, Hawaii 96706

HOME PHONE: (808) 689-5067

BUSINESS PHONE: (808) 548-7047

2404357164 5

STATEMENT OF DESIGNATION OF COUNSEL

HIR 3004

NAME OF COUNSEL: James T. Funaki
Dickson C. H. Lee
(Okumura Takushi Funaki & Wee)

ADDRESS: 733 Bishop Street, Suite 1400
Honolulu, HI 96813

TELEPHONE: (808) 543-9800
FAX: (808) 599-1960

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

DEC. 4, 1989
Date

Glenn S. Nagamine
Signature

RESPONDENT'S NAME: Glenn S. Nagamine, Treasurer
Friends of Fred T. Onishi

ADDRESS: 91-784 Makule Road
Ewa Beach, Hawaii 96706

HOME PHONE: (808) 689-6165

BUSINESS PHONE: —

2404357116446

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3004

NAME OF COUNSEL: James T. Funaki
(Kimura Takushi Funaki & Wee)

ADDRESS: 733 Bishop Street, Suite 1400
Honolulu, HI 96813

TELEPHONE: (808) 543-9800
FAX: (808) 599-1960

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

12/14/89
Date

Signature

RESPONDENT'S NAME: Henry H. Peters

ADDRESS: 87-641 Farrington Highway
Waianae, HI 96792

HOME PHONE:

BUSINESS PHONE: (808) 548-8422

2404357116647

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3004

NAME OF COUNSEL: James T. Funaki
(Okimoto Takumi Funaki & Lee)

ADDRESS: 733 Bishop Street, Suite 1400
Honolulu, HI 96813

TELEPHONE: (808) 543-9800
FAX: (808) 599-1960

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

12/4/89
Date

Donald T. Okimoto
Signature

RESPONDENT'S NAME: Donald Okimoto

ADDRESS: c/o Friends of Henry Peters
87-641 Farrington Highway
Waianae, HI 96792

HOME PHONE:

BUSINESS PHONE:

24043571648

OGC 4988

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

MIYEKI OKUMURA
ROY E. TAKUSHI
JAMES T. FUNAKI
JOSEPH R. WEE
SHUICHI MIYASAKI
ALFRED M. K. WONG
ROBERT M. EHRHORN, JR.
DICKSON C. H. LEE
PETER T. STONE
JAMES N. H. YEE
AARON S. H. YOO

SUITE 1400
GROSVENOR CENTER
733 BISHOP STREET
HONOLULU, HAWAII 96813

TELEPHONE (808) 543-9800
FACSIMILE (808) 599-1960

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM
89 DEC 27 AM 9:48

December 20, 1989

Federal Election Commission
Washington, D.C. 20463

VIA FAX (202) 376-5280

89 DEC 27 AM 11:12
FEDERAL ELECTION COMMISSION

Attention: Mark Allen, Esq.

RE: MUR 3004

Dear Mr. Allen:

We are happy to inform you that we have now received signed Statements of Designation of Counsel for all of the individuals we represent with regard to the above-referenced case.

As a follow-up to our letter of December 19, 1989, enclosed please find the following Statements (copies are being faxed to you and the originals mailed):

Candidate	Campaign Treasurer
Peter Apo	Maxine Hee
Daniel J. Kihano	Wai Lan Grace
Romy Cachola	Irene Fujimoto

If there are any questions regading this matter please call us. Again, per our letters of December 6, 1989 and December 19, 1989, we are requesting an extension of time to respond to the pleadings to January 15, 1990 for all of the individuals we represent.

Very truly yours,

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

By _____
Dickson C. H. Lee

DCHL:en
Enclosures

24043571649

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3004

NAME OF COUNSEL: James T. Funaki
Dickson C. H. Lee
(Okumura Takushi Funaki & Wee)

ADDRESS: 733 Bishop Street, Suite 1400
Honolulu, HI 96813

TELEPHONE: (808) 543-9800
FAX: (808) 599-1960

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

December 19, 1989
Date

Peter K. Apo
Signature

RESPONDENT'S NAME: PETER K. APO

ADDRESS: 85-259 Mahinaau Road
Waianae, Hawaii 96792

HOME PHONE: (808) 695-8113

BUSINESS PHONE: (808) 548-5730

2404357163 0

STATEMENT OF DESIGNATION OF COUNSEL

MUR HUR 3004

NAME OF COUNSEL: James T. Funaki
Dickson C. H. Lee
(Okumura Takushi Funaki & Wee)

ADDRESS: 733 Bishop Street, Suite 1400
Honolulu, HI 96813

TELEPHONE: (808) 543-9800
FAX: (808) 599-1960

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

December 19, 1989
Date

Signature ~~Friends of Danny Kihano~~

RESPONDENT'S NAME: HONORABLE DANIEL I. KIHANO

ADDRESS: P. O. Box 314
Waipahu, Hawaii 96797

HOME PHONE: (808) 671-4955

BUSINESS PHONE: (808) 548-4147

2404357165 1

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3004

NAME OF COUNSEL: James T. Funaki
Dickson C. H. Lee
(Okumura Takushi Funaki & Wee)

ADDRESS: 733 Bishop Street, Suite 1400
Honolulu, HI 96813

TELEPHONE: (808) 543-9800
FAX: (808) 599-1960

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

December 1, 1989
Date

Maxine L.P. Wee
Signature

RESPONDENT'S NAME: Maxine Wee

ADDRESS: 85-259 Mahinaau Road
Waianae, HI. 96792

HOME PHONE: 696-3400

BUSINESS PHONE: 668-1569

2404357165 2

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3004

NAME OF COUNSEL: James T. Funaki
Dickson C. H. Lee
(Okumura Takushi Funaki & Wee)

ADDRESS: 733 Bishop Street, Suite 1400
Honolulu, HI 96813

TELEPHONE: (808) 543-9800

FAX: (808) 599-1960

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

12-1-89
Date

Wai Lan Grace
Signature Friends of Danny Kihano

RESPONDENT'S NAME: MS. WAI LAN GRACE

ADDRESS: P. O. Box 314
Waipahu, Hawaii 96797

HOME PHONE: (808) 455-4229

BUSINESS PHONE: (808) 548-4147

24043571653

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3004

NAME OF COUNSEL: James T. Funaki
Dickson C. H. Lee

ADDRESS: (Okumura Takushi Funaki & Wee)
733 Bishop Street, Suite 1400
Honolulu, HI 96813

TELEPHONE: (808) 543-9800
FAX: (808) 599-1960

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

December 19, 1989
Date

Signature

RESPONDENT'S NAME: ROMY CACHOLA

ADDRESS: ~~P. O. Box 17873~~
~~Honolulu, Hawaii 96817~~

HOME PHONE: (808) 845-5433

BUSINESS PHONE: (808) 548-8955

24043571654

STATEMENT OF DESIGNATION OF COUNSEL

NUR 3004

NAME OF COUNSEL: James T. Funaki
Dickson C. H. Lee
(Okumura Takushi Funaki & Wee)

ADDRESS: 733 Bishop Street, Suite 1400
Honolulu, HI 96813

TELEPHONE: (808) 543-9800
FAX: (808) 599-1960

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

December 1, 1989
Date

Irene Fujimoto
Signature

RESPONDENT'S NAME: IRENE FUJIMOTO

ADDRESS: P. O. Box 17675
Honolulu, Hawaii 96817

HOME PHONE: (808) 845-5148

BUSINESS PHONE:

2404357165 5

OGC 4993

Friends F[redacted]on H. Hirata
[redacted] St
Honolulu, HI 96819

836

12/21 19 89

PAY TO THE ORDER OF West Beach Estates $ 2,000 00

Two thousand and no/100 DOLLARS

[redacted] Queen/Wood Branch
[redacted] Queen St Hon, HI 96813

FOR Return contribution Pa Paul Matsuo

⑆121301057⑆0836 16-273880⑈

MUR 3004

West Beach Estates
1585 Kapiolani Blvd
Suite 1430
Honolulu HI 96814

89 DEC 28 AM 9:34
RECEIVED
FEDERAL ELECTION COMMISSION

Gentlemen;

We are returning your campaign contribution of $2,000 made to our fund raiser on September 3, 1988.

This contribution has been challenged under Federal Election statutes to be unacceptable due to the foreign corporation status of your company.

89 DEC 28 PM 12:57
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF [illegible]

Very Truly Yours
Paul Matsuo
CAMPAIGN TREASURER

cc: Campaign Spending Com.
Federal Elections Comm

24043571656

1303 Moelola Place • Honolulu, Hawaii 96819 • Paul Matsuo, Treasurer
Clarence Tanonaka, Chairman

OGC 5003

KOBAYASHI, WATANABE, SUGITA, KAWASHIMA & GODA
ATTORNEYS AT LAW
HAWAII TOWER, 8th FLOOR
745 FORT STREET
HONDLULU, HAWAII 96813-3888
TELEPHONE (808) 544-8300

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

89 DEC 29 AM 11: 18

Kevin S. C. Chang *
Kale Feldman *
Alan M. Goda *
Lyle Y. Hirada *
J. Douglas Ing *
Cheryl K. Kakazu *
James Kawashima *
Bert T. Kobayashi, Jr. *
John T. Komeiji *
Wesley H. Kondo *
Benjamin A. Kudo *
Dale W. Lee *
Ronald V. K. Leong *
Les R. Shirm *
Kenneth H. Sugita *
Robert T. Takamatsu *
Jeffrey N. Watanabe *
Cynthia Winaga *
Randall Y. Yamamoto *

* A Law Corporation

Jan M. L. Y. Ahn
George S. Aplet
Ferdinand G. Arpilla
Wendell H. Fuji
Charles W. Gall
Roseanne K. Goo
Lyle S. Hosoda
Robert K. Ichikawa
David B. Kaaz
Donna T. Kalendar
Romeo J. Lirazan
Michael A. Lorusso
Alan K. Maeda
David L. Monroy
Jameson A. Ohta
Fred Troncone

OF COUNSEL
George R. Kobayashi
Bert T. Kobayashi, Sr.
Wesley H. Kono

Facsimile: (808) 544-8399
Telex: 8603986585 MCI
MCI Mail: 2986585
ABA / Net: ABA228

December 27, 1989

HAND DELIVERED

89 DEC 29 AM 9:14

BY DHL COURIER

Federal Election Commission
Office of General Counsel
999 E Street, N.W.
Washington, D. C. 20463

Attention: Lois G. Lerner
Associate General Counsel

Re: MUR 3004
Ohbayashi Hawaii Corporation

Dear Ms. Lerner:

This letter presents the response of Ohbayashi Hawaii Corporation (hereinafter referred to as "Ohbayashi Hawaii") to the November 3, 1989 Complaint filed by the Maunawili Community Association, Karen L. Kosoc, Donna Wong and Victoria Creed (hereinafter collectively referred to as the "Association") with the Federal Election Commission.

In pertinent part, the Association alleges that a five hundred dollar ($500) contribution made by Ohbayashi Hawaii to Friends for Joe Leong on or about June 7, 1988 is improper and illegal. See: Page 6 of the Complaint and Exhibit "S" to the Complaint, respectively. Joe Leong is the elected Representative of the Fourteenth District, House of Representatives, State of Hawaii.

At the outset, it should be noted that the Friends of Joe Leong returned the $500 contribution made by Ohbayashi Hawaii to Ohbayashi Hawaii on or about February 2, 1989. Ohbayashi Hawaii accepted the returned contribution and negotiated the $500 check drawn on the Friends of Joe Leong account on February 16, 1989. See:

2404357116557

copy of February 2, 1989 letter from Representative Joe Leong to Norman Quon and copy of check number 335 in the amount of $500 drawn on the account of Friends of Joe Leong and made payable to Ohbayashi Hawaii Corporation.

Further, the Federal Election Commission is presently reviewing similar Complaints filed by Anthony Locricchio against Ohbayashi Hawaii and others. See: MUR 2846 and MUR 2892, respectively. The foregoing Complaints allege that Ohbayashi Hawaii made improper and illegal campaign contributions to Citizens for John D. Waihee and Friends for Fasi. John Waihee is the Governor of the State of Hawaii. Frank Fasi is the Mayor of the City and County of Honolulu, State of Hawaii.

As in MUR 2846 and MUR 2892, the allegations by the Association against Ohbayashi Hawaii are without merit. The allegations are not supported by the law or the facts and circumstances relevant to Ohbayashi.

We are also aware that subsequent to the filing of the Complaints in MUR 2846 and MUR 2892, the Federal Election Commission issued Advisory Opinion 1989-20 regarding Kuilima Development Company, Inc. (hereinafter referred to as "Kuilima").

However, it is our opinion that the Kuilima Advisory Opinion is distinguishable, and therefore, not applicable to Ohbayashi Hawaii in MUR 2846, MUR 2892 and the present case. See: Affidavit of Toshiharu Hino submitted herein.

Based on the following facts, authorities and analysis, Ohbayashi Hawaii submits that the Federal Election Commission should find that no action should be taken against Ohbayashi Hawaii in response to the Association Complaint in MUR 3004 (and the Complaints filed in MUR 2846 and MUR 2892).

FACTS

The following are undisputed and pertinent facts.

(1) Ohbayashi Hawaii Corporation is a Hawaii corporation. Ohbayashi Hawaii was formed in 1972.

2404357165 8

(2) Ohbayashi Hawaii is a wholly owned subsidiary of Ohbayashi Corporation, a Japanese corporation.

(3) Ohbayashi Hawaii has continuously done business in the State of Hawaii since 1972. Ohbayashi Hawaii is principally engaged in the construction of homes, hotels and commercial buildings and in real estate development.

(4) Funding for the day to day activities of Ohbayashi Hawaii is generated from its business enterprise conducted in the State of Hawaii. Ohbayashi Gumi is not the predominant source of funding for Ohbayashi Hawaii.

(5) The President of Ohbayashi Hawaii, Toshiharu Hino, and the Vice-President of Ohbayashi Hawaii, Norihide Okazaki have been granted permanent resident alien status by the United States Immigration and Naturalization Service. The Secretary-Treasurer of Ohbayashi Hawaii is Eiichi Iwasaki. Mr. Iwasaki is an American citizen.

(6) Norman Quon is a consultant retained by Ohbayashi Hawaii to assist with and manage the development of a 160 home residential and recreational project on the island of Oahu. Mr. Quon is an architect and an American citizen.

(7) Norman Quon recommended to Ohbayashi Hawaii that it make contributions to Friends of Joe Leong, Friends for Fasi, Citizens for Waihee and contributions to other persons (or their political committees) seeking elected office in the State of Hawaii.

(8) The President of Ohbayashi Hawaii followed the recommendation of its consultant, Norman Quon, and made the $500 contribution to Friends of Joe Leong which is the subject of the Association Complaint.

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(9) Ohbayashi also followed the recommendation of its consultant, Norman Quon, and made other contributions to persons seeking elected office in the State of Hawaii.

(10) Friends of Joe Leong is a political committee formed to receive contributions, make disbursements and promote the election of Joe Leong to the office of Representative, Fourteenth District, House of Representatives, State of Hawaii.

(11) On or about February 2, 1989, Friends of Joe Leong returned the $500 contribution made by Ohbayashi to Friends of Joe Leong by delivering correspondence to Mr. Norman Quon and a check drawn on the account of Friends of Joe Leong made payable to Ohbayashi Hawaii Corporation in the amount of $500. Ohbayashi negotiated the $500 Friends of Joe Leong check on or about February 16, 1989.

See: Affidavit of Toshiharu Hino with exhibits attached hereto and the Affidavits of Toshiharu Hino submitted in MUR 2846 and MUR 2892 and the Affidavit of Norman Quon submitted in MUR 2846.

AUTHORITIES

1. Federal Election Campaign Act of 1971

The Federal Election Campaign Act of 1971, 2 U.S.C., §431 et. seq., prohibits contributions by foreign nationals to candidates for federal office. Section 319 of the Act (2 U.S.C. §441e) states in relevant part:

> Contributions by foreign nationals. (a) It shall be unlawful for a foreign national directly or through any other person to make any contribution of money or other thing of value, or to promise expressly or impliedly to make any such contribution, in connection with an election to any political office or in connection with any primary election, convention, or caucus held to select candidates for any political office; or for any person to solicit, accept, or receive any such contribution from a foreign national.

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Ohbayashi Hawaii submits that the above prohibition on foreign contributions should be applied only to elections for federal offices, and not to state or local elections.

The Federal Election Campaign Act by its title as well as the plain language of its provisions was intended to address only federal elections. For example, the definition of "contributions" refers to "any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for Federal office." Section 301(8)(A) of the Act (2 U.S.C. 431) (emphasis added).

Similarly, with respect to foreign contributions made "in connection with any primary election, convention, or caucus held to select candidates for any political office," the Act has defined "candidates" to mean "an individual who seeks nomination for election, or election, to Federal office." Sections 301(2) and 319 of the Act (2 U.S.C. §§ 431 and 441d) (emphasis added).

Importantly, the preemption clause at Section 403 of the Act (2 U.S.C. 454) states, "The provisions of this Act, and of rules prescribed under this Act, supersede and preempt any provision of State law with respect to election to Federal office." (emphasis added).

Finally, the term "Federal office" does not refer to any state or local public offices and is limited to the "office of the President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress." Section 301(3) of the Act (2 U.S.C. §431).

Therefore, it is our impression that Section 319 of the Federal Election Campaign Act of 1971 does not apply to the particular situation presented in this case.

More importantly, the term "foreign national" for purposes of applying the prohibition against contributions is defined at Section 319 of the Act (2 U.S.C.441e(b)(2)) as meaning:

> (2) an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 101(a)(20) of the Immigration and Nationality Act.

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As noted above, two of the officers of Ohbayashi Hawaii hold permanent resident status. The remaining officer of the company is an American citizen.

2. Hawaii Campaign Spending Law

Based upon the belief that the Federal Election Campaign Act applied only to federal elections, the Executive Director of the Hawaii State Campaign Spending Commission has advised persons that contributions by foreign nationals to candidates for elected office in the State of Hawaii is permissible.

Mr. Locricchio concedes this fact in his Complaint in MUR 2846. See: Page 7 of the Complaint in MUR 2846 ("... the Commission should be aware that the State Campaign Spending Commissioner in Hawaii has reportedly advised state and local candidates for office that the federal law in this area did not apply to Hawaii persons running for State or Local offices."

It is our further opinion that Hawaii law does not prohibit contributions by foreign nationals to candidates in state and local elections. See: Chapter 11 of the Hawaii Revised Statutes (regarding Elections, Generally).

3. Federal Election Commission Regulations

Federal Election Commission ("FEC") regulation, 11 CFR §110.4, states the following in pertinent part:

> §110.4. Prohibited contributions.
>
> (a)(1) A foreign national shall not directly or through any other person make a contribution, or expressly or impliedly promise to make a contribution, in connection with a convention, caucus, primary, general, special or runoff election in connection with any local, state or Federal public office.

(emphasis added).

In promulgating FEC regulation §110.4, the Commission appears to literally interpret the term "any

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political office" contained in section 319 of the Federal Election Campaign Act. However, based on the plain language of the Act (as set forth above), we believe that such an interpretation extends beyond the scope of the matter intended to be regulated by the Act and also impermissibly preempts or infringes upon the States' control over local elections.

Additionally, the Commission's interpretation of section 319 appears to be inconsistent with its interpretations of other provisions of the Act. For example, Section 317 of the Act (2 U.S.C. §441c) makes it unlawful for federal contractors to make contributions "to any political party, committee, or candidate for public office or to any person for any political purpose of use."

Thus, and despite statutory language similar to, if not broader than the provisions of Section 319 of the Act, the Commission's regulations limit the application of Section 317 to only federal offices and declares that the "prohibition does not apply to contributions or expenditures in connection with State or local elections." See: FEC Regulations Section 115.2(a).

Based on the foregoing, it is our contention that the scope of the Commission's prohibition at 11 CFR §110.4 is impermissibly overbroad, and that the prohibition against foreign contributions should not be applied to state and local elections.

4. Federal Election Commission Advisory Opinions

The $500 contribution by Ohbayashi Hawaii to Friends for Joe Leong is permissible based upon previous Advisory Opinions issued by the Federal Election Commission.

In the past, the Commission permitted candidates for state or local elections to accept contributions from domestic corporations with their principal place of business in the United States, even if they were wholly or substantially owned by foreign nationals in the following advisory opinions. See: AO 1985-3 (CCH §5809); AO 1983-19 (CCH §5722); AO 1983-31 (CCH §5735); AO 1982-10 (CCH §5651); AO 1982-34 (CCH §5678); AO 1980-100 (CCH §5548); AO 1981-36 (CCH §5632); AO 1980-111 (CCH §5560); AO 1978-21 (CCH §5327).

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The Commission has held that a domestic company which is a discrete corporate entity with its principal place of business in the United States would not be considered a "foreign national" subject to the prohibition of Section 319 of the Act (2 U.S.C. §441e). However, the Commission has cautioned that the persons who will exercise decision-making authority on behalf of such domestic corporations must not be "foreign national(s)."

As stated previously, Advisory Opinion 1989-20 regarding Kuilima Development Company, Inc. is factually distinguishable from the Ohbayashi Hawaii case.

ANALYSIS

Ohbayashi Hawaii made one $500 contribution to Friends for Joe Leong, the political committee responsible for receiving contributions, making disbursements and promoting Joe Leong as and to be reelected Representative of the Fourteenth District, House of Representatives, State of Hawaii. There is nothing improper or illegal about the Ohbayashi Hawaii contribution based on the following.

For purposes of this case, Ohbayashi Hawaii relies upon the Affidavit of Toshiharu Hino attached hereto and incorporates by reference the Affidavits of Toshiharu Hino (MUR 2846 and MUR 2892) and Norman Quon (MUR 2846) which were submitted previously to the Federal Election Commission.

First, the prohibition against contributions by foreign nationals contained in the Federal Election Campaign Act of 1971 does not apply to the election for Representative of the Fourteenth District, House of Representatives, State of Hawaii. The Act does not preempt applicable state law.

Second, and even assuming arguendo that the Act does apply to an election for state or local office (and Ohbayashi Hawaii does not concede this fact), the evidence in this case establishes the following pertinent facts.

(1) Ohbayashi Hawaii is a Hawaii corporation and has been engaged in the construction and real estate development business in the State of Hawaii for the past 12 years. Ohbayashi Hawaii is a wholly owned

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subsidiary of a Japanese corporation, Ohbayashi Gumi.

(2) Funding for Ohbayashi Hawaii is generated by the company's business enterprise conducted in the State of Hawaii. The Japanese parent company of Ohbayashi Hawaii is not the predominant source of funding for Ohbayashi Hawaii.

(3) The President and Vice-President of Ohbayashi Hawaii hold permanent resident status by the U.S. Department of Immigration and Naturalization Service.

(4) The Treasurer of Ohbayashi Hawaii is an American citizen.

(5) Ohbayashi Hawaii made the contributions to Friends for Joe Leong at the recommendation of its consultant, Norman Quon. Mr. Quon is also an American citizen.

(6) Ohbayashi's decision to follow the recommendation of Mr. Quon was made by the company's President, Toshiharu Hino. Mr. Hino holds permanent resident status.

Based on the above facts, Ohbayashi Hawaii is not a "foreign national" within the definition and scope of section 319 of the Federal Election Campaign Act (2 U.S.C. §441e).

The present situation involving Ohbayashi Hawaii is no different from the situations presented in the FEC Advisory Opinions referred to herein. Ohbayashi Hawaii is a discrete Hawaii corporation. The person responsible for making the recommendation to Ohbayashi to make a contribution to Friends for Joe Leong is an American citizen. The President of Ohbayashi Hawaii (holds permanent resident status and) merely followed the recommendation and advice of its American consultant.

Although Ohbayashi Hawaii is a wholly owned subsidiary of Ohbayashi Gumi, funding for Ohbayashi Hawaii is generated by its business activities in the State of Hawaii.

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Under the above facts and circumstances, the prohibition contained in section 319 of the Federal Election Campaign Act (2 U.S.C. §441e) is inapplicable to Ohbayashi Hawaii. It cannot be said that Ohbayashi Gumi essentially made the $500 contribution to Friends for Joe Leong through Ohbayashi Hawaii.

Nor can it be said that Ohbayashi Hawaii was merely a vehicle through which Ohbayashi Gumi funds were sent to state and local candidates.

Therefore, the Ohbayashi Hawaii case is clearly dissimilar and distinguishable from the Kuilima Development Company situation described in Advisory Opinion 1989-20.

Also, there is absolutely no evidence to suggest that Ohbayashi Hawaii acted with an improper motive or with the knowledge that the contribution made to Friends for Joe Leong may be in violation of federal law. On the contrary, the evidence establishes that Ohbayashi Hawaii acted entirely in good faith and solely in reliance upon the company's retained consultant.

Finally, the Complaint filed herein is moot because the Friends of Joe Leong returned the $500 contribution to Ohbayashi Hawaii in February 1989.

CONCLUSION

Based upon the foregoing facts, authorities and analysis, Ohbayashi Hawaii respectfully submits that as in the cases of MUR 2846 and MUR 2892, the Office of the General Counsel should report to the Federal Election Commission and recommend that the Commission find that there is no reason to believe that the Association Complaint sets forth a possible violation of the Federal Election Campaign Act of 1971, and close the file with respect to Ohbayashi Hawaii in the above-referenced matter.

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Please contact the undersigned if you have any questions or require additional information. Thank you for your consideration of this response on behalf of our client.

Very truly yours,

KEVIN S.C. CHANG
for
KOBAYASHI, WATANABE,
SUGITA, KAWASHIMA & GODA

KSCC:me

Enclosure
(Affidavit of Toshiharu Hino)

cc: Ohbayashi Hawaii Corporation
(with enclosure)

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AFFIDAVIT OF TOSHIHARU HINO

STATE OF HAWAII)
) SS.
CITY AND COUNTY OF HONOLULU)

TOSHIHARU HINO, being first duly sworn, deposes and states:

1. He is the President of Ohbayashi Hawaii Corporation (hereinafter "Ohbayashi Hawaii").

2. Ohbayashi Hawaii is a Hawaii corporation and has been in existance since 1972.

3. Ohbayashi Hawaii maintains offices at 1001 Bishop Street, Suite 2680, Honolulu, Hawaii 96813 and is engaged primarily in the construction of residences, hotels and commercial buildings and real estate development.

4. Ohbayashi Hawaii is a wholly owned subsidiary of Ohbayashi Corporation, a Japanese corporation.

5. Funding for day to day activities of Ohbayashi Hawaii is generated from its business activities conducted in the State of Hawaii. Ohbayashi Corporation is not the predominant source of funding for Ohbayashi Hawaii.

6. The Vice-President of Ohbayashi Hawaii is Norihide Okazaki and the Secretary-Treasurer of Ohbayashi Hawaii is Eiichi Iwasaki.

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7. Affiant and Norihide Okazaki have been granted permanent resident status by the United States Immigration and Naturalization Service. Eiichi Iwasaki is an American citizen.

8. In the fall of 1987, Ohbayashi Hawaii retained the services of Norman Y. Quon as a consultant to assist Ohbayashi Hawaii and manage the company's development of a 160 unit residential and recreational project on the north shore of the island of Oahu. Mr. Quon is an American citizen.

9. Mr. Quon recommended that Ohbayashi Hawaii make contributions to candidates for election or reelection to public offices in the State of Hawaii or their respective political committees.

10. Mr. Quon recommended that Ohbayashi Hawaii make a contribution to Friends for Joe Leong. Joe Leong is the elected Representative of the Fourteenth District, House of Representatives, State of Hawaii.

10. Ohbayashi Hawaii followed the recommendation of Norman Quon and made a five hundred dollar ($500) contribution to Friends for Joe Leong in approximately June 1988. Consistent with Mr. Quon's recommendation and advice, Ohbayashi also made contributions to Citizens for Waihee (the political committee for the Governor of the State of Hawaii) Friends for Fasi (the politcal committee for the Mayor of the City and County of Honolulu, State of Hawaii) and other candidates for election or reelection to state or local offices or their respective political committees.

7 4 0 4 3 5 7 1 6 6 9

11. Your affiant signed the $500 contribution check drawn on the Bank of Hawaii account of Ohbayashi Hawaii Corporation.

12. Ohbayashi Hawaii Corporation made the contribution to Friends of Joe Leong because of the recommendation of Norman Quon.

13. The funds for the $500 contribution by Ohbayashi Hawaii to Friends of Joe Leong was generated from the business enterprise of Ohbayashi Hawaii conducted in the State of Hawaii.

14. At the time Ohbayashi Hawaii made its contribution to Friends of Joe Leong, your affiant believed that it was proper and not against the law for Ohbayashi Hawaii Corporation to make a campaign contribution to a person seeking election or reelection to a state or local office or his political committee.

15. By letter dated February 2, 1989 addressed to Mr. Norman Quon, Friends of Joe Leong returned the $500 contribution made by Ohbayashi Hawaii to Friends of Joe Leong.

16. The letter addressed to Norman Quon was accompanied by a $500 check drawn on the account of Friends of Joe Leong and made payable to Ohbayashi Hawaii Corporation.

17. On or about February 16, 1989, Ohbayashi Hawaii deposited the $500 Friends of Joe Leong check into its bank account maintained in the State of Hawaii.

18. Copies of the February 2, 1989 letter addressed to Norman Quon and the $500 check drawn on the account of Friends of

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Joe Leong and made payable to Ohbayashi Hawaii Corporation are attached as exhibits to this affidavit.

Further Affiant sayeth naught.

TOSHIHARU HINO

Subscribed and sworn to before me
this 27th day of December, 1989.

Dyanne Y K Chang
Notary Public, State of Hawaii

My commission expires: 9-20-93

DYANNE Y. K. CHANG
NOTARY PUBLIC
STATE OF HAWAII

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HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

February 2, 1989

Mr. Norman Quon
2212 McKinley Street
Honolulu, Hawaii 96822

Dear Mr. Quon:

In reference to our telephone conversation of Feb. 2, 1989, the following donation towards my campaign fund received from your office in June of 1988 in the amount of $500.00 is hereby returned.

I wish to thank the Obayashi Corporation for their kind and generous contribution towards my successful election for another term. I will look forward to working with you and the people of Hawaii during this Fifteenth Legislative Session.

If I can be of some assistance to you, please don't hesitate to call my office at 548-7804.

With warm regards.

Sincerely,

JOSEPH P. LEONG
State Representative
Fourteenth District

EXHIBIT

2404357167/2

EXHIBIT

FRIENDS OF JOE LEONG
C/O WALTER YAMADA
66-248 B HALEIWA ROAD
HALEIWA, HAWAII 96712

335 (539)

February 2, 89

Pay to Obayashi Hawaii Corporation ——— 500.00

Five Hundred and NO/100 ———

HALEIWA BRANCH

HALEIWA, HAWAII

Walter Yamada
Joanne P. Leong

⑈000335⑈ ⑆121301015⑆ 26-023572⑈

OGC 5054

RECEIVED
FEDERAL ELECTION COMMISSION
MAIL ROOM

90 JAN -5 PM 4:28

January 3, 1990

90 JAN -8 AM 11:24
RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

Lois G. Lerner, Esq.
Associate General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 3004

Dear Ms. Lerner:

This is a joint response by the undersigned to the complaint filed in the referenced matter.[1] As suggested in our initial letter to the commission requesting an extension of time to respond, our individual positions with regard to the complaint are virtually identical. We have met and shared our thoughts on the matter and for our own convenience and, we think, for the commission's as well, we submit this consolidated response. For the reasons given below, each of the undersigned requests that no further action be taken in this case.

None of us are newcomers to politics. Senator Wong, first elected to public office in 1966, has been President of the Senate for more than a decade. Senator Hagino, a legislator for the past nine years, is the Senate Majority Leader. Senator Chang, a State Senator since 1982, chairs the Committee on Business Development and Pacific Relations. Senator Crozier, first elected as a delegate to the State Constitutional Convention in 1978 and a legislator since 1982, chairs the Committee on Housing and Hawaiian Programs. Senator Holt, a legislator for the past ten years, chairs the Committee on Tourism, Recreation and Planning. Senator Matsuura, a legislator since 1980, chairs the Committee on Energy and Natural Resources. Senator Mizuguchi, a legislator for the past fifteen years, chairs the Committee on Corrections. Senator Solomon, a former elected member of the Board of Trustees of the State Office of Hawaiian Affairs and a Senator since 1982, chairs the Committee on Higher Education. Senator Yamasaki, who chairs the Committee on Ways and Means, is the senior member of the Senate, having served the people of Hawaii as a legislator for thirty years.

[1] Senator Anthony K. U. Chang is submitting a separate response enclosed herein. Each senator wishing to apprise the commission of factors particular to his or her own case has included an addendum to this response.

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Yet, despite the length of our collective experience as legislators, we were unaware that the federal election laws applied to state and local elections. Through all the years and all of the many campaigns we have been through, we have tried to comply with all of the election laws that our state election officials had indicated were applicable to us. The common understanding among not only ourselves, but all of the Hawaii politicians we know, had been that compliance with the state election laws was all that was necessary. Frankly, until quite recently, the question of compliance with the federal election laws was something that, to our knowledge, had never been raised. We think there are several reasons for the pervasive belief in the inapplicability of federal law to state and local elections.

First, there was never any hint from our state election authorities that we were obliged to comply with federal law. It has been the practice for many years that every candidate for state or local political office receives a packet of informational materials from the Office of the Lieutenant Governor and the State Campaign Spending Commission upon the filing of nomination papers. A set of the most recent version of these materials is enclosed with this response. A review of them discloses that there is nothing even suggesting the necessity of compliance with federal election laws. In the past, we have relied heavily, perhaps exclusively, on our election authorities to provide us with information on all of the requirements we were subject to. After all, we were candidates for state, rather than federal office and therefore looked to those charged with administering state elections policy. We believed, and think it reasonable to have done so, that if federal law applied to us, our election authorities would have told us so. Unfortunately, this did not occur.

Secondly, we are unaware of any direct efforts made by the federal government, at any time prior to the receipt of the subject contributions, to advise us or our election authorities that federal law applied. Section 44le of the Federal Election Campaign Act (FECA), upon which the instant complaint appears to be based, does not expressly make itself applicable to state and local elections. Section 453 adds to the uncertainty by suggesting that the act applies only "with respect to election to Federal office." Given this, it is difficult to fault our election authorities for not clarifying the issue for us. We are now aware of the existence of 11 C.F.R. §110.4, which does expressly apply to state and local elections, and are somewhat embarrassed to admit that we were totally unaware of it until researching the law subsequent to the filing of the instant complaint. As discussed above, the common belief that federal law did not apply to state and local elections made it seem

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unnecessary to familiarize ourselves with that law. While "ignorance of the law is no excuse," at this point, we certainly wish that someone had given us more direct advance notice of the potential liability we appear to be facing, beyond the publication of FECA and the commission rules promulgated pursuant to it. This is especially so in view of the fact that both section 441e and rule 110.4 appear to impose strict liability.

Third, we have had virtually no experience in screening contributions to determine whether their sources may be foreign nationals. Many of the contributors mentioned in the complaint are companies that have been doing business in Hawaii for many years. Although the existence of these companies may be well known, their ownership often is not. Also, in Hawaii, a large proportion of our population is of Japanese ancestry and it is common to receive contributions from individuals and companies with Japanese names. It appears to us that many of these companies may themselves be ignorant of the federal law as it applies to state and local elections, even though they may have PAC organizations. In short, if we are to be bound by the federal election law, then we, as well as our contributors, must learn much about the practical aspects of compliance with it.

Fourth, in addition to the fact that we have no prior experience in determining whether a particular contribution originates from a foreign national, we have discovered that the law surrounding this particular issue is very complex. We have learned that the commission's policy governing contributions from foreign nationals has been developed primarily through its advisory opinions. However, these opinions are not readily available in Hawaii. No library that we know of, including the Hamilton Library at the University of Hawaii, which is the primary depository for federal documents, has these opinions on file. Additionally, the commission's complaint-generated cases are confidential until finally determined and our awareness of these determinations, and the commission's advisory opinions as well, depends almost exclusively upon whether or not they are covered by the news media. This lack of authoritative resource material dealing with the commission's activities also illustrates how pervasive was the belief that federal law did not apply to state and local elections.

At the present time, we have not been able to determine whether all of the contributions listed in the complaint were in fact from foreign nationals. As you know, all of the contributions were made by corporations rather than individuals. Public records pertaining to these companies indicate that one of them, Taiyo Hawaii, is not incorporated in the United States. Because our understanding is that the law would preclude the acceptance of a contribution from a corporation not established under the

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laws of one of the states, Taiyo Hawaii's contribution to Senator Matsuura's campaign is being returned.

We are still in doubt as to the other contributors listed in the complaint. Indeed, the commission's recent advisory opinion in the GEM case, Advisory Opinion 1989-29 -- which we became aware of through the news media -- certainly indicates to us that the complaint may not be accurate as to all of the contributors. While GEM was listed as a possible foreign national contributor in the complaint, Advisory Opinion 1989-29 holds that it may properly make contributions in connection with state and local elections. This, of course, causes us to wonder as to how many of the other companies listed would satisfy the conditions set by the commission in GEM and related cases.

Notwithstanding our doubts, we are presently willing and able to immediately return all of the listed contributions (including those from GEM or GEM PAC if the commission desires) with the expectation that this will forthwith result in the termination of these proceedings. Naturally, we want to cooperate with the commission in any way we can to bring this matter to an expedient close. Time is of the essence for all of us. The only reservation we have concerning the immediate return of all contributions is that, notwithstanding this action, we may still be subject to prolonged investigative proceedings. If this is to occur whether or not we return the contributions, we see no point in returning them now. As the GEM opinion indicates, some of these contributions might have been absolutely proper. On the other hand, we believe that in view of our lack of knowledge and prior experience concerning the federal election laws, coupled with our willingness to return <u>all</u> contributions, no purpose would be served by going forward with a lengthy and expensive investigation procedure.

Thus, if the return of all of the contributions listed in the complaint will result in the termination of these proceedings, then we will return them immediately upon word from the commission. However, if the commission decides otherwise, we request to enter into negotiations directed toward reaching a conciliation agreement pursuant to 11 C.F.R. §111.18(d). We await your response before doing anything further and look forward to hearing from you as soon as possible.

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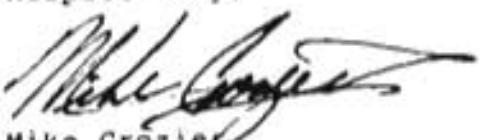
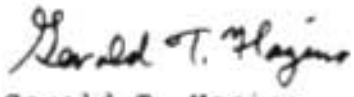
We thank you and the commission for your attention and consideration.

Respectfully,

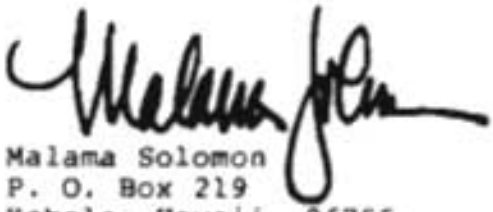


Mike Crozier
92-923 Welo Street, #118
Ewa Beach, Hawaii 96707

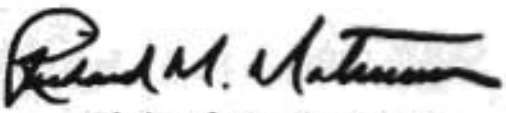


Gerald T. Hagino
36 Lauone Loop
Wahiawa, Hawaii 96786

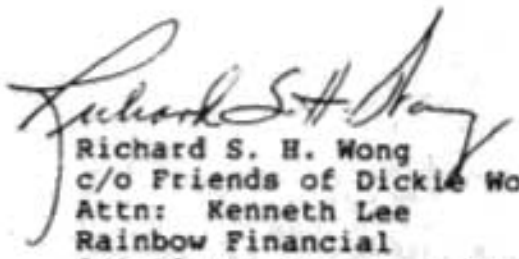
Milton Holt
1461 N. School Street
Honolulu, Hawaii 96817



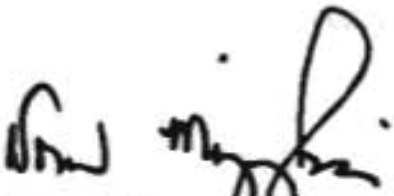
Malama Solomon
P. O. Box 219
Kohala, Hawaii 96755



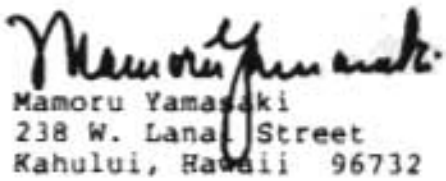
Richard M. Matsuura
1311 Launa Street
Hilo, Hawaii 96720



Richard S. H. Wong
c/o Friends of Dickie Wong
Attn: Kenneth Lee
Rainbow Financial
841 Bishop St., Ste. 142
Honolulu, Hawaii 96813



Norman Mizuguchi
c/o Mizuguchi for Senate
Committee
P. O. Box 452
Pearl City, Hawaii 96782



Mamoru Yamasaki
238 W. Lanai Street
Kahului, Hawaii 96732

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January 3, 1990

Lois G. Lerner, Esq.
Associate General Counsel
Federal Election COmmission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 3004
Addendum to Response by Malama Solomon

Dear Ms. Lerner:

The purpose of this addendum is to advise you that I am in the process of returning the one and only campaign contribution that I received that was cited in the complaint. This is the contribution from the Mauna Lani Hotel in the amount of $250. I am returning the money without prejudice and without admission for purposes of these proceedings.

Thank you.

Very truly yours,

Malama Solomon

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January 3, 1990

Lois G. Lerner, Esq.
Associate General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 3004
Addendum to Response by Gerald T. Hagino

Dear Ms. Lerner:

The purpose of this addendum is to clarify the campaign contribution from the Ala Moana Hotel. The current owner of the hotel is the Azabu Corporation, a foreign national. However, our check with the corporate registration records of the State of Hawaii and with the executive offices of the Ala Moana Hotel reveals that the hotel was owned by the Americana Hotels corporation at the time of the contribution. Therefore, it is my belief that the contribution I received was made by a United States corporation, not from a foreign national.

In spite of the foregoing, I am still willing to return the contribution as stated in the joint response.

Thank you once again.

Very truly yours,

Gerald T. Hagino

Gerald T. Hagino

2404357168O

January 3, 1990

Lois G. Lerner, Esq.
Associate General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: MUR 3004

Dear Ms. Lerner:

This is my separate response to the complaint filed in the rferenced matter. I join in with my colleagues on all matters as contained in their joint response, with the exception that I am presently undecided about returning the listed contributions upon the conditions as stated in the joint response. I need more time to undertake legal research into the points of law involved in this matter before coming to a decision.

For sake of convenience, I have adopted the same language as contained in the joint response with the exception of the above. I have modified the language accordingly to that extent. The following, therefore, is my response:

As suggested in our initial letter to the commission requesting an extension of time to respond, our individual positions with regard to the complaint are virtually identical. We have met and shared our thoughts on the matter and for our own convenience and, we think, for the commission's as well, we submit this consolidated response. For the reasons given below, each of the undersigned requests that no further action be taken in this case.

None of us are newcomers to politics. Senator Wong, first elected to public office in 1966, has been President of the Senate for more than a decade. Senator Hagino, a legislator for the past nine years, is the Senate Majority Leader. Senator Chang, a State Senator since 1982, chairs the Committee on Business Development and Pacific Relations. Senator Crozier,

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first elected as a delegate to the State Constitutional Convention in 1978 and a legislator since 1982, chairs the Committee on Housing and Hawaiian Programs. Senator Holt, a legislator for the past ten years, chairs the Committee on Tourism, Recreation and Planning. Senator Matsuura, a legislator since 1980, chairs the Committee on Energy and Natural Resources. Senator Mizuguchi, a legislator for the past fifteen years, chairs the Committee on Corrections. Senator Solomon, a former elected member of the Board of Trustees of the State Office of Hawaiian Affairs and a Senator since 1982, chairs the Committee on Higher Education. Senator Yamasaki, who chairs the Committee on Ways and Means, is the senior member of the Senate, having served the people of Hawaii as a legislator for thirty years.

Yet, despite the length of our collective experience as legislators, we were unaware that the federal election laws applied to state and local elections. Through all the years and all of the many campaigns we have been through, we have tried to comply with all of the election laws that our state election officials had indicated were applicable to us. The common understanding among not only ourselves, but all of the Hawaii politicians we know, had been that compliance with the state election laws was all that was necessary. Frankly, until quite recently, the question of compliance with the federal election laws was something that, to our knowledge, had never been raised. We think there are several reasons for the pervasive belief in the inapplicability of federal law to state and local elections.

First, there was never any hint from our state election authorities that we were obliged to comply with federal law. It has been the practice for many years that every candidate for state or local political office receives a packet of informational materials from the Office of the Lieutenant Governor and the State Campaign Spending Commission upon the filing of nomination papers. A set of the most recent version of these materials is enclosed with this response. A review of them discloses that there is nothing even suggesting the necessity of compliance with federal election laws. In the past, we have relied heavily, perhaps exclusively, on our election authorities to provide us with information on all of the requirements we were subject to. After all, we were candidates for state, rather than federal office and therefore looked to those charged with administering state elections policy. We believed, and think it reasonable to have done so, that if federal law applied to us,

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our election authorities would have told us so. Unfortunately, this did not occur.

Secondly, we are unaware of any direct efforts made by the federal government, at any time prior to the receipt of the subject contributions, to advise us or our election authorities that federal law applied. Section 441e of the Federal Election Campaign Act (FECA), upon which the instant complaint appears to be based, does not expressly make itself applicable to state and local elections. Section 453 adds to the uncertainty by suggesting that the act applies only "with respect to election to Federal office." Given this, it is difficult to fault our election authorities for not clarifying the issue for us. We are now aware of the existence of 11 C.F.R. §110.4, which does expressly apply to state and local elections, and are somewhat embarrassed to admit that we were totally unaware of it until researching the law subsequent to the filing of the instant complaint. As discussed above, the common belief that federal law did not apply to state and local elections made it seem unnecessary to familiarize ourselves with that law. While "ignorance of the law is no excuse," at this point, we certainly wish that someone had given us more direct advance notice of the potential liability we appear to be facing, beyond the publication of FECA and the commission rules promulgated pursuant to it. This is especially so in view of the fact that both section 441e and rule 110.4 appear to impose strict liability.

Third, we have had virtually no experience in screening contributions to determine whether their sources may be foreign nationals. Many of the contributors mentioned in the complaint are companies that have been doing business in Hawaii for many years. Although the existence of these companies may be well known, their ownership often is not. Also, in Hawaii, a large proportion of our population is of Japanese ancestry and it is common to receive contributions from individuals and companies with Japanese names. It appears to us that many of these companies may themselves be ignorant of the federal law as it applies to state and local elections, even though they may have PAC organizations. In short, if we are to be bound by the federal election law, then we, as well as our contributors, must learn much about the practical aspects of compliance with it.

Fourth, in addition to the fact that we have no prior experience in determining whether a particular contribution originates from

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a foreign national, we have discovered that the law surrounding this particular issue is very complex. We have learned that the commission's policy governing contributions from foreign nationals has been developed primarily through its advisory opinions. However, these opinions are not readily available in Hawaii. No library that we know of, including the Hamilton Library at the University of Hawaii, which is the primary depository for federal documents, has these opinions on file. Additionally, the commission's complaint-generated cases are confidential until finally determined and our awareness of these determinations, and the commission's advisory opinions as well, depends almost exclusively upon whether or not they are covered by the news media. This lack of authoritative resource material dealing with the commission's activities also illustrates how pervasive was the belief that federal law did not apply to state and local elections.

At the present time, we have not been able to determine whether all of the contributions listed in the complaint were in fact from foreign nationals. As you know, all of the contributions were made by corporations rather than individuals. Public records pertaining to these companies indicate that one of them, Taiyo Hawaii, is not incorporated in the United States. Because our understanding is that the law would preclude the acceptance of a contribution from a corporation not established under the laws of one of the states, Taiyo Hawaii's contribution to Senator Matsuura's campaign is being returned.

We are still in doubt as to the other contributors listed in the complaint. Indeed, the commission's recent advisory opinion in the GEM case, Advisory Opinion 1989-29 -- which we became aware of through the news media -- certainly indicates to us that the complaint may not be accurate as to all of the contributors. While GEM was listed as a possible foreign national contributor in the complaint, Advisory Opinion 1989-29 holds that it may properly make contributions in connection with state and local elections. This, of course, causes us to wonder as to how many of the other companies listed would satisfy the conditions set by the commission in GEM and related cases.

As the GEM opinion indicates, some of these contributions might have been absolutely proper. We believe that in view of our lack of knowledge and prior experience concerning the federal election

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laws no purpose would be served by going forward with a lengthy and expensive investigation procedure.

I await your response before doing anything further and look forward to hearing from you as soon as possible.

I thank you and the commission for your attention and consideration.

Respectfully,

Anthony K. U. Chang

Anthony K. U. Chang
State Capitol, Rm. 229
Honolulu, Hawaii 96813

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OGC 5076

OBUN HAWAII INC.

90 JAN -9 AM 9:28

January 2, 1990

General Counsel's Office
Federal Election Commission
999 E. St. N. W.
Washington, D. C. 20463

Re. MUR 3004

Gentlemen:

We have received the complaint which alleges that Obun Hawaii, Inc. may have violated the Federal Election Campaign Act of 1971. The management of Obun Hawaii, Inc. is of the opinion that we have not violated the "Act" and that no action should be taken against the Company.

We would like to present some basic data on the history and the basic operational policies of the Company.

Obun Hawaii, Inc. was incorporated in the State of Hawaii on June 16, 1970 with 50-50 stock ownership between Servco Pacific, Inc., a Hawaii corporation, whose stockholders are Hawaii residence and Obun Printing Co., Inc., a Japan corporation. In 1974 Obun Printing Co. purchased the 50% stockholdings of Servco Pacific, Inc. and Obun Hawaii, Inc. became the wholly-owned subsidiary of Obun Printing Co. Mr. Yoshiki Fujimoto, a Hawaii-born American citizen, was General Manager of the Company then and remained in that position until his resignation in 1977.

Except for the purchase of real estate and major printing equipment, all business decisions are made locally by the Management Committee consisting of the following:

Vice Chairman Teruo Himoto - a local-born American citizen

President Osamu Hayakawa - a resident alien (eff.9/29/89) with 11 years service.

Vice President Donald Ojiri- a local-born American citizen

1052 WAIMANU ST. ☐ HONOLULU, HAWAII 96814 ☐ PH. (808) 599-6266 / 599-OBUN ☐ FAX (808) 599-4197

RECEIVED FEDERAL ELECTION COMMISSION MAIL ROOM
90 JAN 9 PM 2:30
RECEIVED FEDERAL ELECTION COMMISSION OFFICE OF GENERAL COUNSEL
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Vice President Masanori Nakada- a resident alien
(eff. 11/3/84)
with 10 years service

Vice President Earl Wilhite - an American citizen

In May of 1988, when Obun Hawaii made the $300.00 contribution to State Representative Tom Okamura, I personally made the recommendation to the Management Committee to make the contribution. At that time I was the only local Board of Director of Obun Hawaii, which consisted of a total of three directors.

I hope the foregoing information is sufficient for the Commission to act in our favor on the complaint. If further information is required for the Commission to make its decision, I will be more than happy to provide such information.

Sincerely,
Obun Hawaii, Inc.

Teruo Himoto
Vice Chairman & Director

TH:ty

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OGC 5125

RECEIVED
FEDERAL ELECTION COMMISSION

90 JAN 16 AM 9:57

January 8, 1990

Lois G. Lerner
Associate General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 3004

Dear Ms. Lerner:

I am responding to the complaint about me referenced by the number indicated above.

You have probably been informed that the common understanding in Hawaii was that state law, not federal law, applied to state and local election campaign financing. Information provided by the State Campaign Spending Commission as to campaign financing restrictions did not contain any reference to federal laws or regulations. There has been no notification from federal authorities that federal law applied prior to the filing of this complaint.

Now being informed by this complaint, I have advised the candidate, Senator Anthony Chang, that he should return the contribution in question and have requested him to do so in order to remedy my situation. He has agreed to return the contribution.

I will cooperate fully with the commission and do whatever is necessary to resolve this matter. I did not intentionally or knowingly violate any law in my capacity as campaign treasurer for Senator Chang, and I would very much want to comply with the law in any manner that you would advise.

Sincerely,

Lisa M. Konove
Treasurer
Friends for Tony Chang

90 JAN 16 PM 4:04

RECEIVED
FEDERAL ELECTION COMMISSION
OFFICE OF GENERAL COUNSEL

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HAND DELIVERED

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FEDERAL ELECTION COMMISSION

90 JAN 19 PM 4:36

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

SUYEKI OKUMURA
ROY E. TAKUSHI
JAMES T. FUNAKI
JOSEPH K. WEE

SHUICHI MIYASAKI
ALFRED M.K. WONG
ROBERT M. EHRHORN, JR.
DICKSON C.H. LEE

PETER T. STONE
JAMES N.H. YEE
AARON S.H. YOO

SUITE 1400
GROSVENOR CENTER
733 BISHOP STREET
HONOLULU, HAWAII 96813

TELEPHONE (808) 543-9800
FACSIMILE (808) 599-1960

January 16, 1990

90 JAN 22 PM 3:18

FEDERAL ELECTION COMMISSION

Federal Election Commission
General Counsel's Office
Washington, D.C. 20463

Attention: Mark Allen, Esq.

RE: MUR 3004

Dear Mr. Allen:

This letter refers to the the complaint which was filed in the above referenced matter and which named the following candidates and their respective campaign treasurers:

Candidate	Campaign Treasurer
Peter Apo	Maxine Hee
Romy Cachola	Irene Fujimoto
Kenneth Hiraki	Jack Aketa
Karen Horita	Paul Matsuo
Marshall Ige	Wesley Imamura
Ezra Kanoho	Thomas P. Whittemore
Bertha Kawakami	Jeffrey L. Emoto
Daniel J. Kihano	Wai Lan Grace
Joseph Leong	Walter C. Yamada
Tom Okamura	Louis C. Miyashiro
Paul Oshiro	Glenn S. Nagamine
Henry Peters	Donald Okimoto

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OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

By this letter, we are transmitting to the Federal Election Commission the responses of the above named persons to the complaint.

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

By _____
Dickson C.H. Lee

DCHL:en

2404357167 0

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

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SUYEKI OKUMURA
ROY E. TAKUSHI
JAMES T. FUNAKI
JOSEPH R. WEE
SHUICHI MIYASAKI
ALFRED M. K. WONG
ROBERT M. EHRHORN, JR.
DICKSON C. H. LEE
PETER T. STONE
JAMES N. H. YEE
AARON S. H. YOO

January 16, 1990

Federal Election Commission
General Counsel's Office
Washington, D.C. 20463

Attention: Mark Allen, Esq.

RE: MUR 3004

Client: Peter Apo

Dear Mr. Allen:

This letter refers to the complaint filed in the above referenced matter and is made on behalf of the above named client and his campaign treasurer. The complaint alleges that the following contribution:

Contributor	Amount
West Beach Estates	$ 375

which was reported as having been made to the campaign of our client for state office, was improper under 2 U.S.C. Sec. 44le ("Sec. 44le") of the Federal Election Campaign Act, as amended ("Act"), because that contribution may have been made by a "foreign national".

It appears that the Federal Election Commission ("FEC") is asserting jurisdiction in this case pursuant to 11 CFR 110.4 which the FEC promulgated for the purpose of extending the coverage of Sec. 44le to state and local elections.

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At the outset, we would like to inform the FEC that our client and his campaign staff were not aware of the Act, which appears to apply only to Federal elections. 1/ Nor were they aware that the FEC had by regulation extended the coverage of Sec. 441e to state and local elections.

Our client has always run a fair and honest campaign and if there were any violation of the Act, it was committed without any knowledge and was purely unintentional. As evidence of our client's good faith, our client's campaign treasurer has been instructed to return the contribution even though it may later be determined that such contribution was entirely permissible. On advice of legal counsel, however, such action will be taken without admission or prejudice. Based on such action and the bona fides of our client, the FEC is respectfully requested to dismiss the complaint and to recommend that no further action be taken.

If the FEC nevertheless decides to proceed with taking any further action, the following answer is submitted in response to the complaint filed in the above captioned matter.

A. OUR CLIENT ACTED IN GOOD FAITH AND WITHOUT ANY KNOWLEDGE THAT THE ACT COVERED CONTRIBUTIONS TO CAMPAIGNS OF CANDIDATES FOR STATE OR LOCAL OFFICES

As stated above, our client and his campaign committee did not know that the Act covered contributions to campaigns of candidates for state or local offices.

1/ There is reason to believe that even the Chief Elections Officer of the State of Hawaii was not aware that the Act applied to state and local elections.

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B. THE CONTRIBUTION WAS NOT MADE BY A "FOREIGN NATIONAL"

Sec. 441e prohibits contributions by a foreign national directly or through any other person. Under Sec. 441e, the term "foreign national" is defined as follows:

> "(b) As used in this section, the term 'foreign national' means-
>
> (1) a foreign principal, as such term is defined by section 611(b) of Title 22, except that the term 'foreign national' shall not include any individual who is a citizen of the United States; or
>
> (2) an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of Title 8."

Within the time constraints set forth in the FEC's notice to our client, as extended by your consent to January 16, 1990 and upon information and belief, each contributor, who is named in the complaint as having made a contribution to the campaign of our client, is a domestic corporation or a domestic business organization. According to FEC opinions A.O. 1989-29 and A.O. 1985-3, a domestic corporation by definition is not a foreign national even if it is a wholly-owned subsidiary of a foreign national or foreign principal. 22 U.S.C. Sec. 611(b)

The FEC also opined that under Sec. 441e, a domestic corporation, which is wholly owned or controlled by a foreign national, may make contributions to campaigns of candidates for political office under the following circumstances:

1. The contribution is made through revenues that are derived from the operations of the domestic corporation in the United States; and

2. The decision to make the contribution is made by a United States citizen and not by a foreign national.

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C. THE ACT DOES NOT APPLY TO STATE OR LOCAL ELECTIONS

Neither the Act nor its legislative history contain any provision or reference that the Act applies or was intended by Congress to apply to state or local elections.

Instead, the provisions of Section 44le have been extended to apply to state and local elections through the FEC's promulgation of 11 CFR 114.2. We submit that the involvement of the FEC in any matter involving state or local elections immediately raise legal issues as to whether the FEC has any jurisdiction, power and authority to regulate under the scope and standard established by the Act such state or local matters or to promulgate any regulation attempting to do so. In that connection, the following defenses are raised in response to the complaint.

1. The complaint fails to state a claim upon which any relief can be granted or any action can be taken.

2. The FEC lacks jurisdiction over the subject matter and over the person of our client. In that connection, this response should not be construed as an appearance by our client and is at the most, a special appearance by our client.

3. The regulation of matters involving state or local elections, including contributions to candidates for state or local office, is reserved to the respective states under the the 10th Amendment to the United States Constitution. Any preemptive provision of the Act is specifically limited to contributions to the campaigns of candidates for Federal office.

   In Hawaii, the contributions to the campaigns of candidates for state or local offices are governed by Chapter 11 Hawaii Revised Statutes and, in particular, Hawaii Revised Statutes Sections 11-191 et seq. pertaining to election campaign contributions and expenditures.

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4. The Act on its face and as evidenced by its legislative history and intent, is expressly limited to matters involving federal elections and does not apply to matters involving state or local elections. Under the 10th Amendment to the United States Consitution, the Act must necessarily be construed narrowly to apply only to federal elections.

   The FEC exceeded its rulemaking authority when it promulgated 11 CFR 110.4 which extends the coverage of Sec. 441e to state and local elections. The rule goes teyond the scope of the application intended by the Act and is invalid.

5. The Act, including the practice and procedures for applying the Act and the presumptions and burden of proof created thereunder, violates rights of speech and due process afforded under the 1st, 5th and 14th Amendments to the United States Constitution.

   Furthermore, the Act is vague and overly broad and is therefore unenforceable where it is being applied to regulate state and local elections.

6. Complainants have not exhausted their administrative and/or judicial remedies under state and local laws.

7. Where the complaint was filed against numerous other respondants who may be similarly situated, all other legal defenses raised by or on behalf of such respondents are incorporated by reference.

8. Where the contributions have been or will be returned, the complaint is moot.

The complaint is without merit and we ask that it be dismissed entirely or disposed of with the recommendation that no action is warranted on the complaint.

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D. REQUEST FOR THE OPPORTUNITY TO BE HEARD

We are willing to meet with the FEC in Washington, D.C. to discuss this matter if the FEC believes that it would be constructive and would result in a settlement of this matter. However, if the FEC is inclined to render an adverse decision or to take any adverse action based solely on this response and without further dialogue with our client, we request that our client be afforded the further opportunity to be heard before such decision or action is rendered or taken.

Very truly yours,

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

By James T. Funaki.
James T. Funaki
Dickson C.H. Lee

JTF:DCHL:en

cc: Peter Apo

24043571626

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
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SUYEKI OKUMURA
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ROBERT M. EHRHORN, JR.
DICKSON C.H. LEE
PETER T. STONE
JAMES N.H. YEE
AARON S.H. YOO

January 16, 1990

Federal Election Commission
General Counsel's Office
Washington, D.C. 20463

Attention: Mark Allen, Esq.

RE: MUR 3004

Client: Romy Cachola

Dear Mr. Allen:

This letter refers to the complaint filed in the above referenced matter and is made on behalf of the above named client and his campaign treasurer. The complaint alleges that the following contributions:

Contributor	Amount
Japan Travel Bureau International, Inc.	$ 250
Japan Travel Bureau International, Inc./ Masao Hayashi	$ 250
West Beach Estates (2)	$ 750
Central Development Corp.	$ 500
The Ilikai	$ 125
Mauna Lani Resorts Inc. PAC	$ 125

which were reported as having been made to the campaign of our client for state office, were improper under 2 U.S.C. Sec. 441e ("Sec. 441e") of the Federal Election Campaign Act, as amended ("Act"), because such contributions may have been made by a "foreign national".

2 4 0 4 3 5 7 1 6 9 7

It appears that the Federal Election Commission ("FEC") is asserting jurisdiction in this case pursuant to 11 CFR 110.4 which the FEC promulgated for the purpose of extending the coverage of Sec. 441e to state and local elections.

At the outset, we would like to inform the FEC that our client and his campaign staff were not aware of the Act, which appears to apply only to Federal elections. 1/ Nor were they aware that the FEC had by regulation extended the coverage of Sec. 441e to state and local elections.

Our client has always run a fair and honest campaign and if there were any violation of the Act, it was committed without any knowledge and was purely unintentional. As evidence of our client's good faith, our client's campaign treasurer has been instructed to return the contributions even though it may later be determined that some or all of such contributions were entirely permissible. On advice of legal counsel, however, such action will be taken without admission or prejudice. Based on such action and the bona fides of our client, the FEC is respectfully requested to dimiss the complaint and to recommend that no further action be taken.

If the FEC nevertheless decides to proceed with taking any further action, the following answer is submitted in response to the complaint filed in the above captioned matter.

A. OUR CLIENT ACTED IN GOOD FAITH AND WITHOUT ANY KNOWLEDGE THAT THE ACT COVERED CONTRIBUTIONS TO CAMPAIGNS OF CANDIDATES FOR STATE OR LOCAL OFFICES

As stated above, our client and his campaign committee did not know that the Act covered contributions to campaigns of candidates for state or local offices.

1/ There is reason to believe that even the Chief Elections Officer of the State of Hawaii was not aware that any part of the Act applied to state and local elections.

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B. THE CONTRIBUTION WAS NOT MADE BY A "FOREIGN NATIONAL"

Sec. 441e prohibits contributions by a foreign national directly or through any other person. Under Sec. 441e, the term "foreign national" is defined as follows:

> "(b) As used in this section, the term 'foreign national' means-
>
> (1) a foreign principal, as such term is defined by section 611(b) of Title 22, except that the term 'foreign national' shall not include any individual who is a citizen of the United States; or
>
> (2) an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of Title 8."

Within the time constraints set forth in the FEC's notice to our client, as extended by your consent to January 16, 1990 and upon information and belief, each contributor, who is named in the complaint as having made a contribution to the campaign of our client, is a domestic corporation or a domestic business organization. According to FEC opinions A.O. 1989-29 and A.O. 1985-3, a domestic corporation by definition is not a foreign national even if it is a wholly-owned subsidiary of a foreign national or foreign principal. 22 U.S.C. Sec. 611(b)

The FEC also opined that under Sec. 441e, a domestic corporation, which is wholly owned or controlled by a foreign national, may make contributions to campaigns of candidates for political office under the following circumstances:

1. The contribution is made through revenues that are derived from the operations of the domestic corporation in the United States; and

2. The decision to make the contribution is made by a United States citizen and not by a foreign national.

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C. THE ACT DOES NOT APPLY TO STATE OR LOCAL ELECTIONS

Neither the Act nor its legislative history contain any provision or reference that the Act applies or was intended by Congress to apply to state or local elections.

Instead, the provisions of Section 44le have been extended to apply to state and local elections through the FEC's promulgation of 11 CFR 114.2. We submit that the involvement of the FEC in any matter involving state or local elections immediately raise legal issues as to whether the FEC has any jurisdiction, power and authority to regulate under the scope and standard established by the Act such state or local matters or to promulgate any regulation attempting to do so. In that connection, the following defenses are raised in response to the complaint.

1. The complaint fails to state a claim upon which any relief can be granted or any action can be taken.

2. The FEC lacks jurisdiction over the subject matter and over the person of our client. In that connection, this response should not be construed as an appearance by our client and is at the most, a special appearance by our client.

3. The regulation of matters involving state or local elections, including contributions to candidates for state or local office, is reserved to the respective states under the the 10th Amendment to the United States Constitution. Any preemptive provision of the Act is specifically limited to contributions to the campaigns of candidates for Federal office.

   In Hawaii, the contributions to the campaigns of candidates for state or local offices are governed by Chapter 11 Hawaii Revised Statutes and, in particular, Hawaii Revised Statutes Sections 11-191 et seq. pertaining to election campaign contributions and expenditures.

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4. The Act on its face and as evidenced by its legislative history and intent, is expressly limited to matters involving federal elections and does not apply to matters involving state or local elections. Under the 10th Amendment to the United States Consitution, the Act must necessarily be construed narrowly to apply only to federal elections.

   The FEC exceeded its rulemaking authority when it promulgated 11 CFR 110.4 which extends the coverage of Sec. 44le to state and local elections. The rule goes beyond the scope of the application intended by the Act and is invalid.

5. The Act, including the practice and procedures for applying the Act and the presumptions and burden of proof created thereunder, violates rights of speech and due process afforded under the 1st, 5th and 14th Amendments to the United States Constitution.

   Furthermore, the Act is vague and overly broad and is therefore unenforceable where it is being applied to regulate state and local elections.

6. Complainants have not exhausted their administrative and/or judicial remedies under state and local laws.

7. Where the complaint was filed against numerous other respondants who may be similarly situated, all other legal defenses raised by or on behalf of such respondents are incorporated by reference.

8. Where the contributions have been or will be returned, the complaint is moot.

The complaint is without merit and we ask that it be dismissed entirely or disposed of with the recommendation that no action is warranted on the complaint.

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D. REQUEST FOR THE OPPORTUNITY TO BE HEARD

We are willing to meet with the FEC in Washington, D.C. to discuss this matter if the FEC believes that it would be constructive and would result in a settlement of this matter. However, if the FEC is inclined to render an adverse decision or to take any adverse action based solely on this response and without further dialogue with our client, we request that our client be afforded the further opportunity to be heard before such decision or action is rendered or taken.

Very truly yours,

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

By James T. Funaki
James T. Funaki
Dickson C.H. Lee

JTF:DCHL:en

cc: Romy Cachola

2043571702

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

SUITE 1400
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733 BISHOP STREET
HONOLULU, HAWAII 96813

TELEPHONE (808) 543-9800
FACSIMILE (808) 599-1060

January 16, 1990

Federal Election Commission
General Counsel's Office
Washington, D.C. 20463

Attention: Mark Allen, Esq.

RE: MUR 3004

Client: Ken Hiraki

Dear Mr. Allen:

This letter refers to the complaint filed in the above referenced matter and is made on behalf of the above named client and his campaign treasurer. The complaint alleges that the following contribution:

Contributor	Amount
West Beach Estates	$ 500

which was reported as having been made to the campaign of our client for state office, was improper under 2 U.S.C. Sec. 441e ("Sec. 441e") of the Federal Election Campaign Act, as amended ("Act"), because that contribution may have been made by a "foreign national".

It appears that the Federal Election Commission ("FEC") is asserting jurisdiction in this case pursuant to 11 CFR 110.4 which the FEC promulgated for the purpose of extending the coverage of Sec. 441e to state and local elections.

5382V/3

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At the out set, we would like to inform the FEC that our client and his campaign staff were not aware of the Act, which appears to apply only to Federal elections. 1/ Nor were they aware that the FEC had by regulation extended the coverage of Sec. 44le to state and local elections.

Our client has always run a fair and honest campaign and if there were any violation of the Act, it was committed without any knowledge and was purely unintentional. As evidence of our client's good faith, our client's campaign treasurer has voluntarily returned the contribution and our client had earlier informed the FEC by letter of the return of that contribution. Such action was taken even though it may later be determined that such contribution was entirely permissible. Our client took such action without admission or prejudice. Based on such action and the bona fides of our client, the FEC is respectfully requested to dismiss the complaint and to recommend that no further action be taken.

If the FEC nevertheless decides to proceed with taking any further action, the following answer is submitted in response to the complaint filed in the above captioned matter.

A. OUR CLIENT ACTED IN GOOD FAITH AND WITHOUT ANY KNOWLEDGE THAT THE ACT COVERED CONTRIBUTIONS TO CAMPAIGNS OF CANDIDATES FOR STATE OR LOCAL OFFICES

As stated above, our client and his campaign committee did not know that the Act covered contributions to campaigns of candidates for state or local offices.

1/ There is reason to believe that even the Chief Elections Officer of the State of Hawaii was not aware that any part of the Act applied to state and local elections.

2 4 0 4 3 5 7 1 7 0 4

B. THE CONTRIBUTION WAS NOT MADE BY A "FOREIGN NATIONAL"

Sec. 441e prohibits contributions by a foreign national directly or through any other person. Under Sec. 441e, the term "foreign national" is defined as follows:

> "(b) As used in this section, the term 'foreign national' means-
>
> (1) a foreign principal, as such term is defined by section 611(b) of Title 22, except that the term 'foreign national' shall not include any individual who is a citizen of the United States; or
>
> (2) an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of Title 8."

Within the time constraints set forth in the FEC's notice to our client, as extended by your consent to January 16, 1990 and upon information and belief, each contributor, who is named in the complaint as having made a contribution to the campaign of our client, is a domestic corporation or a domestic business organization. According to FEC opinions A.O. 1989-29 and A.O. 1985-3, a domestic corporation by definition is not a foreign national even if it is a wholly-owned subsidiary of a foreign national or foreign principal. 22 U.S.C. Sec. 611(b)

The FEC also opined that under Sec. 441e, a domestic corporation, which is wholly owned or controlled by a foreign national, may make contributions to campaigns of candidates for political office under the following circumstances:

1. The contribution is made through revenues that are derived from the operations of the domestic corporation in the United States; and

2. The decision to make the contribution is made by a United States citizen and not by a foreign national.

24035717 05

C. THE ACT DOES NOT APPLY TO STATE OR LOCAL ELECTIONS

Neither the Act nor its legislative history contain any provision or reference that the Act applies or was intended by Congress to apply to state or local elections.

Instead, the provisions of Section 44le have been extended to apply to state and local elections through the FEC's promulgation of 11 CFR 114.2. We submit that the involvement of the FEC in any matter involving state or local elections immediately raise legal issues as to whether the FEC has any jurisdiction, power and authority to regulate under the scope and standard established by the Act such state or local matters or to promulgate any regulation attempting to do so. In that connection, the following defenses are raised in response to the complaint.

1. The complaint fails to state a claim upon which any relief can be granted or any action can be taken.

2. The FEC lacks jurisdiction over the subject matter and over the person of our client. In that connection, this response should not be construed as an appearance by our client and is at the most, a special appearance by our client.

3. The regulation of matters involving state or local elections, including contributions to candidates for state or local office, is reserved to the respective states under the the 10th Amendment to the United States Constitution. Any preemptive provision of the Act is specifically limited to contributions to the campaigns of candidates for Federal office.

   In Hawaii, the contributions to the campaigns of candidates for state or local offices are governed by Chapter 11 Hawaii Revised Statutes and, in particular, Hawaii Revised Statutes Sections 11-191 et seq. pertaining to election campaign contributions and expenditures.

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4. The Act on its face and as evidenced by its legislative history and intent, is expressly limited to matters involving federal elections and does not apply to matters involving state or local elections. Under the 10th Amendment to the United States Consitution, the Act must necessarily be construed narrowly to apply only to federal elections.

   The FEC exceeded its rulemaking authority when it promulgated 11 CFR 110.4 which extends the coverage of Sec. 44le to state and local elections. The rule goes beyond the scope of the application intended by the Act and is invalid.

5. The Act, including the practice and procedures for applying the Act and the presumptions and burden of proof created thereunder, violates rights of speech and due process afforded under the 1st, 5th and 14th Amendments to the United States Constitution.

   Furthermore, the Act is vague and overly broad and is therefore unenforceable where it is being applied to regulate state and local elections.

6. Complainants have not exhausted their administrative and/or judicial remedies under state and local laws.

7. Where the complaint was filed against numerous other respondants who may be similarly situated, all other legal defenses raised by or on behalf of such respondents are incorporated by reference.

8. Where the contributions have been or will be returned, the complaint is moot.

The complaint is without merit and we ask that it be dismissed entirely or disposed of with the recommendation that no action is warranted on the complaint.

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D. REQUEST FOR THE OPPORTUNITY TO BE HEARD

We are willing to meet with the FEC in Washington, D.C. to discuss this matter if the FEC believes that it would be constructive and would result in a settlement of this matter. However, if the FEC is inclined to render an adverse decision or to take any adverse action based solely on this response and without further dialogue with our client, we request that our client be afforded the further opportunity to be heard before such decision or action is rendered or taken.

Very truly yours,

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

By James T. Funaki
James T. Punaki
Dickson C.H. Lee

JTP:DCHL:en

cc: Ken Hiraki

24043571703

OKUMURA TAKUSHI FUNAKI & WEE
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A LAW CORPORATION

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TELEPHONE (808) 543-9800
FACSIMILE (808) 599-1960

January 16, 1990

Federal Election Commission
General Counsel's Office
Washington, D.C. 20463

Attention: Mark Allen, Esq.

RE: MUR 3004

Client: Karen Horita

Dear Mr. Allen:

This letter refers to the complaint filed in the above referenced matter and is made on behalf of the above named client and her campaign treasurer. The complaint alleges that the following contribution:

Contributor	Amount
West Beach Estates	$2,000

which was reported as having been made to the campaign of our client for state office, was improper under 2 U.S.C. Sec. 441e ("Sec. 441e") of the Federal Election Campaign Act, as amended ("Act"), because that contribution may have been made by a "foreign national".

It appears that the Federal Election Commission ("FEC") is asserting jurisdiction in this case pursuant to 11 CFR 110.4 which the FEC promulgated for the purpose of extending the coverage of Sec. 441e to state and local elections.

5382V/5

2043571709

At the outset, we would like to inform the FEC that our client and her campaign staff were not aware of the Act, which appears to apply only to Federal elections. 1/ Nor were they aware that the FEC had by regulation extended the coverage of Sec. 441e to state and local elections.

Our client has always run a fair and honest campaign and if there were any violation of the Act, it was committed without any knowledge and was purely unintentional. As evidence of our client's good faith, our client's campaign treasurer has been instructed to return the contribution even though may later be determined that such contribution was entirely permissible. On advice of legal counsel, however, such action will be taken without admission or prejudice. Based on such action and the bona fides of our client, the FEC is respectfully requested to dismiss the complaint and to recommend that no further action be taken.

If the FEC nevertheless decides to proceed with taking any further action, the following answer is submitted in response to the complaint filed in the above captioned matter.

A. OUR CLIENT ACTED IN GOOD FAITH AND WITHOUT ANY KNOWLEDGE THAT THE ACT COVERED CONTRIBUTIONS TO CAMPAIGNS OF CANDIDATES FOR STATE OR LOCAL OFFICES

As stated above, our client and her campaign committee did not know that the Act covered contributions to campaigns of candidates for state or local offices.

1/ There is reason to believe that even the Chief Elections Officer of the State of Hawaii was not aware that any part of the Act applied to state and local elections.

2043571710

B. THE CONTRIBUTION WAS NOT MADE BY A "FOREIGN NATIONAL"

Sec. 441e prohibits contributions by a foreign national directly or through any other person. Under Sec. 441e, the term "foreign national" is defined as follows:

> "(b) As used in this section, the term 'foreign national' means-
>
> (1) a foreign principal, as such term is defined by section 611(b) of Title 22, except that the term 'foreign national' shall not include any individual who is a citizen of the United States; or
>
> (2) an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of Title 8."

Within the time constraints set forth in the FEC's notice to our client, as extended by your consent to January 16, 1990 and upon information and belief, each contributor, who is named in the complaint as having made a contribution to the campaign of our client, is a domestic corporation or a domestic business organization. According to FEC opinions A.O. 1989-29 and A.O. 1985-3, a domestic corporation by definition is not a foreign national even if it is a wholly-owned subsidiary of a foreign national or foreign principal. 22 U.S.C. Sec. 611(b)

The FEC also opined that under Sec. 441e, a domestic corporation, which is wholly owned or controlled by a foreign national, may make contributions to campaigns of candidates for political office under the following circumstances:

1. The contribution is made through revenues that are derived from the operations of the domestic corporation in the United States; and

2. The decision to make the contribution is made by a United States citizen and not by a foreign national.

2043571111

C. THE ACT DOES NOT APPLY TO STATE OR LOCAL ELECTIONS

Neither the Act nor its legislative history contain any provision or reference that the Act applies or was intended by Congress to apply to state or local elections.

Instead, the provisions of Section 44le have been extended to apply to state and local elections through the FEC's promulgation of 11 CFR 114.2. We submit that the involvement of the FEC in any matter involving state or local elections immediately raise legal issues as to whether the FEC has any jurisdiction, power and authority to regulate under the scope and standard established by the Act such state or local matters or to promulgate any regulation attempting to do so. In that connection, the following defenses are raised in response to the complaint.

1. The complaint fails to state a claim upon which any relief can be granted or any action can be taken.

2. The FEC lacks jurisdiction over the subject matter and over the person of our client. In that connection, this response should not be construed as an appearance by our client and is at the most, a special appearance by our client.

3. The regulation of matters involving state or local elections, including contributions to candidates for state or local office, is reserved to the respective states under the the 10th Amendment to the United States Constitution. Any preemptive provision of the Act is specifically limited to contributions to the campaigns of candidates for Federal office.

   In Hawaii, the contributions to the campaigns of candidates for state or local offices are governed by Chapter 11 Hawaii Revised Statutes and, in particular, Hawaii Revised Statutes Sections 11-191 et seq. pertaining to election campaign contributions and expenditures.

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4. The Act on its face and as evidenced by its legislative history and intent, is expressly limited to matters involving federal elections and does not apply to matters involving state or local elections. Under the 10th Amendment to the United States Consitution, the Act must necessarily be construed narrowly to apply only to federal elections.

   The FEC exceeded its rulemaking authority when it promulgated 11 CFR 110.4 which extends the coverage of Sec. 44le to state and local elections. The rule goes beyond the scope of the application intended by the Act and is invalid.

5. The Act, including the practice and procedures for applying the Act and the presumptions and burden of proof created thereunder, violates rights of speech and due process afforded under the 1st, 5th and 14th Amendments to the United States Constitution.

   Furthermore, the Act is vague and overly broad and is therefore unenforceable where it is being applied to regulate state and local elections.

6. Complainants have not exhausted their administrative and/or judicial remedies under state and local laws.

7. Where the complaint was filed against numerous other respondants who may be similarly situated, all other legal defenses raised by or on behalf of such respondents are incorporated by reference.

8. Where the contributions have been or will be returned, the complaint is moot.

The complaint is without merit and we ask that it be dismissed entirely or disposed of with the recommendation that no action is warranted on the complaint.

2404357117113

D. REQUEST FOR THE OPPORTUNITY TO BE HEARD

We are willing to meet with the FEC in Washington, D.C. to discuss this matter if the FEC believes that it would be constructive and would result in a settlement of this matter. However, if the FEC is inclined to render an adverse decision or to take any adverse action based solely on this response and without further dialogue with our client, we request that our client be afforded the further opportunity to be heard before such decision or action is rendered or taken.

Very truly yours,

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

By James T. Funaki.
James T. Funaki
Dickson C.H. Lee

JTF:DCHL:en

cc: Karen Horita

2404357114

OKUMURA TAKUSHI FUNAKI & WEE
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TELEPHONE (808) 543-9800
FACSIMILE (808) 599-1960

January 16, 1990

Federal Election Commission
General Counsel's Office
Washington, D.C. 20463

Attention: Mark Allen, Esq.

RE: MUR 3004

Client: Marshall Ige

Dear Mr. Allen:

This letter refers to the complaint filed in the above referenced matter and is made on behalf of the above named client and his campaign treasurer. The complaint alleges that the following contributions:

Contributor	Amount
West Beach Estates	$ 375
Minami Group (USA), Inc.	$ 150

which were reported as having been made to the campaign of our client for state office, were improper under 2 U.S.C. Sec. 441e ("Sec. 441e") of the Federal Election Campaign Act, as amended ("Act"), because such contributions may have been made by a "foreign national".

It appears that the Federal Election Commission ("FEC") is asserting jurisdiction in this case pursuant to 11 CFR 110.4 which the FEC promulgated for the purpose of extending the coverage of Sec. 441e to state and local elections.

5382V/13

2043571715

At the outset, we would like to inform the FEC that our client and his campaign staff were not aware of the Act, which appears to apply only to Federal elections. 1/ Nor were they aware that the FEC had by regulation extended the coverage of Sec. 441e to state and local elections.

Our client has always run a fair and honest campaign and if there were any violation of the Act, it was committed without any knowledge and was purely unintentional. As evidence of our client's good faith, our client's campaign treasurer has been instructed to return the contributions even though it may later be determined that some or all of such contributions were entirely permissible. On advice of legal counsel, however, such action will be taken without admission or prejudice. Based on such action and the bona fides of our client, the FEC is respectfully requested to dimiss the complaint and to recommend that no further action be taken.

If the FEC nevertheless decides to proceed with taking any further action, the following answer is submitted in response to the complaint filed in the above captioned matter.

A. OUR CLIENT ACTED IN GOOD FAITH AND WITHOUT ANY KNOWLEDGE THAT THE ACT COVERED CONTRIBUTIONS TO CAMPAIGNS OF CANDIDATES FOR STATE OR LOCAL OFFICES

As stated above, our client and his campaign committee did not know that the Act covered contributions to campaigns of candidates for state or local offices.

1/ There is reason to believe that even the Chief Elections Officer of the State of Hawaii was not aware that any part of the Act applied to state and local elections.

2435716

B. THE CONTRIBUTION WAS NOT MADE BY A "FOREIGN NATIONAL"

Sec. 441e prohibits contributions by a foreign national directly or through any other person. Under Sec. 441e, the term "foreign national" is defined as follows:

> "(b) As used in this section, the term 'foreign national' means-
>
> (1) a foreign principal, as such term is defined by section 611(b) of Title 22, except that the term 'foreign national' shall not include any individual who is a citizen of the United States; or
>
> (2) an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of Title 8."

Within the time constraints set forth in the FEC's notice to our client, as extended by your consent to January 16, 1990 and upon information and belief, each contributor, who is named in the complaint as having made a contribution to the campaign of our client, is a domestic corporation or a domestic business organization. According to FEC opinions A.O. 1989-29 and A.O. 1985-3, a domestic corporation by definition is not a foreign national even if it is a wholly-owned subsidiary of a foreign national or foreign principal. 22 U.S.C. Sec. 611(b)

The FEC also opined that under Sec. 441e, a domestic corporation, which is wholly owned or controlled by a foreign national, may make contributions to campaigns of candidates for political office under the following circumstances:

1. The contribution is made through revenues that are derived from the operations of the domestic corporation in the United States; and

2. The decision to make the contribution is made by a United States citizen and not by a foreign national.

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C. THE ACT DOES NOT APPLY TO STATE OR LOCAL ELECTIONS

Neither the Act nor its legislative history contain any provision or reference that the Act applies or was intended by Congress to apply to state or local elections.

Instead, the provisions of Section 44le have been extended to apply to state and local elections through the FEC's promulgation of 11 CFR 114.2. We submit that the involvement of the FEC in any matter involving state or local elections immediately raise legal issues as to whether the FEC has any jurisdiction, power and authority to regulate under the scope and standard established by the Act such state or local matters or to promulgate any regulation attempting to do so. In that connection, the following defenses are raised in response to the complaint.

1. The complaint fails to state a claim upon which any relief can be granted or any action can be taken.

2. The FEC lacks jurisdiction over the subject matter and over the person of our client. In that connection, this response should not be construed as an appearance by our client and is at the most, a special appearance by our client.

3. The regulation of matters involving state or local elections, including contributions to candidates for state or local office, is reserved to the respective states under the the 10th Amendment to the United States Constitution. Any preemptive provision of the Act is specifically limited to contributions to the campaigns of candidates for Federal office.

   In Hawaii, the contributions to the campaigns of candidates for state or local offices are governed by Chapter 11 Hawaii Revised Statutes and, in particular, Hawaii Revised Statutes Sections 11-191 et seq. pertaining to election campaign contributions and expenditures.

2404357113

4. The Act on its face and as evidenced by its legislative history and intent, is expressly limited to matters involving federal elections and does not apply to matters involving state or local elections. Under the 10th Amendment to the United States Consitution, the Act must necessarily be construed narrowly to apply only to federal elections.

   The FEC exceeded its rulemaking authority when it promulgated 11 CFR 110.4 which extends the coverage of Sec. 441e to state and local elections. The rule goes beyond the scope of the application intended by the Act and is invalid.

5. The Act, including the practice and procedures for applying the Act and the presumptions and burden of proof created thereunder, violates rights of speech and due process afforded under the 1st, 5th and 14th Amendments to the United States Constitution.

   Furthermore, the Act is vague and overly broad and is therefore unenforceable where it is being applied to regulate state and local elections.

6. Complainants have not exhausted their administrative and/or judicial remedies under state and local laws.

7. Where the complaint was filed against numerous other respondants who may be similarly situated, all other legal defenses raised by or on behalf of such respondents are incorporated by reference.

8. Where the contributions have been or will be returned, the complaint is moot.

The complaint is without merit and we ask that it be dismissed entirely or disposed of with the recommendation that no action is warranted on the complaint.

2 4 0 4 3 5 7 1 1 9

D. REQUEST FOR THE OPPORTUNITY TO BE HEARD

We are willing to meet with the FEC in Washington, D.C. to discuss this matter if the FEC believes that it would be constructive and would result in a settlement of this matter. However, if the FEC is inclined to render an adverse decision or to take any adverse action based solely on this response and without further dialogue with our client, we request that our client be afforded the further opportunity to be heard before such decision or action is rendered or taken.

Very truly yours,

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

By James T. Funaki
James T. Funaki
Dickson C.H. Lee

JTF:DCHL:en

cc: Marshall Ige

2043571720

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
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TELEPHONE (808) 543-9800
FACSIMILE (808) 599-1060

January 16, 1990

Federal Election Commission
General Counsel's Office
Washington, D.C. 20463

Attention: Mark Allen, Esq.

RE: MUR 3004

Client: Ezra Kanoho

Dear Mr. Allen:

This letter refers to the complaint filed in the above referenced matter and is made on behalf of the above named client and his campaign treasurer. The complaint alleges that the following contributions:

Contributor	Amount
Hasegawa Komuten (Hawaii), Inc.	$1,800
The Westin Kauai	$ 250

which were reported as having been made to the campaign of our client for state office, were improper under 2 U.S.C. Sec. 44le ("Sec. 44le") of the Federal Election Campaign Act, as amended ("Act"), because such contributions may have been made by a "foreign national".

It appears that the Federal Election Commission ("FEC") is asserting jurisdiction in this case pursuant to 11 CFR 110.4 which the FEC promulgated for the purpose of extending the coverage of Sec. 44le to state and local elections.

5382V/15

2 4 0 4 3 5 7 1 7 2 1

At the outset, we would like to inform the FEC that our client and his campaign staff were not aware of the Act, which appears to apply only to Federal elections. 1/ Nor were they aware that the FEC had by regulation extended the coverage of Sec. 441e to state and local elections.

Our client has always run a fair and honest campaign and if there were any violation of the Act, it was committed without any knowledge and was purely unintentional. It is our client's belief, however, that the foregoing contributions were made in good faith and are not in violation of the Act. For that reason, the FEC is respectfully requested to dismiss the complaint and to recommend that no further action be taken.

If the FEC nevertheless decides to proceed with taking any further action, the following answer is submitted in response to the complaint filed in the above captioned matter.

A. OUR CLIENT ACTED IN GOOD FAITH AND WITHOUT ANY KNOWLEDGE THAT THE ACT COVERED CONTRIBUTIONS TO CAMPAIGNS OF CANDIDATES FOR STATE OR LOCAL OFFICES

As stated above, our client and his campaign committee did not know that the Act covered contributions to campaigns of candidates for state or local offices.

1/ There is reason to believe that even the Chief Elections Officer of the State of Hawaii was not aware that any part of the Act applied to state and local elections.

2043571722

B. THE CONTRIBUTION WAS NOT MADE BY A "FOREIGN NATIONAL"

Sec. 441e prohibits contributions by a foreign national directly or through any other person. Under Sec. 441e, the term "foreign national" is defined as follows:

> "(b) As used in this section, the term 'foreign national' means-
>
> (1) a foreign principal, as such term is defined by section 611(b) of Title 22, except that the term 'foreign national' shall not include any individual who is a citizen of the United States; or
>
> (2) an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of Title 8."

Within the time constraints set forth in the FEC's notice to our client, as extended by your consent to January 16, 1990 and upon information and belief, each contributor, who is named in the complaint as having made a contribution to the campaign of our client, is a domestic corporation or a domestic business organization. According to FEC opinions A.O. 1989-29 and A.O. 1985-3, a domestic corporation by definition is not a foreign national even if it is a wholly-owned subsidiary of a foreign national or foreign principal. 22 U.S.C. Sec. 611(b)

The FEC also opined that under Sec. 441e, a domestic corporation, which is wholly owned or controlled by a foreign national, may make contributions to campaigns of candidates for political office under the following circumstances:

1. The contribution is made through revenues that are derived from the operations of the domestic corporation in the United States; and

2. The decision to make the contribution is made by a United States citizen and not by a foreign national.

2 4 0 4 3 5 7 1 1 2 3

C. THE ACT DOES NOT APPLY TO STATE OR LOCAL ELECTIONS

Neither the Act nor its legislative history contain any provision or reference that the Act applies or was intended by Congress to apply to state or local elections.

Instead, the provisions of Section 441e have been extended to apply to state and local elections through the FEC's promulgation of 11 CFR 114.2. We submit that the involvement of the FEC in any matter involving state or local elections immediately raise legal issues as to whether the FEC has any jurisdiction, power and authority to regulate under the scope and standard established by the Act such state or local matters or to promulgate any regulation attempting to do so. In that connection, the following defenses are raised in response to the complaint.

1. The complaint fails to state a claim upon which any relief can be granted or any action can be taken.

2. The FEC lacks jurisdiction over the subject matter and over the person of our client. In that connection, this response should not be construed as an appearance by our client and is at the most, a special appearance by our client.

3. The regulation of matters involving state or local elections, including contributions to candidates for state or local office, is reserved to the respective states under the the 10th Amendment to the United States Constitution. Any preemptive provision of the Act is specifically limited to contributions to the campaigns of candidates for Federal office.

   In Hawaii, the contributions to the campaigns of candidates for state or local offices are governed by Chapter 11 Hawaii Revised Statutes and, in particular, Hawaii Revised Statutes Sections 11-191 et seq. pertaining to election campaign contributions and expenditures.

2404357124

4. The Act on its face and as evidenced by its legislative history and intent, is expressly limited to matters involving federal elections and does not apply to matters involving state or local elections. Under the 10th Amendment to the United States Consitution, the Act must necessarily be construed narrowly to apply only to federal elections.

   The FEC exceeded its rulemaking authority when it promulgated 11 CFR 110.4 which extends the coverage of Sec. 441e to state and local elections. The rule goes beyond the scope of the application intended by the Act and is invalid.

5. The Act, including the practice and procedures for applying the Act and the presumptions and burden of proof created thereunder, violates rights of speech and due process afforded under the 1st, 5th and 14th Amendments to the United States Constitution.

   Furthermore, the Act is vague and overly broad and is therefore unenforceable where it is being applied to regulate state and local elections.

6. Complainants have not exhausted their administrative and/or judicial remedies under state and local laws.

7. Where the complaint was filed against numerous other respondants who may be similarly situated, all other legal defenses raised by or on behalf of such respondents are incorporated by reference.

8. Where the contributions have been or will be returned, the complaint is moot.

The complaint is without merit and we ask that it be dismissed entirely or disposed of with the recommendation that no action is warranted on the complaint.

2 4 0 4 3 5 7 1 7 2 3

D. REQUEST FOR THE OPPORTUNITY TO BE HEARD

We are willing to meet with the FEC in Washington, D.C. to discuss this matter if the FEC believes that it would be constructive and would result in a settlement of this matter. However, if the FEC is inclined to render an adverse decision or to take any adverse action based solely on this response and without further dialogue with our client, we request that our client be afforded the further opportunity to be heard before such decision or action is rendered or taken.

Very truly yours,

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

By James T. Funaki.
James T. Funaki
Dickson C.B. Lee

JTF:DCBL:en

cc: Ezra Kanoho

2404357117226

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ROBERT M. EHRHORN, JR.
DICKSON C.H. LEE

PETER T. STONE
JANICE N.H. YEE
AARON S.H. YOO

January 16, 1990

Federal Election Commission
General Counsel's Office
Washington, D.C. 20463

Attention: Mark Allen, Esq.

RE: MUR 3004

Client: Bertha Kawakami

Dear Mr. Allen:

This letter refers to the complaint filed in the above referenced matter and is made on behalf of the above named client and her campaign treasurer. The complaint alleges that the following contribution:

Contributor	Amount
Japan Travel Bureau International, Inc.	$ 250

which was reported as having been made to the campaign of our client for state office, was improper under 2 U.S.C. Sec. 441e ("Sec. 441e") of the Federal Election Campaign Act, as amended ("Act"), because that contribution may have been made by a "foreign national".

It appears that the Federal Election Commission ("FEC") is asserting jurisdiction in this case pursuant to 11 CFR 110.4 which the FEC promulgated for the purpose of extending the coverage of Sec. 441e to state and local elections.

5382V/7

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At the outset, we would like to inform the FEC that our client and her campaign staff were not aware of the Act, which appears to apply only to Federal elections. 1/ Nor were they aware that the FEC had by regulation extended the coverage of Sec. 441e to state and local elections.

Our client has always run a fair and honest campaign and if there were any violation of the Act, it was committed without any knowledge and was purely unintentional. As evidence of our client's good faith, our client's campaign treasurer has been instructed to return the contribution even though it may later be determined that such contribution was entirely permissible. On advice of legal counsel, however, such action will be taken without admission or prejudice. Based on such action and the bona fides of our client, the FEC is respectfully requested to dismiss the complaint and to recommend that no further action be taken.

If the FEC nevertheless decides to proceed with taking any further action, the following answer is submitted in response to the complaint filed in the above captioned matter.

A. OUR CLIENT ACTED IN GOOD FAITH AND WITHOUT ANY KNOWLEDGE THAT THE ACT COVERED CONTRIBUTIONS TO CAMPAIGNS OF CANDIDATES FOR STATE OR LOCAL OFFICES

As stated above, our client and her campaign committee did not know that the Act covered contributions to campaigns of candidates for state or local offices.

1/ There is reason to believe that even the Chief Elections Officer of the State of Hawaii was not aware that any part of the Act applied to state and local elections.

2043571723

B. THE CONTRIBUTION WAS NOT MADE BY A "FOREIGN NATIONAL"

Sec. 44le prohibits contributions by a foreign national directly or through any other person. Under Sec. 44le, the term "foreign national" is defined as follows:

"(b) As used in this section, the term 'foreign national' means-

(1) a foreign principal, as such term is defined by section 611(b) of Title 22, except that the term 'foreign national' shall not include any individual who is a citizen of the United States; or

(2) an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of Title 8."

Within the time constraints set forth in the FEC's notice to our client, as extended by your consent to January 16, 1990 and upon information and belief, each contributor, who is named in the complaint as having made a contribution to the campaign of our client, is a domestic corporation or a domestic business organization. According to FEC opinions A.O. 1989-29 and A.O. 1985-3, a domestic corporation by definition is not a foreign national even if it is a wholly-owned subsidiary of a foreign national or foreign principal. 22 U.S.C. Sec. 611(b)

The FEC also opined that under Sec. 44le, a domestic corporation, which is wholly owned or controlled by a foreign national, may make contributions to campaigns of candidates for political office under the following circumstances:

1. The contribution is made through revenues that are derived from the operations of the domestic corporation in the United States; and

2. The decision to make the contribution is made by a United States citizen and not by a foreign national.

2043571/29

C. THE ACT DOES NOT APPLY TO STATE OR LOCAL ELECTIONS

Neither the Act nor its legislative history contain any provision or reference that the Act applies or was intended by Congress to apply to state or local elections.

Instead, the provisions of Section 441e have been extended to apply to state and local elections through the FEC's promulgation of 11 CFR 114.2. We submit that the involvement of the FEC in any matter involving state or local elections immediately raise legal issues as to whether the FEC has any jurisdiction, power and authority to regulate under the scope and standard established by the Act such state or local matters or to promulgate any regulation attempting to do so. In that connection, the following defenses are raised in response to the complaint.

1. The complaint fails to state a claim upon which any relief can be granted or any action can be taken.

2. The FEC lacks jurisdiction over the subject matter and over the person of our client. In that connection, this response should not be construed as an appearance by our client and is at the most, a special appearance by our client.

3. The regulation of matters involving state or local elections, including contributions to candidates for state or local office, is reserved to the respective states under the the 10th Amendment to the United States Constitution. Any preemptive provision of the Act is specifically limited to contributions to the campaigns of candidates for Federal office.

   In Hawaii, the contributions to the campaigns of candidates for state or local offices are governed by Chapter 11 Hawaii Revised Statutes and, in particular, Hawaii Revised Statutes Sections 11-191 et seq. pertaining to election campaign contributions and expenditures.

2043571750

4. The Act on its face and as evidenced by its legislative history and intent, is expressly limited to matters involving federal elections and does not apply to matters involving state or local elections. Under the 10th Amendment to the United States Consitution, the Act must necessarily be construed narrowly to apply only to federal elections.

   The FEC exceeded its rulemaking authority when it promulgated 11 CFR 110.4 which extends the coverage of Sec. 44le to state and local elections. The rule goes beyond the scope of the application intended by the Act and is invalid.

5. The Act, including the practice and procedures for applying the Act and the presumptions and burden of proof created thereunder, violates rights of speech and due process afforded under the 1st, 5th and 14th Amendments to the United States Constitution.

   Furthermore, the Act is vague and overly broad and is therefore unenforceable where it is being applied to regulate state and local elections.

6. Complainants have not exhausted their administrative and/or judicial remedies under state and local laws.

7. Where the complaint was filed against numerous other respondants who may be similarly situated, all other legal defenses raised by or on behalf of such respondents are incorporated by reference.

8. Where the contributions have been or will be returned, the complaint is moot.

The complaint is without merit and we ask that it be dismissed entirely or disposed of with the recommendation that no action is warranted on the complaint.

2404357131

D. REQUEST FOR THE OPPORTUNITY TO BE HEARD

We are willing to meet with the FEC in Washington, D.C. to discuss this matter if the FEC believes that it would be constructive and would result in a settlement of this matter. However, if the FEC is inclined to render an adverse decision or to take any adverse action based solely on this response and without further dialogue with our client, we request that our client be afforded the further opportunity to be heard before such decision or action is rendered or taken.

Very truly yours,

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

By James T. Funaki
James T. Funaki
Dickson C.H. Lee

JTF:DCHL:en

cc: Bertha Kawakami

24043571732

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
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SUYEKI OKUMURA
ROY E. TAKUSHI
JAMES T. FUNAKI
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FACSIMILE (808) 599-1960

January 16, 1990

Federal Election Commission
General Counsel's Office
Washington, D.C. 20463

Attention: Mark Allen, Esq.

RE: MUR 3004

Client: Daniel Kihano

Dear Mr. Allen:

This letter refers to the complaint filed in the above referenced matter and is made on behalf of the above named client and his campaign treasurer. The complaint alleges that the following contributions:

Contributor	Amount
Pacific Resources, Inc.	$ 250
West Beach Estates	$ 650
GEM PAC	$1,000

which were reported as having been made to the campaign of our client for state office, were improper under 2 U.S.C. Sec. 441e ("Sec. 441e") of the Federal Election Campaign Act, as amended ("Act"), because such contributions may have been made by a "foreign national".

It appears that the Federal Election Commission ("FEC") is asserting jurisdiction in this case pursuant to 11 CFR 110.4 which the FEC promulgated for the purpose of extending the coverage of Sec. 441e to state and local elections.

5382V/17

2043571733

At the outset, we would like to inform the FEC that our client and his campaign staff were not aware of the Act, which appears to apply only to Federal elections. 1/ Nor were they aware that the FEC had by regulation extended the coverage of Sec. 441e to state and local elections.

Our client has always run a fair and honest campaign and if there were any violation of the Act, it was committed without any knowledge and was purely unintentional. There was no violation of the Act with respect to the contributions made by GEM PAC or Pacific Resources, Inc., respectively. In A.O. 1989-29, the FEC had determined that contributions made by GEM PAC to the campaigns of candidates for state and local offices were permissible. According to records maintained at the Department of Commerce and Consumer Affairs, Pacific Resources, Inc. was a publicly held domestic corporation at the time the contribution was made. Accordingly, the contributions made by those corporations were entirely permissible.

As evidence of our client's good faith, our client's campaign treasurer has been instructed to return the remaining contributions. On advice of legal counsel, however, such action will be taken without admission or prejudice. Based on such action and the bona fides of our client, the FEC is respectfully requested to dismiss the complaint and to recommend that no further action be taken.

If the FEC nevertheless decides to proceed with taking any further action, the following answer is submitted in response to the complaint filed in the above captioned matter.

A. OUR CLIENT ACTED IN GOOD FAITH AND WITHOUT ANY KNOWLEDGE THAT THE ACT COVERED CONTRIBUTIONS TO CAMPAIGNS OF CANDIDATES FOR STATE OR LOCAL OFFICES

As stated above, our client and his campaign committee did not know that the Act covered contributions to campaigns of candidates for state or local offices.

1/ There is reason to believe that even the Chief Elections Officer of the State of Hawaii was not aware that any part of the Act applied to state and local elections.

2043571734

B. THE CONTRIBUTION WAS NOT MADE BY A "FOREIGN NATIONAL"

Sec. 441e prohibits contributions by a foreign national directly or through any other person. Under Sec. 441e, the term "foreign national" is defined as follows:

> "(b) As used in this section, the term 'foreign national' means-
>
> (1) a foreign principal, as such term is defined by section 611(b) of Title 22, except that the term 'foreign national' shall not include any individual who is a citizen of the United States; or
>
> (2) an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of Title 8."

Within the time constraints set forth in the FEC's notice to our client, as extended by your consent to January 16, 1990 and upon information and belief, each contributor, who is named in the complaint as having made a contribution to the campaign of our client, is a domestic corporation or a domestic business organization. According to FEC opinions A.O. 1989-29 and A.O. 1985-3, a domestic corporation by definition is not a foreign national even if it is a wholly-owned subsidiary of a foreign national or foreign principal. 22 U.S.C. Sec. 611(b)

The FEC also opined that under Sec. 441e, a domestic corporation, which is wholly owned or controlled by a foreign national, may make contributions to campaigns of candidates for political office under the following circumstances:

1. The contribution is made through revenues that are derived from the operations of the domestic corporation in the United States; and

2. The decision to make the contribution is made by a United States citizen and not by a foreign national.

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C. THE ACT DOES NOT APPLY TO STATE OR LOCAL ELECTIONS

Neither the Act nor its legislative history contain any provision or reference that the Act applies or was intended by Congress to apply to state or local elections.

Instead, the provisions of Section 441e have been extended to apply to state and local elections through the FEC's promulgation of 11 CFR 114.2. We submit that the involvement of the FEC in any matter involving state or local elections immediately raise legal issues as to whether the FEC has any jurisdiction, power and authority to regulate under the scope and standard established by the Act such state or local matters or to promulgate any regulation attempting to do so. In that connection, the following defenses are raised in response to the complaint.

1. The complaint fails to state a claim upon which any relief can be granted or any action can be taken.

2. The FEC lacks jurisdiction over the subject matter and over the person of our client. In that connection, this response should not be construed as an appearance by our client and is at the most, a special appearance by our client.

3. The regulation of matters involving state or local elections, including contributions to candidates for state or local office, is reserved to the respective states under the the 10th Amendment to the United States Constitution. Any preemptive provision of the Act is specifically limited to contributions to the campaigns of candidates for Federal office.

   In Hawaii, the contributions to the campaigns of candidates for state or local offices are governed by Chapter 11 Hawaii Revised Statutes and, in particular, Hawaii Revised Statutes Sections 11-191 et seq. pertaining to election campaign contributions and expenditures.

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4. The Act on its face and as evidenced by its legislative history and intent, is expressly limited to matters involving federal elections and does not apply to matters involving state or local elections. Under the 10th Amendment to the United States Consitution, the Act must necessarily be construed narrowly to apply only to federal elections.

   The FEC exceeded its rulemaking authority when it promulgated 11 CFR 110.4 which extends the coverage of Sec. 44le to state and local elections. The rule goes beyond the scope of the application intended by the Act and is invalid.

5. The Act, including the practice and procedures for applying the Act and the presumptions and burden of proof created thereunder, violates rights of speech and due process afforded under the 1st, 5th and 14th Amendments to the United States Constitution.

   Furthermore, the Act is vague and overly broad and is therefore unenforceable where it is being applied to regulate state and local elections.

6. Complainants have not exhausted their administrative and/or judicial remedies under state and local laws.

7. Where the complaint was filed against numerous other respondants who may be similarly situated, all other legal defenses raised by or on behalf of such respondents are incorporated by reference.

8. Where the contributions have been or will be returned, the complaint is moot.

The complaint is without merit and we ask that it be dismissed entirely or disposed of with the recommendation that no action is warranted on the complaint.

2404357117

D. REQUEST FOR THE OPPORTUNITY TO BE HEARD

We are willing to meet with the FEC in Washington, D.C. to discuss this matter if the FEC believes that it would be constructive and would result in a settlement of this matter. However, if the FEC is inclined to render an adverse decision or to take any adverse action based solely on this response and without further dialogue with our client, we request that our client be afforded the further opportunity to be heard before such decision or action is rendered or taken.

Very truly yours,

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

By James T. Funaki.
James T. Funaki
Dickson C.H. Lee

JTF:DCHL:en

cc: Daniel Kihano

2043571738

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

SUYEKI OKUMURA
ROY E. TAKUSHI
JAMES T. FUNAKI
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January 16, 1990

Federal Election Commission
General Counsel's Office
Washington, D.C. 20463

Attention: Mark Allen, Esq.

RE: MUR 3004

Client: Joseph Leong

Dear Mr. Allen:

This letter refers to the complaint filed in the above referenced matter and is made on behalf of the above named client and his campaign treasurer. The complaint alleges that the following contributions:

Contributor	Amount
Mokuleia Land Company (May 3, 1989)	$ 250
Mokuleia Land Company (May 11, 1988)	$2,000
Ohbayashi Hawaii Corp. (June 7, 1988)	$ 250

which were reported as having been made to the campaign of our client for state office, were improper under 2 U.S.C. Sec. 441e ("Sec. 441e") of the Federal Election Campaign Act, as amended ("Act"), because such contributions may have been made by a "foreign national".

It appears that the Federal Election Commission ("FEC") is asserting jurisdiction in this case pursuant to 11 CFR 110.4 which the FEC promulgated for the purpose of extending the coverage of Sec. 441e to state and local elections.

5382V/19

2043571739

At the outset, we would like to inform the FEC that our client and his campaign staff were not aware of the Act, which appears to apply only to Federal elections. 1/ Nor were they aware that the FEC had by regulation extended the coverage of Sec. 441c to state and local elections.

Our client has always run a fair and honest campaign and if there were any violation of the Act, it was committed without any knowledge and was purely unintentional. The complaint is moot with respect to the May 12, 1988 contribution from Mokuleia Land Company and the June 7, 1988 contribution from Ohbayashi Hawaii Corporation for the reason that our client's campaign treasurer had voluntarily returned those contributions by checks dated February 2 and 3, 1989, respectively. Furthermore, our client was not aware that Mokuleia Land Company had subsequently made a $250 contribution on May 3, 1989. As further evidence of our our client's good faith, our client's campaign treasurer has been instructed to return that contribution. Such action was voluntarily taken even though it may later be determined that some or all of such contributions were entirely permissible. On advice of legal counsel, however, such action was taken without admission or prejudice. Based on such action and the bona fides of our client, the FEC is respectfully requested to dismiss the complaint and to recommend that no further action be taken.

If the FEC nevertheless decides to proceed with taking any further action, the following answer is submitted in response to the complaint filed in the above captioned matter.

A. OUR CLIENT ACTED IN GOOD FAITH AND WITHOUT ANY KNOWLEDGE THAT THE ACT COVERED CONTRIBUTIONS TO CAMPAIGNS OF CANDIDATES FOR STATE OR LOCAL OFFICES

As stated above, our client and his campaign committee did not know that the Act covered contributions to campaigns of candidates for state or local offices.

1/ There is reason to believe that even the Chief Elections Officer of the State of Hawaii was not aware that any part of the Act applied to state and local elections.

2043571740

B. THE CONTRIBUTION WAS NOT MADE BY A "FOREIGN NATIONAL"

Sec. 44le prohibits contributions by a foreign national directly or through any other person. Under Sec. 44le, the term "foreign national" is defined as follows:

> "(b) As used in this section, the term 'foreign national' means-
>
> (1) a foreign principal, as such term is defined by section 611(b) of Title 22, except that the term 'foreign national' shall not include any individual who is a citizen of the United States; or
>
> (2) an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of Title 8."

Within the time constraints set forth in the FEC's notice to our client, as extended by your consent to January 16, 1990 and upon information and belief, each contributor, who is named in the complaint as having made a contribution to the campaign of our client, is a domestic corporation or a domestic business organization. According to FEC opinions A.O. 1989-29 and A.O. 1985-3, a domestic corporation by definition is not a foreign national even if it is a wholly-owned subsidiary of a foreign national or foreign principal. 22 U.S.C. Sec. 611(b)

The FEC also opined that under Sec. 44le, a domestic corporation, which is wholly owned or controlled by a foreign national, may make contributions to campaigns of candidates for political office under the following circumstances:

1. The contribution is made through revenues that are derived from the operations of the domestic corporation in the United States; and

2. The decision to make the contribution is made by a United States citizen and not by a foreign national.

2043571761

C. THE ACT DOES NOT APPLY TO STATE OR LOCAL ELECTIONS

Neither the Act nor its legislative history contain any provision or reference that the Act applies or was intended by Congress to apply to state or local elections.

Instead, the provisions of Section 441e have been extended to apply to state and local elections through the FEC's promulgation of 11 CFR 114.2. We submit that the involvement of the FEC in any matter involving state or local elections immediately raise legal issues as to whether the FEC has any jurisdiction, power and authority to regulate under the scope and standard established by the Act such state or local matters or to promulgate any regulation attempting to do so. In that connection, the following defenses are raised in response to the complaint.

1. The complaint fails to state a claim upon which any relief can be granted or any action can be taken.

2. The FEC lacks jurisdiction over the subject matter and over the person of our client. In that connection, this response should not be construed as an appearance by our client and is at the most, a special appearance by our client.

3. The regulation of matters involving state or local elections, including contributions to candidates for state or local office, is reserved to the respective states under the the 10th Amendment to the United States Constitution. Any preemptive provision of the Act is specifically limited to contributions to the campaigns of candidates for Federal office.

   In Hawaii, the contributions to the campaigns of candidates for state or local offices are governed by Chapter 11 Hawaii Revised Statutes and, in particular, Hawaii Revised Statutes Sections 11-191 et seq. pertaining to election campaign contributions and expenditures.

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4. The Act on its face and as evidenced by its legislative history and intent, is expressly limited to matters involving federal elections and does not apply to matters involving state or local elections. Under the 10th Amendment to the United States Consitution, the Act must necessarily be construed narrowly to apply only to federal elections.

   The FEC exceeded its rulemaking authority when it promulgated 11 CFR 110.4 which extends the coverage of Sec. 441e to state and local elections. The rule goes beyond the scope of the application intended by the Act and is invalid.

5. The Act, including the practice and procedures for applying the Act and the presumptions and burden of proof created thereunder, violates rights of speech and due process afforded under the 1st, 5th and 14th Amendments to the United States Constitution.

   Furthermore, the Act is vague and overly broad and is therefore unenforceable where it is being applied to regulate state and local elections.

6. Complainants have not exhausted their administrative and/or judicial remedies under state and local laws.

7. Where the complaint was filed against numerous other respondants who may be similarly situated, all other legal defenses raised by or on behalf of such respondents are incorporated by reference.

8. Where the contributions have been or will be returned, the complaint is moot.

The complaint is without merit and we ask that it be dismissed entirely or disposed of with the recommendation that no action is warranted on the complaint.

9 4 0 4 3 5 7 1 7 4 3

D. REQUEST FOR THE OPPORTUNITY TO BE HEARD

We are willing to meet with the FEC in Washington, D.C. to discuss this matter if the FEC believes that it would be constructive and would result in a settlement of this matter. However, if the FEC is inclined to render an adverse decision or to take any adverse action based solely on this response and without further dialogue with our client, we request that our client be afforded the further opportunity to be heard before such decision or action is rendered or taken.

Very truly yours,

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

By James T. Funaki
James T. Funaki
Dickson C.H. Lee

JTF:DCHL:en

cc: Joseph Leong

24043571744

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

SUYEKI OKUMURA
ROY E. TAKUSHI
JAMES T. FUNAKI
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TELEPHONE (808) 543-9800
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January 16, 1990

Federal Election Commission
General Counsel's Office
Washington, D.C. 20463

Attention: Mark Allen, Esq.

RE: MUR 3004

Client: Tom Okamura

Dear Mr. Allen:

This letter refers to the complaint filed in the above referenced matter and is made on behalf of the above named client and his campaign treasurer. The complaint alleges that the following contributions:

Contributor	Amount
Foremost Dairies-Hawaii	$ 200
Obun Hawaii, Inc.	$ 300
Pacific Resources PAC	$ 500
West Beach Estates	$ 500

which were reported as having been made to the campaign of our client for state office, were improper under 2 U.S.C. Sec. 44le ("Sec. 44le") of the Federal Election Campaign Act, as amended ("Act"), because such contributions may have been made by a "foreign national".

It appears that the Federal Election Commission ("FEC") is asserting jurisdiction in this case pursuant to 11 CFR 110.4 which the FEC promulgated for the purpose of extending the coverage of Sec. 44le to state and local elections.

5382V/21

2404357145

At the outset, we would like to inform the FEC that our client and his campaign staff were not aware of the Act, which appears to apply only to Federal elections. 1/ Nor were they aware that the FEC had by regulation extended the coverage of Sec. 441e to state and local elections.

Our client has always run a fair and honest campaign and if there were any violation of the Act, it was committed without any knowledge and was purely unintentional. As evidence of our client's good faith, our client's campaign treasurer has been instructed to return all of the foregoing contributions even though it may later be determined that some or all of such contributions were entirely permissible. 2/ On advice of legal counsel, however, such action will be taken without admission or prejudice. Based on such action and the bona fides of our client, the FEC is respectfully requested to dismiss the complaint and to recommend that no further action be taken.

If the FEC nevertheless decides to proceed with taking any further action, the following answer is submitted in response to the complaint filed in the above captioned matter.

A. OUR CLIENT ACTED IN GOOD FAITH AND WITHOUT ANY KNOWLEDGE THAT THE ACT COVERED CONTRIBUTIONS TO CAMPAIGNS OF CANDIDATES FOR STATE OR LOCAL OFFICES

As stated above, our client and his campaign committee did not know that the Act covered contributions to campaigns of candidates for state or local offices.

1/ There is reason to believe that even the Chief Elections Officer, who is in charge of all elections in the State of Hawaii, was not aware that any part of the Act applied to state and local elections.

2/ According to records maintained at the Department of Commerce and Consumer Affairs, Pacific Resources, Inc. was a publicly held domestic corporation at the time the contribution was made. We were not able to determine the status of Pacific Resources PAC and whether contributions from it were covered by the FEC's opinion in A.O. 1929-29 pertaining to the GEM PAC.

2435716

B. THE CONTRIBUTION WAS NOT MADE BY A "FOREIGN NATIONAL"

Sec. 441e prohibits contributions by a foreign national directly or through any other person. Under Sec. 441e, the term "foreign national" is defined as follows:

> "(b) As used in this section, the term 'foreign national' means-
>
> (1) a foreign principal, as such term is defined by section 611(b) of Title 22, except that the term 'foreign national' shall not include any individual who is a citizen of the United States; or
>
> (2) an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of Title 8."

Within the time constraints set forth in the FEC's notice to our client, as extended by your consent to January 16, 1990 and upon information and belief, each contributor, who is named in the complaint as having made a contribution to the campaign of our client, is a domestic corporation or a domestic business organization. According to FEC opinions A.O. 1989-29 and A.O. 1985-3, a domestic corporation by definition is not a foreign national even if it is a wholly-owned subsidiary of a foreign national or foreign principal. 22 U.S.C. Sec. 611(b)

The FEC also opined that under Sec. 441e, a domestic corporation, which is wholly owned or controlled by a foreign national, may make contributions to campaigns of candidates for political office under the following circumstances:

1. The contribution is made through revenues that are derived from the operations of the domestic corporation in the United States; and

2. The decision to make the contribution is made by a United States citizen and not by a foreign national.

2043571747

C. THE ACT DOES NOT APPLY TO STATE OR LOCAL ELECTIONS

Neither the Act nor its legislative history contain any provision or reference that the Act applies or was intended by Congress to apply to state or local elections.

Instead, the provisions of Section 44le have been extended to apply to state and local elections through the FEC's promulgation of 11 CFR 114.2. We submit that the involvement of the FEC in any matter involving state or local elections immediately raise legal issues as to whether the FEC has any jurisdiction, power and authority to regulate under the scope and standard established by the Act such state or local matters or to promulgate any regulation attempting to do so. In that connection, the following defenses are raised in response to the complaint.

1. The complaint fails to state a claim upon which any relief can be granted or any action can be taken.

2. The FEC lacks jurisdiction over the subject matter and over the person of our client. In that connection, this response should not be construed as an appearance by our client and is at the most, a special appearance by our client.

3. The regulation of matters involving state or local elections, including contributions to candidates for state or local office, is reserved to the respective states under the the 10th Amendment to the United States Constitution. Any preemptive provision of the Act is specifically limited to contributions to the campaigns of candidates for Federal office.

   In Hawaii, the contributions to the campaigns of candidates for state or local offices are governed by Chapter 11 Hawaii Revised Statutes and, in particular, Hawaii Revised Statutes Sections 11-191 et seq. pertaining to election campaign contributions and expenditures.

2 4 0 4 3 5 7 1 7 4 3

4. The Act on its face and as evidenced by its legislative history and intent, is expressly limited to matters involving federal elections and does not apply to matters involving state or local elections. Under the 10th Amendment to the United States Consitution, the Act must necessarily be construed narrowly to apply only to federal elections.

   The FEC exceeded its rulemaking authority when it promulgated 11 CFR 110.4 which extends the coverage of Sec. 441e to state and local elections. The rule goes beyond the scope of the application intended by the Act and is invalid.

5. The Act, including the practice and procedures for applying the Act and the presumptions and burden of proof created thereunder, violates rights of speech and due process afforded under the 1st, 5th and 14th Amendments to the United States Constitution.

   Furthermore, the Act is vague and overly broad and is therefore unenforceable where it is being applied to regulate state and local elections.

6. Complainants have not exhausted their administrative and/or judicial remedies under state and local laws.

7. Where the complaint was filed against numerous other respondants who may be similarly situated, all other legal defenses raised by or on behalf of such respondents are incorporated by reference.

8. Where the contributions have been or will be returned, the complaint is moot.

The complaint is without merit and we ask that it be dismissed entirely or disposed of with the recommendation that no action is warranted on the complaint.

2404357177

D. REQUEST FOR THE OPPORTUNITY TO BE HEARD

We are willing to meet with the FEC in Washington, D.C. to discuss this matter if the FEC believes that it would be constructive and would result in a settlement of this matter. However, if the FEC is inclined to render an adverse decision or to take any adverse action based solely on this response and without further dialogue with our client, we request that our client be afforded the further opportunity to be heard before such decision or action is rendered or taken.

Very truly yours,

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

By James T. Funaki
James T. Funaki
Dickson C.H. Lee

JTF:DCHL:en

cc: Tom Okamura

2043371750

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

MYERS OKUMURA
ROY E. TAKUSHI
JAMES T. FUNAKI
JOSEPH K. WEE

SHUICHI MIYASAKI
ALFRED M. K. WONG
ROBERT M. EHRHORN, JR.
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SUITE 1400
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HONOLULU, HAWAII 96813

TELEPHONE (808) 543-9800
FACSIMILE (808) 599-1060

January 16, 1990

Federal Election Commission
General Counsel's Office
Washington, D.C. 20463

Attention: Mark Allen, Esq.

RE: MUR 3004

Client: Paul Oshiro

2043571751

Dear Mr. Allen:

This letter refers to the complaint filed in the above referenced matter and is made on behalf of the above named client and his campaign treasurer. The complaint alleges that the following contribution:

Contributor	Amount
West Beach Estates	$750

which was reported as having been made to the campaign of our client for state office, was improper under 2 U.S.C. Sec. 44le ("Sec. 44le") of the Federal Election Campaign Act, as amended ("Act"), because that contribution may have been made by a "foreign national".

It appears that the Federal Election Commission ("FEC") is asserting jurisdiction in this case pursuant to 11 CFR 110.4 which the FEC promulgated for the purpose of extending the coverage of Sec. 44le to state and local elections.

5382V/9

At the outset, we would like to inform the FEC that our client and his campaign staff were not aware of the Act, which appears to apply only to Federal elections. 1/ Nor were they aware that the FEC had by regulation extended the coverage of Sec. 441e to state and local elections.

Our client has always run a fair and honest campaign and if there were any violation of the Act, it was committed without any knowledge and was purely unintentional. As evidence of our client's good faith, our client's campaign treasurer has been instructed to return the contribution even though it may later be determined that such contribution was entirely permissible. On advice of legal counsel, however, such action will be taken without admission or prejudice. Based on such action and the bona fides of our client, the FEC is respectfully requested to dismiss the complaint and to recommend that no further action be taken.

If the FEC nevertheless decides to proceed with taking any further action, the following answer is submitted in response to the complaint filed in the above captioned matter.

A. OUR CLIENT ACTED IN GOOD FAITH AND WITHOUT ANY KNOWLEDGE THAT THE ACT COVERED CONTRIBUTIONS TO CAMPAIGNS OF CANDIDATES FOR STATE OR LOCAL OFFICES

As stated above, our client and his campaign committee did not know that the Act covered contributions to campaigns of candidates for state or local offices.

1/ There is reason to believe that even the Chief Elections Officer of the State of Hawaii was not aware that any part of the Act applied to state and local elections.

2 4 0 4 3 5 7 1 1 2

B. THE CONTRIBUTION WAS NOT MADE BY A "FOREIGN NATIONAL"

Sec. 441e prohibits contributions by a foreign national directly or through any other person. Under Sec. 441e, the term "foreign national" is defined as follows:

> "(b) As used in this section, the term 'foreign national' means-
>
> (1) a foreign principal, as such term is defined by section 611(b) of Title 22, except that the term 'foreign national' shall not include any individual who is a citizen of the United States; or
>
> (2) an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of Title 8."

Within the time constraints set forth in the FEC's notice to our client, as extended by your consent to January 16, 1990 and upon information and belief, each contributor, who is named in the complaint as having made a contribution to the campaign of our client, is a domestic corporation or a domestic business organization. According to FEC opinions A.O. 1989-29 and A.O. 1985-3, a domestic corporation by definition is not a foreign national even if it is a wholly-owned subsidiary of a foreign national or foreign principal. 22 U.S.C. Sec. 611(b)

The FEC also opined that under Sec. 441e, a domestic corporation, which is wholly owned or controlled by a foreign national, may make contributions to campaigns of candidates for political office under the following circumstances:

1. The contribution is made through revenues that are derived from the operations of the domestic corporation in the United States; and

2. The decision to make the contribution is made by a United States citizen and not by a foreign national.

2043571753

C. THE ACT DOES NOT APPLY TO STATE OR LOCAL ELECTIONS

Neither the Act nor its legislative history contain any provision or reference that the Act applies or was intended by Congress to apply to state or local elections.

Instead, the provisions of Section 441e have been extended to apply to state and local elections through the FEC's promulgation of 11 CFR 114.2. We submit that the involvement of the FEC in any matter involving state or local elections immediately raise legal issues as to whether the FEC has any jurisdiction, power and authority to regulate under the scope and standard established by the Act such state or local matters or to promulgate any regulation attempting to do so. In that connection, the following defenses are raised in response to the complaint.

1. The complaint fails to state a claim upon which any relief can be granted or any action can be taken.

2. The FEC lacks jurisdiction over the subject matter and over the person of our client. In that connection, this response should not be construed as an appearance by our client and is at the most, a special appearance by our client.

3. The regulation of matters involving state or local elections, including contributions to candidates for state or local office, is reserved to the respective states under the the 10th Amendment to the United States Constitution. Any preemptive provision of the Act is specifically limited to contributions to the campaigns of candidates for Federal office.

   In Hawaii, the contributions to the campaigns of candidates for state or local offices are governed by Chapter 11 Hawaii Revised Statutes and, in particular, Hawaii Revised Statutes Sections 11-191 et seq. pertaining to election campaign contributions and expenditures.

2 4 0 4 3 5 7 1 7 3 4

4. The Act on its face and as evidenced by its legislative history and intent, is expressly limited to matters involving federal elections and does not apply to matters involving state or local elections. Under the 10th Amendment to the United States Consitution, the Act must necessarily be construed narrowly to apply only to federal elections.

   The FEC exceeded its rulemaking authority when it promulgated 11 CFR 110.4 which extends the coverage of Sec. 441e to state and local elections. The rule goes beyond the scope of the application intended by the Act and is invalid.

5. The Act, including the practice and procedures for applying the Act and the presumptions and burden of proof created thereunder, violates rights of speech and due process afforded under the 1st, 5th and 14th Amendments to the United States Constitution.

   Furthermore, the Act is vague and overly broad and is therefore unenforceable where it is being applied to regulate state and local elections.

6. Complainants have not exhausted their administrative and/or judicial remedies under state and local laws.

7. Where the complaint was filed against numerous other respondants who may be similarly situated, all other legal defenses raised by or on behalf of such respondents are incorporated by reference.

8. Where the contributions have been or will be returned, the complaint is moot.

The complaint is without merit and we ask that it be dismissed entirely or disposed of with the recommendation that no action is warranted on the complaint.

2 4 0 4 3 5 7 1 0 5

D. REQUEST FOR THE OPPORTUNITY TO BE HEARD

We are willing to meet with the FEC in Washington, D.C. to discuss this matter if the FEC believes that it would be constructive and would result in a settlement of this matter. However, if the FEC is inclined to render an adverse decision or to take any adverse action based solely on this response and without further dialogue with our client, we request that our client be afforded the further opportunity to be heard before such decision or action is rendered or taken.

Very truly yours,

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

By James T. Funaki
James T. Funaki
Dickson C.H. Lee

JTF:DCHL:en

cc: Paul Oshiro

2043717.6

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

SUYEKI OKUMURA
ROY E. TAKUSHI
JAMES T. FUNAKI
JOSEPH K. WEE
SHERI III MIYASAKI
ALFRED M. K. WONG
ROBERT M. EHRHORN, JR.
DICKSON C. H. LEE
PETER T. STONE
JAMES N. H. YEE
AARON S. H. YOO

SUITE 1400
GROSVENOR CENTER
733 BISHOP STREET
HONOLULU, HAWAII 96813
TELEPHONE (808) 543-9800
FACSIMILE (808) 599-1960

January 16, 1990

Federal Election Commission
General Counsel's Office
Washington, D.C. 20463

Attention: Mark Allen, Esq.

RE: MUR 3004

Client: Henry Peters

Dear Mr. Allen:

This letter refers to the complaint filed in the above referenced matter and is made on behalf of the above named client and his campaign treasurer. The complaint alleges that the following contributions:

Contributor	Amount
GEM PAC	$ 250
Horita Corp.	$ 250
KG (Hawaii) Corp.	$ 500
TSK International, Ltd.	$ 500
Daiei USA, Inc.	$ 250
Kazuo Totoki, Ltd	$ 250
West Beach Estates	$1,500

which were reported as having been made to the campaign of our client for state office, were improper under 2 U.S.C. Sec. 441e ("Sec. 441e") of the Federal Election Campaign Act, as amended ("Act"), because such contributions may have been made by a "foreign national".

It appears that the Federal Election Commission ("FEC") is asserting jurisdiction in this case pursuant to 11 CFR 110.4 which the FEC promulgated for the purpose of extending the coverage of Sec. 441e to state and local elections.

5382V/23

2043571737

At the outset, we would like to inform the FEC that our client and his campaign staff were not aware of the Act, which appears to apply only to Federal elections. 1/ Nor were they aware that the FEC had by regulation extended the coverage of Sec. 441e to state and local elections.

Our client has always run a fair and honest campaign and if there were any violation of the Act, it was committed without any knowledge and was purely unintentional. There was no violation of the Act with respect to the contribution made by GEM PAC. In A.O. 1989-29, the FEC had determined that contributions made by GEM PAC to the campaigns of candidates for state and local offices are permissible.

Moreover, according to the records maintained at the Department of Commerce and Consumer Affairs, Horita Corp. and Kazuo Totoki, Ltd. are Hawaii corporations whose outstanding stock are wholly owned by United States citizens of Japanese ancestry. The contributions made by those corporations were entirely permissible.

As evidence of our client's good faith, our client's campaign treasurer has been instructed to return the remaining contributions even though it may later be determined that some or all of such contributions were entirely permissible. On advice of legal counsel, however, such action will be taken without admission or prejudice. Based on such action and the bona fides of our client, the FEC is respectfully requested to dismiss the complaint and to recommend that no further action be taken.

If the FEC nevertheless decides to proceed with taking any further action, the following answer is submitted in response to the complaint filed in the above captioned matter.

A. OUR CLIENT ACTED IN GOOD FAITH AND WITHOUT ANY KNOWLEDGE THAT THE ACT COVERED CONTRIBUTIONS TO CAMPAIGNS OF CANDIDATES FOR STATE OR LOCAL OFFICES

As stated above, our client and his campaign committee did not know that the Act covered contributions to campaigns of candidates for state or local offices.

1/ There is reason to believe that even the Chief Elections Officer of State of Hawaii was not aware that any part of the Act applied to state and local elections.

2043571758

B. THE CONTRIBUTION WAS NOT MADE BY A "FOREIGN NATIONAL"

Sec. 441e prohibits contributions by a foreign national directly or through any other person. Under Sec. 441e, the term "foreign national" is defined as follows:

> "(b) As used in this section, the term 'foreign national' means-
>
> (1) a foreign principal, as such term is defined by section 611(b) of Title 22, except that the term 'foreign national' shall not include any individual who is a citizen of the United States; or
>
> (2) an individual who is not a citizen of the United States and who is not lawfully admitted for permanent residence, as defined by section 1101(a)(20) of Title 8."

Within the time constraints set forth in the FEC's notice to our client, as extended by your consent to January 16, 1990 and upon information and belief, each contributor, who is named in the complaint as having made a contribution to the campaign of our client, is a domestic corporation or a domestic business organization. According to FEC opinions A.O. 1989-29 and A.O. 1985-3, a domestic corporation by definition is not a foreign national even if it is a wholly-owned subsidiary of a foreign national or foreign principal. 22 U.S.C. Sec. 611(b)

The FEC also opined that under Sec. 441e, a domestic corporation, which is wholly owned or controlled by a foreign national, may make contributions to campaigns of candidates for political office under the following circumstances:

1. The contribution is made through revenues that are derived from the operations of the domestic corporation in the United States; and

2. The decision to make the contribution is made by a United States citizen and not by a foreign national.

2043571739

C. THE ACT DOES NOT APPLY TO STATE OR LOCAL ELECTIONS

Neither the Act nor its legislative history contain any provision or reference that the Act applies or was intended by Congress to apply to state or local elections.

Instead, the provisions of Section 441e have been extended to apply to state and local elections through the FEC's promulgation of 11 CFR 114.2. We submit that the involvement of the FEC in any matter involving state or local elections immediately raise legal issues as to whether the FEC has any jurisdiction, power and authority to regulate under the scope and standard established by the Act such state or local matters or to promulgate any regulation attempting to do so. In that connection, the following defenses are raised in response to the complaint.

1. The complaint fails to state a claim upon which any relief can be granted or any action can be taken.

2. The FEC lacks jurisdiction over the subject matter and over the person of our client. In that connection, this response should not be construed as an appearance by our client and is at the most, a special appearance by our client.

3. The regulation of matters involving state or local elections, including contributions to candidates for state or local office, is reserved to the respective states under the the 10th Amendment to the United States Constitution. Any preemptive provision of the Act is specifically limited to contributions to the campaigns of candidates for Federal office.

   In Hawaii, the contributions to the campaigns of candidates for state or local offices are governed by Chapter 11 Hawaii Revised Statutes and, in particular, Hawaii Revised Statutes Sections 11-191 et seq. pertaining to election campaign contributions and expenditures.

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4. The Act on its face and as evidenced by its legislative history and intent, is expressly limited to matters involving federal elections and does not apply to matters involving state or local elections. Under the 10th Amendment to the United States Consitution, the Act must necessarily be construed narrowly to apply only to federal elections.

   The FEC exceeded its rulemaking authority when it promulgated 11 CFR 110.4 which extends the coverage of Sec. 44le to state and local elections. The rule goes beyond the scope of the application intended by the Act and is invalid.

5. The Act, including the practice and procedures for applying the Act and the presumptions and burden of proof created thereunder, violates rights of speech and due process afforded under the 1st, 5th and 14th Amendments to the United States Constitution.

   Furthermore, the Act is vague and overly broad and is therefore unenforceable where it is being applied to regulate state and local elections.

6. Complainants have not exhausted their administrative and/or judicial remedies under state and local laws.

7. Where the complaint was filed against numerous other respondants who may be similarly situated, all other legal defenses raised by or on behalf of such respondents are incorporated by reference.

8. Where the contributions have been or will be returned, the complaint is moot.

The complaint is without merit and we ask that it be dismissed entirely or disposed of with the recommendation that no action is warranted on the complaint.

2 4 0 4 3 5 7 1 7 6 1

D. REQUEST FOR THE OPPORTUNITY TO BE HEARD

We are willing to meet with the FEC in Washington, D.C. to discuss this matter if the FEC believes that it would be constructive and would result in a settlement of this matter. However, if the FEC is inclined to render an adverse decision or to take any adverse action based solely on this response and without further dialogue with our client, we request that our client be afforded the further opportunity to be heard before such decision or action is rendered or taken.

Very truly yours,

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

By James T. Funaki.
James T. Funaki
Dickson C.H. Lee

JTF:DCHL:en

cc: Henry Peters

24043571762

OGC 5247

OKUMURA TAKUSHI FUNAKI & WEE

ATTORNEYS AT LAW
A LAW CORPORATION

FEDERAL ELECTION COMMISSION
MAIL ROOM
90 JAN 29 AM 9:50

SUITE 1400
GROSVENOR CENTER
733 BISHOP STREET
HONOLULU, HAWAII 96813
TELEPHONE (808) 543-0800
FACSIMILE (808) 599-1760

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SHUICHI MIYASAKI
ALFRED M. K. WONG
ROBERT M. EHRHORN, JR.
DICKSON C. H. LEE
PETER T. STONE
JAMES N. H. YEE
AARON S. H. YOO

January 23, 1990

Federal Election Commission
General Counsel's Office
Washington, D.C. 20463

VIA FACSIMILE
(202) 376-5280

Attention: Mark Allen, Esq.

RE: MUR 3004

Client: Romy Cachola

FEDERAL ELECTION COMMISSION
SECRETARIAT
90 JAN 29 PM 4:17
RECEIVED

Dear Mr. Allen:

This letter refers to your January 23, 1990 telephone call to our office concerning the response which was submitted on behalf of Romy Cachola.

According to the complaint filed in the above captioned matter, West Beach Estates made two contributions of $500 and $250 to the campaign of our client. However, the reference to the contribution of $500 was inadvertently not mentioned in his January 16, 1990 response.

Please be advised that all contributions made by West Beach Estates will be returned.

We are enclosing an amended page 1 to the January 16, 1990 response. If it is appropriate to do so, the amended page 1 may be substituted for the original page 1.

If you have any futher questions or comments, please contact us at your earliest convenience.

Very truly yours,

OKUMURA TAKUSHI FUNAKI & WEE
ATTORNEYS AT LAW
A LAW CORPORATION

By _____
Dickson C.H. Lee

DCHL:en

5409V

2443571763

OGC 5184

STATEMENT OF DESIGNATION OF COUNSEL

MUR 3004

90 JAN 22 AM 9:47

NAME OF COUNSEL: _____

ADDRESS: _____

_____

_____

TELEPHONE: _____

90 JAN 22 PM 3:18

The above-named individual is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

_____ _____

Date Signature

RESPONDENT'S NAME: Aki Mizushima / Amy Kennedy

ADDRESS: 1585 Kapiolani Blvd #1300

Honolulu, Hawaii 96813

_____

HOME PHONE: _____

BUSINESS PHONE: (808) 955-8588

We are an American - US Company.
Aki Mizushima - President is an American Citizen.

2404357171764

FEDERAL ELECTION COMMISSION
SECRETARIAT
90 APR 20 AM 9:42

BEFORE THE FEDERAL ELECTION COMMISSION

SENSITIVE

In the Matter of)
Citizens for Waihee)
Friends of Fasi, et al.) MURs 2846 and 2892

GENERAL COUNSEL'S REPORT

I. BACKGROUND

The Office of the General Counsel received a complaint on April 11, 1989 (MUR 2846), alleging that thirty persons, as foreign nationals, impermissibly contributed to state elections in violation of 2 U.S.C. § 441e. The majority of these persons were alleged to have contributed to Citizens for Waihee, a state committee of the governor of Hawaii.

On May 30, 1989, this Office received a second complaint (MUR 2892) alleging approximately sixty foreign nationals had impermissibly contributed to the Campaign of Frank Fasi, the mayor of Honolulu. To date, all but twelve respondents have submitted responses to one or both complaints. Respondents are listed at the last page of this report, along with the attachment page numbers (referred to infra as "Att. ___") at which each's response appears.

On July 18, 1989, after evaluating the complaints and initial responses, this Office informed the Commission that due to common issues of fact and law, both matters would be addressed in a combined report. In light of these combined issues of law and fact, this Office now recommends that the Commission merge MUR 2846 with MUR 2892.

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II. LEGAL ANALYSIS

A. THE LAW

The basis of the complaints is the Act's prohibition on contributions from foreign nationals at 2 U.S.C. § 441e. This provision states:

> (a) It shall be unlawful for a foreign national directly or through any other person to make any contribution of money or other thing of value, or to promise expressly or impliedly to make any such contribution, in connection with any election to any political office or in connection with any primary election, convention, or caucus held to select candidates for any political office; or for any person to solicit, accept, or receive any such contribution from a foreign national.

The prohibition is also included in the Commission's Regulations at 11 C.F.R. § 110.4(a)(1) that states:

> A foreign national shall not directly or through any other person make a contribution, or expressly or impliedly promise to make a contribution, in connection with a convention, caucus, primary, general, special, or runoff election in connection with any local, State, or Federal public office.

Further, no person shall solicit, accept, or receive a contribution as set out in 11 C.F.R. § 110.4(a)(1) from a foreign national. 11 C.F.R. § 110.4(a)(2).

The term "foreign national" is defined at 2 U.S.C. § 441e(b)(1) as, inter alia, a "foreign principal" as that term is defined at 22 U.S.C. § 611(b). Under § 611(b), a "foreign principal" includes:

> (1) a government of a foreign country and a foreign political party;
>
> (2) a person outside the United States, unless it is established that such person is an individual and a citizen of and domiciled

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> within the United States, or that such person is not an individual and is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States; and
>
> (3) a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country

The Act further provides that resident aliens are excluded from the definition of "foreign national". See 2 U.S.C. § 441e(b)(2).

B. CHALLENGES TO JURISDICTION

As an initial matter, this report addresses the issue of the Commission's jurisdiction. A number of respondents have submitted responses arguing that the Commission is without jurisdiction because the contributions in question are not prohibited by Hawaii state law.[1] These arguments rest upon two independent legal bases. First, a number of respondents argue that the Commission lacks jurisdiction because section 441e does not explicitly prohibit contributions to state and local elections. Additionally, other respondents argue that the Commission cannot assert jurisdiction in this matter without violating the Tenth Amendment to the United States Constitution. Each argument is discussed separately below.[2]

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1. Hawaii law permits contributions from corporations and does not explicitly prohibit contributions from foreign nationals. See Hawaii Revised Statutes § 11 et. seq.

2. A number of respondents note that they relied upon representations of Hawaii's attorney general that contributions from foreign nationals to state political committees were permissible. See, e.g., Hachidai USA, Inc. Response. (Att. 233,

1. STATE COMMITTEES ACCEPTING CONTRIBUTIONS FROM FOREIGN NATIONALS ARE WITHIN THE PURVIEW OF SECTION 441e

As noted above, respondents first argue that section 441e's prohibition is inapplicable to state and local elections because this section does not expressly address such elections. Respondents note that section 441e addresses "contributions" and "candidates," terms which are defined at 2 U.S.C. § 431 as applicable to federal elections and office. Although respondents acknowledge that the Commission's Regulations do prohibit contributions by foreign nationals to state and local elections, they argue the regulation at 11 C.F.R. § 110.4 is overly broad.[3]

As discussed below, the Commission's long-standing interpretation of section 441e is supported by the language and structure of the statute, as well as the relevant legislative history. Therefore, section 441e's prohibitions are appropriately applied to state and local elections.

Initially it is clear that section 441e expressly prohibits contributions by foreign nationals to "any political office,"

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(Footnote 2 continued from previous page)
248). Additionally, this Response includes a sworn statement from the Executive Director of the Hawaii State Campaign Spending Commission which states that until January, 1989, the affiant advised the public that foreign nationals could permissibly contribute to state and local elections in that state.

3. Since the operative language of 11 C.F.R. § 110.4 was first adopted in 1976, the Commission has consistently taken the position in both enforcement matters and in advisory opinions that section 441e applies to state and local elections, as well as federal elections. See, e.g., A.O.s 1979-59, 1985-3, 1982-10, 1985-3, 1989-20; and MURs 1859, 1159, and 2165.

(emphasis added). The phrase "any political office" appears but twice in the Act; at this section and in section 441b(a) (prohibition of contributions from national banks). The Commission has promulgated Regulations for both these sections, consistently interpreting each as applying to federal, state and local elections. See 11 C.F.R. §§ 110.4 and 114.2. In contrast, the Act contains numerous references to "Federal office," defined at 2 U.S.C. § 431(3) to refer solely to federal elections.[4] Consequently, section 441e's reference to "any political office" is correctly read as applying to federal, state, and local elections, and is distinguished by its plain language from sections of the Act dealing solely with federal elections.[5]

The legislative history of section 441b's statutory predecessor (18 U.S.C. § 610) is unequivocal that "any political

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4. See, e.g., section 432(e)(1) (designation of principal campaign committee); section 439a (use of contributed amounts for certain purposes); section 441a(a)(1)(A) and (2)(A) (limitations on contributions to authorized committees); section 441g (limitations on contributions in currency); section 441h (fraudulent misrepresentation of campaign authority).

5. One respondent points to Section 441c, which in subsection (a)(1) prohibits federal contractors from contributing "to any political party, committee, or candidate for public office," and argues that "this language is similar if not broader," than § 441e's language, yet is applied only to federal elections. See Response of Hachidai USA. (Att. 233, 246) Subsection (b), however, which permits federal contractors to maintain separate segregated funds for the purpose of influencing elections, explicitly refers to elections for "Federal office," and the Commission long ago reasoned that this limitation must be incorporated into subsection (a) as well to prevent an anomalous result. See A.O. 1975-99, 1 Fed. Election Camp. Fin. Guide, ¶ 5171 at pp. 10,113-114, codified at 11 C.F.R. § 115.2(a) (prohibition on federal contractors applicable only to federal elections).

office" was intended to apply to federal, state and local elections:

> The effect of this provision is to make it unlawful for any corporation, [organized by authority of any laws of Congress], no matter what its character may be, to make a contribution "in connection with any election to any political office" without regard to whether the election be national, State, county, township, or municipal. The Congress has the undoubted right thus to restrict and regulate corporations of its own creation.

U.S. v. Clifford, 409 F. Supp. 1070, 1073 (E.D.N.Y. 1976), quoting S. Rep. No. 3065, 59th Congress, 1st Sess. 2 (1906). Accordingly, there remains little doubt of Congressional intent as to the scope of this phrase, and no serious question but that Congress intended both section 441e and the national bank prohibition at section 441b to apply to state and local elections.[6]

---

6. While not as explicit, the legislative history of section 441e also confirms Congress's intent to reach beyond federal elections. Section 441e's operative language originated in an amendment to the Foreign Agents Registration Act of 1938 ("FARA"), 52 Stat. 631-633, as amended in relevant part in 1942, 1966 and 1984, codified at 22 U.S.C. §§ 611-621. The 1966 amendments sought "to protect the interests of the United States by requiring complete public disclosure by persons acting for or in the interests of foreign principals where their activities are political in nature or border on the political." H.R. Rep. No. 1470, 89th Cong., 1st Sess., reprinted in 1966 U.S. Code Cong. & Admin. News 2397, 2398. Moreover, when the provision was amended as part of the Federal Election Campaign Act Amendments of 1974, 88 Stat. 1263, the author of the amendment noted Congress's concern with foreign influence over "American political candidates," and broadly stated that the provision "would ban the contributions of foreign nationals to campaign funds in American political campaigns." 120 Cong. Rec. 8782 (March 28, 1974) (statement of Senator Bentsen), reprinted in Legislative History of the Federal Election Campaign Amendments of 1974 at 264. See also id. ("I am saying that contributions by foreigners are wrong and they have no place in the American political system.").

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Finally, respondents argue that because "contribution" as defined at § 431(8) refers to "any election for Federal office" section 441e's reference to "contribution" can only refer to federal elections. This is simply not the case. Rather, it is well settled that the

> natural presumption that identical words used in different parts of the same Act are intended to have the same meaning .... is not rigid and readily yields whenever there is such variation in the connection in which the words are used as reasonably to warrant the conclusion that they were employed in different parts of the act with different intent. Where ... the conditions are different, or the scope of the legislative powers exercised in one case is broader than that exercised in another, the meaning well may vary to meet the purposes of the law, to be arrived at by a consideration of the language in which those purposes are expressed, and of the circumstances under which the language was employed.

Atlantic Cleaners & Dyers v. United States, 286 U.S. 427, 433 (1932). See also, Brock v. Peabody Coal Co., 822 F.2d 1134, 1151 (D.C. Cir. 1987) (R. Ginsburg, J., concurring); Bituminous Coal Operators' Ass'n. v. Hathaway, 406 F. Supp. 372, 375 (W.D. Va. 1975), aff'd, 547 F.2d 240 (4th Cir. 1977).

In this instance we have demonstrated that Congress used specific statutory language ("any political office") to reach beyond federal elections in only two instances: the prohibition of national bank contributions at section 441b(a) and the prohibition of foreign national contributions at section 441e. Thus, upon consideration of "the circumstances under which the language ... [is] employed," Atlantic Cleaners, 286 U.S. at 433, the phrase "contribution of money or other things of value" in

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section 441e must be read more broadly than "contribution" as defined at section 431(8). Indeed, respondents' reading of section 441e would render superfluous the phrase "any political office," and would do so in the face of legislative history as to its intended scope. It is a cardinal principle of statutory construction, however, that statutes should be interpreted to give force to the language chosen by Congress, and interpretations which render statutory language meaningless are to be avoided. See, e.g., U.S. v. Fausto, 108 S. Ct. 668, 675-76 (1988).

In sum, the statutory structure and legislative history demonstrates that Congress intended "any political office" to apply to federal, state and local elections.[7] Therefore, respondents' argument of statutory construction must fail.

2. TENTH AMENDMENT CONCERNS

Other respondents argue that the Commission's assertion of jurisdiction in this matter violates the Tenth Amendment to the United States Constitution. This amendment reserves to the states "powers not delegated to the United States by the Constitution, nor prohibited by it to the states." Citing Oregon v. Mitchell, 400 U.S. 112 (1970), respondents argue that because states have been recognized as having the right to establish and maintain separate and independent governments, and "to determine within the powers of the constitution the qualifications of their own voters

7. The Commission's consistent interpretation giving force to this statutory language would be afforded great deference by the courts. See, e.g., F.E.C. v. Democratic Senatorial Campaign Committee, 454 U.S. 27, 36-37 (1981).

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for state, county, and municipal offices and the nature of their own machinery for filling local public offices...," Id. at 125, the State of Hawaii is constitutionally entitled to permit foreign nationals to fund its elections.

Oregon struck down the age requirements provision for the Voting Rights Act Amendments of 1970, finding age limitations valid as to national elections but invalid as to state elections. The Court reasoned that the Article 1, Section 2 of the Constitution reserves to the state the power to regulate state and local elections. Thus, respondents' assertion that Oregon relies on the Tenth Amendment is flawed. In fact, Oregon merely addressed states' powers to regulate participation, by age, in state and local elections, but did not address the quite different issue presented in this matter, i.e. expanding the electoral process to include foreign nationals. Such inclusion interjects the state into aspects of foreign policy and immigration that are acknowledged areas of federal domain. See Toll v. Moreno, 458 U.S. 1, 10 (1982) (reaffirmation of the federal constitutional power over aliens via Article I, § 8 cl.4 [authority to establish uniform Rule of naturalization] and Article I, § 8 cl.3. [power to regulate commerce with foreign nationals and inherent power over foreign affairs]). Moreover, the Oregon court recognized that the federal government can indeed regulate certain aspects of state elections impinging upon federally protected interests, i.e. literary tests, poll taxes, and other vestiges of racial discrimination. In this instance the Act is similarly interjected in an area of apparent state domain to assert a constitutionally

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recognized federal interest over foreign affairs.

Respondents' reliance on the Tenth Amendment adds nothing to their argument. The Supreme Court has only recently reaffirmed that "Tenth Amendment limits on Congress' authority to regulate state activities . . . . are structural, not substantive--i.e., that States must find their protection from congressional regulation through the national political process, not through judicially defined spheres of unregulable state activity." South Carolina v. Baker, 108 S. Ct. 1355, 1360 (1988), citing Garcia v. San Antonio Metropolitan Transit Authority, 469 U.S. 528 (1985) (overruling National League of Cities v. Usery, 426 U.S. 833 (1976)). Therefore, respondents' jurisdictional arguments are without foundation.

C. THE COMMISSION'S INTERPRETATION AND APPLICATION OF SECTION 441e

These matters involve contributions by both individuals and corporations who are alleged to be foreign nationals. Initially, it is clear that the Act prohibits contributions from persons, including individuals, who are foreign nationals. 2 U.S.C. § 441e. See A.O. 1983-31. Furthermore, in its advisory opinions, the Commission has addressed the issue whether a corporation that is not a foreign national, but is a domestic subsidiary of a foreign national parent, may make contributions in connection with state and local campaigns for political office. In addressing this issue the Commission has looked to two factors: the source of the funds used to make the contributions and the status of the decision makers. Regarding the source of funds, the Commission

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has not permitted such contributions by a domestic subsidiary where the source of funds is the foreign national parent, reasoning that this essentially permits the foreign national to make contributions indirectly when it could not do so directly. See, e.g., A.O.s 1985-3 and 1981-36.

Moreover, even if the funds in question are from a domestic subsidiary, the Commission also requires that the status of the decision makers must be examined. The Commission has conditioned its approval of contributions by domestic subsidiaries of foreign nationals by requiring that no director or officer of the company or its parent who is a foreign national may participate in any way in the decision making process regarding the proposed contributions. This, in turn, requires an examination of the nationalities of the decision makers, specifically the officers and directors in instances where a corporation is implicated. See A.O.s 1985-3, 1982-10 and 1989-20. It is with these conditions in mind that the responses in this matter are analyzed.

III. FACTUAL ANALYSIS

The factual analysis in these matters addresses the responses in six major groups. All of the individuals and entities discussed made contributions to some or all of the candidate committees noted in MURs 2846 and 2892. Many of these respondents also addressed arguments presented above.

A. CONTRIBUTORS CONCEDING OR FAILING TO DENY THAT THEY ARE FOREIGN NATIONALS

One individual and three corporations admit that they are foreign nationals. Some acknowledge that they were prohibited

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from contributing to state and local elections. Others contest the applicability of section 441e to the activity in question. The corporations are Hawaii Sekitei Corporation (Att. 308); Pearl Country Club (Att. 703); and Taiyo Hawaii Company (Att. 753). The individual is Masao Hayashi. (Att. 308).

An ambiguity is presented regarding the response of a second individual, Yoshinori "Ken" Hayashida (Att. 313). The complaint alleged Mr. Hayashida made contributions with the assets of foreign nationals. See MUR 2846 Complaint at pp. 3-4 and 56-57. The response (Att. 313, 315) asserts that the funds contributed by this respondent were "funds over which he had direct control and the right to use for his own personal purposes." Because the respondent has failed to address whether a foreign national was the source of these funds, and because his response implies that the funds may be other than strictly personal (i.e. possibly from a corporate expense account), this Office recommends that the Commission find reason to believe this individual violated section 441e in order to ask questions.

Furthermore, a number of respondents have failed to allege that they are United States citizens, resident aliens, or domestic subsidiaries of foreign nationals entitled to make contributions. Rather, in most instances their responses merely challenge the Commission's jurisdiction in this matter or state that the contributions in question were refunded. Some of these persons are

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individuals.[8] Others are corporations.[9] In light of the unrefuted allegations in the complaint that such persons are foreign nationals, this Office recommends that the Commission find reason to believe the persons noted above violated 2 U.S.C. § 441e.

The response of the International Commercial Bank of China states that it has a policy of not contributing to any individuals on any political parties on any level, is unfamiliar with the candidate in question, and does not do business in Hawaii. (Att. 322). The complaint in MUR 2892, however, listed this respondent as contributing $500 to the Friends of Fasi on September 4, 1987, and included the page of the Fasi Committee's state reports listing this contribution. In light of this evidence that a contribution may have been made, this Office recommends that the Commission find reason to believe respondent violated section 441e in order to ask questions.

B. CONTRIBUTORS PROVING THAT THEY ARE NOT FOREIGN NATIONALS

One individual and three corporations have presented sufficient information to this Office to support recommendations to the Commission that there is no reason to believe violations of section 441e occurred. The individual, Roy Hiroshige (Att. 321),

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8. These persons are: Yasuo Yasuda (a.k.a. Han Kuk Chun) (Att. 782 and 787), Takayuki Mizutani (Att. 174), Hiroshi Kobayashi (Att. 378), and Tetsuo Yasuda (a.k.a. Han Soo Chun) (Att. 772).

9. These entities are Daiei Hawaii Investments, Inc. (Att. 174 and 176); Japan Airlines Company, Ltd., (Att. 344); Coordination Council For North American Affairs (Att. 137); Minami Group (US) (Att. 441); Royal Hawaiian Country Club (Att. 717); Y.Y. Valley Corporation (Att. 767); Mokuleia Land Company (Att. 444); and All Nippon Airways (Att. 86).

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submitted a response that he was born in Hawaii, is a United States citizen, and has voted in elections.

Three entities have also presented evidence indicating that they are not foreign nationals. Plaza Hotel Nimitz Partners, asserts that it is a partnership whose corporate and individual partners are citizens of the United States (Att. 706). Additionally, Servco Pacific, Inc. (Att. 739) is a closely held Hawaii corporation whose shareholders are all residents and citizens of the United States.

Another contribution was identified as from Seafarers' International Union. The response (Att. 737) indicates an affiliate of Seafarers (United Industrial Workers Union) was the contributor. Both entities have presented evidence that they are American unions and not foreign nationals. Accordingly, this Office makes no recommendations regarding United Industrial Workers Union and also recommends that the Commission find no reason to believe that these other individuals and entities named in the complaint violated section 441e.

C. THE TWO PRONGED TEST

As discussed above, in its advisory opinions the Commission has applied a two pronged test to determine whether a domestic subsidiary of a foreign national may contribute to state and local elections. In general, such contributions are permissible provided that the foreign national parent is not the source of funds and persons participating in the decision-making process regarding such contributions are not foreign nationals. This section addresses two types of responses. First, it focuses on

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respondents who fail to acknowledge the Commission's two pronged test, and thus are outside of it. Second, it analyzes responses acknowledging the criteria, but which fail to satisfy the criteria.

1. ENTITIES NEITHER CITING NOR SATISFYING THE COMMISSION'S TWO PRONGED TEST

The response of Azabu Building Co. Ltd. (Att. 109) notes that it is a Hawaii corporation, but fails to provide any information regarding the ownership of this entity, the source of funds used to make the contribution, or the identity of the persons who participated in the decision to contribute to elections.[10] Similarly, ANA Hallo Tours (USA) Inc., is said to be a domestic corporation. (Att. 89). The response submitted on behalf of this entity states that the decision to purchase fundraising tickets was made by its branch manager in Hawaii, and was not the result of a direction by a foreign national. However, the ownership of this entity, the identities of its officers and directors, and the funding of its contributions have not been addressed.[11]

Similarly, Longevity International Enterprises Corporation states that it is a California corporation, but fails to address the issue of its ownership. (Att. 401). Furthermore, no showing has been made regarding the source of the funds that were used to

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10. A response filed on behalf of an apparently related corporation, Azabu Realty, Inc. notes that this latter organization is owned by a foreign national. See Azabu Realty Response at 2 (Att. 113).

11. An apparent related organization, ANA Hotels Hawaii is owned by two Japanese corporations, All Nippon Airways and ANA Enterprises, Ltd. See ANA Hotels Hawaii Response at p. 3. (Att. 95)

make the contributions. Respondent also provided a listing of addresses of its ten officers and directors. Five of these persons have addresses outside the United States, raising the inference that foreign nationals may have participated in the decision to make the contribution in question.

Additionally, Pacifico Creative Services, Inc. asserts it is a Hawaii corporation, and admits it is owned by three foreign nationals. (Att. 639). Although this entity further responds that the funds used for the contribution in question were not "directly or indirectly" from these parent corporations, it has failed to address the issue of who decided to make these contributions and the identities of its officers and directors. Pacifico Creative Services, Inc. Response at 2.

Saab-Scania of America is a Connecticut corporation, owned by a Delaware corporation, which is in turn, held by Swedish corporations. (Att. 722). This response does not address the source of funds for the contribution nor does it identify the decision makers as required by A.O. 1989-20.

Respondent Leyton House is a Hawaii corporation owned by a Japanese citizen. (Att. 391). Respondent asserts that the contribution in question was a decision made by the vice-president and managing director without the input of any foreign national. This person is said to be a lawful permanent resident of the United States. Because, however, respondent has failed to provide any information regarding the source of the funds used to make the contribution and the identities of officers and directors, the Commission's criteria has not been satisfied.

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A similar situation is presented by the Kintetsu International Express. (Att. 366). This respondent notes that it is a California corporation, but fails to discuss its ownership, the status of its decision makers, and the source of its funds for contributions.

Less specific is the response of Japan Travel Bureau International, Inc. (Att. 353) It states this respondent is a New York corporation and cites A.O. 1983-31 for the proposition that such corporations are not considered foreign nationals or foreign principles even though they are wholly owned domestic subsidiaries of a foreign corporation. This respondent fails to address the two pronged test, however, and also alludes that it may be owned by a foreign national.

Finally, Tobishima Pacific, Inc. notes that it is a Hawaiian corporation owned by a Japanese corporation. (Att. 755). Although this respondent states that the decision to buy a fundraising ticket was made in Hawaii, it does not state who made this decision, nor does it specify the source of the funds. Consequently, this Office recommends that the Commission find reason to believe all respondents noted above violated section 441e.

2. CORPORATIONS CITING, BUT FAILING THE COMMISSION'S TWO-PRONGED TEST

A number of corporations cite or allude to the Commission's previously noted two pronged test, but have failed to satisfy its requirements. As discussed above, in order to meet the requirements of this test, an entity associated with a foreign

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national (either as a domestic subsidiary or as a state political action committee) must demonstrate that it does not receive funds for the contributions from its parent foreign national, and that the parent foreign national does not exercise any control or decision making responsibility regarding the contribution. Satisfying this latter prong requires examining the identity of the decision makers, including the officers and directors of the domestic subsidiary.

Hawaii Omori Corporation states that it is a domestic corporation jointly owned by two Japanese corporations. (Att. 288). It notes that some members of the board of directors and officers are foreign nationals, and thus "cannot state at this time that no foreign nationals participated in any way in the decision making with respect to the particular political contribution mentioned in the subject complaint." Hawaii Omori Response at 23. This same representation is made by Nitto Hawaii Ltd. See Nitto Hawaii Ltd. Response at 3. (Att. 462).[12]

Pan-Pacific Construction Inc. is a Hawaii corporation primarily owned by a United States corporation, but partially owned by a Japanese corporation. (Att. 675). It states that no foreign national participated in the decision to make the contribution in question. However, it has not provided any information regarding the sources of the funds in question. See Pan-Pacific Construction Company Inc. Response at 3.

The United States corporation owning Pan-Pacific Inc. is

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12. These respondents are represented by the same attorney and thus have submitted parallel responses.

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Pan-Pacific Development Inc., also a respondent in this matter. (Att. 647). It is a wholly owned domestic subsidiary of a Japanese corporation. It states it cannot determine whether foreign nationals participated in the decision making process regarding the contributions in question. See Pan-Pacific Development, Inc. Response at 3.

Counsel for the above-noted respondents also submitted a response of behalf of Jet Hawaii, Inc., noting that this entity is a Hawaii corporation and that no foreign nationals participated in any way in the decision to make the political contribution noted in the complaint. (Att. 323). An affidavit filed with this response, however, notes that Jet Hawaii's stock is jointly held by an American corporation and a foreign national. Moreover, Jet Hawaii's 1972 articles of incorporation indicate that two of its six officers may be foreign nationals. No information has been provided regarding either the source of funds used to make this contribution or the identities of the current officers and members of the board of directors.

Respondent Mauna Lani Resort, Inc. is a Hawaii corporation owned by two Japanese corporations. (Att. 418). Also named as a respondent is Mauna Lani Resort Political Action Committee, a Hawaii State Committee alleged to have made contributions. Id. The response indicates that all contributions by this corporation were made through its political action committee. The process for making contributions by the state committee involves a written request submitted by a department head, and reviewed by the Corporate Secretary, Chief Accountant, and Treasurer, with the

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check cosigned by the Treasurer and President. Because all of these persons (except for the Chief Account and the Vice president of Corporate Communications, presumably the requesting department head) involved in the contribution in question are Japanese citizens and because there is an outstanding question of fact regarding the source of funds, the two pronged test is not satisfied.[13]

Ohbayashi Hawaii Corporation is also a Hawaii corporation owned by a foreign national parent. (Att. 484, 498, and 510). Although this respondent asserts that all persons involved in the decision to make the contribution in question were United States citizens or resident aliens, they have not provided any evidence regarding the sources of the funds involved.

Azabu Realty, Inc. acknowledges that it is a United States corporation owned by a foreign national. It further states that the funds used for the contribution were earned in Hawaii and did not come directly or indirectly from the foreign national. This respondent has failed to address the issue whether foreign nationals participated in the decision to make this contribution.

Grosvenor International (Hawaii), Ltd., is a Hawaii corporation owned by a Nevada corporation, owned in turn by a Canadian corporation. (Att. 225). Although its response states that the funds for the contribution in question did not come

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13. Because there is an outstanding question of fact regarding the source of funds used for the contribution and because the political action committee is apparently controlled by the corporation, this Office recommends that the Commission found reason to believe both entities violated the Act.

directly or indirectly from a foreign nationals, it has failed to identify the decision-makers and to state whether any foreign national participated in the decision-making process regarding this contribution.

Similarly, Hachidai USA Inc., a wholly owned domestic subsidiary of a foreign national, has not satisfied the Commission's test. (Att. 233). Its source of funds for the contribution appear to be from revenue derived from its Hawaii activities, but it has provided no information regarding the participation of foreign nationals in the decision to make contributions.[14]

Another respondent, Halekulani Corporation, is a Hawaii corporation owned by a second Hawaii corporation that is owned in turn by a California corporation, which is in turn owned by a Japanese corporation. (Att. 252). The response notes that the Halekulani Corporation's president and Secretary/treasurer are foreign nationals. Because it appears the persons directing contributions may be foreign nationals, and because no information has been provided regarding the source of funds for such contributions, respondent has failed the two pronged test.

Hasegawa Komuten (Hawaii) Inc. identifies itself as a Hawaii corporation, but does not specifically state whether it is owned by a foreign national.[15] (Att. 273). Respondent notes that it has

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14. Its response is perhaps the most comprehensive statement of the various jurisdictional and constitutional arguments raised.

15. A reading of the response and the context of the answer implies this is the case.

specifically declined to provide the Commission with information regarding its stockholders, board of directors, and its officers, asserting that such information is not relevant to the complaint because "control" (as discussed in the Commission's previous advisory opinions) is not defined in the Act or Regulations. See Hasegawa Komuten (Hawaii) Inc. Response at 7. Similarly, the response of Otaka Inc. also fails to discuss ownership of this Hawaii corporation. (Att. 635).

Additionally, Daiichiya-Love's Bakery notes that ninety-nine per cent of the stock of this company is owned by First Baking Company, a Japanese corporation.[16] (Att. 178). Although stating that the contribution in question was not requested or made or behalf of the parent foreign national, the respondent has not addressed either the source of funds used to make the contribution or the status of the decision makers.

Similarly, ANA Hotels Hawaii, Inc. is a Hawaii corporation owned by All Nippon Airways, Co. Ltd., and ANA Enterprises, Ltd.[17] (Att. 95). This respondent states that ANA Hotels makes all of its contributions from its own funds without any grants from the parent corporation. Additionally, contribution decisions are made solely by respondent, a United States citizen. Respondent specifically denies that any such decisions are made by corporate officers in Japan or in the parent corporation, but has failed to address the status of its officers and directors.

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16. The complaint referred to this entity as Love's Bakery.

17. The former is a Japanese corporation who is a respondent in this matter discussed at IIIA. (Att. 86).

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Matsuzato Hawaii, Inc. (dba as Queen Kapiolani Hotel) is a domestic subsidiary of a foreign corporation. (Att. 707). Although it avers that the parent corporation did not provide the funds to make the contribution and did not exercise any control or have any part in the decision to make such a contribution, it has also failed to provide the status of the officers and directors of the corporation and their possible roles in the contribution process. See Matsuzato Hawaii, Inc. Response at 2.

Universal Express Company (Hawaii) is a domestic subsidiary of a foreign national. (Att. 757). The parent foreign national is said not to have provided the funds to make the contribution in question, nor did it exercise any control or have any part in the decision to make the contribution. Universal Express Company (Hawaii) Response at 2. Again, no information has been provided regarding the status of the corporate officials.

American Hawaii Cruises is a wholly owned subsidiary of American Global Line, Inc., a Delaware Corporation.[18] (Att. 1). The parent avers that "at least 75% of the [its] voting power and control [are] vested in citizens of the United States." American Hawaii Cruises Response at 2. Moreover, the president, chief executive officers and members of the board of directors of American Global Line are all United States citizens. Notwithstanding this response, however, respondent has not

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18. The parent and subsidiary are joint venturers in a Hawaii partnership, American Hawaii Cruises Joint Ventures, which operates two flag ships. According to respondent, pursuant to the Jones Act (46 U.S.C. §§ 833 and 283) the ownership and control of United States flag ships must be at least 75% vested in United States citizens.

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provided any information regarding the source of funds used to make this contribution and has not provided any information regarding the status of the decision makers.

Kumagai Properties, Inc. is a Hawaii corporation whose stock is owned by a Texas corporation, which is in turn a wholly owned subsidiary of Kumagai Gumi Co., Ltd., a Japanese corporation. Although acknowledging the Commission's advisory opinions, respondent has failed to provide the source of funds used to make the contribution in question and further merely notes that contribution decisions are "delegated" to a person admitted to permanent residence in the United States. See Kumagai Properties, Inc. Response at 5.

New Tokyo-Hawaii Restaurant Co., Ltd. is identified as a Hawaii corporation owned by two foreign nationals. (Att. 454). It states that it operates its own profit center separate and apart from its parent and that the funds used to make the contribution were those of the New Tokyo-Hawaii. Additionally, the decision to make such contributions was made by domestic management without consultation or approval by foreign stockholders. New Tokyo-Hawaii Restaurant Co., Ltd. Response at 4. The domestic management consists of United States citizens and permanent residents. Id. at 2. However, because their response does not provide the identities of the foreign stockholders it cannot be determined whether they meet the criteria of A.O. 1989-20.

Consequently, this Office recommends that the Commission find reason to believe all respondents noted above violated

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section 441e.

D. ENTITIES SATISFYING THE TWO-PRONGED TEST

A number of other respondents appear to have demonstrated compliance with the two-pronged test cited above. Central Pacific Bank Political Action Committee is a state political action committee connected with Central Pacific Bank, a Hawaii corporation. (Att. 139). Owners of the bank include a Japanese foreign national owning 13.7% of its stock. The committee avers, however, that decisions made regarding political contributions are made by a four member contribution committee. Its members are all citizens or permanent residents of the United States and no foreign nationals are said to participate in this decision making process. Additionally, fifteen of the bank's sixteen officers and directors are all either citizens or permanent residents. The other is a foreign national but is said to not exercise any decision making authority over the committee's activities. Moreover, the committee does not receive any funds directly or indirectly from foreign nationals.

GEM of Hawaii Political Action Committee, a Hawaii state committee of a domestic subsidiary of a foreign national, also appears to be within the purview of the two-pronged test. It notes that it does not receive any funds from the parent foreign national which is said to have no involvement in the day to day operation of the department store, and that decisions regarding contributions are made by a consensus of the committee whose

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members are all United States citizens.[19]

Sony Hawaii is a domestic subsidiary of a foreign national. It indicates, however, that the parent corporation did not provide the funds to make this contribution, "nor did it exercise any control or have any part in the decision to make such a contribution." Moreover, the decision to make the contribution was made by respondent's Director and Controller who is a United States citizen. Sony Hawaii Response at 2.

This Office recommends the Commission find no reason to believe these respondents violated section 441e.

E. LACK OF RESPONSES

Eleven respondents named in the complaint have not been located and thus have not filed responses in this matter.[20] At this juncture, because these persons have not been afforded notice and an opportunity to respond, this Office makes no recommendations as to them. Additionally, because these respondents' address was listed in care of Central Pacific Bank, the attached proposed interrogatories to this entity request information regarding them.

F. CANDIDATE COMMITTEES

Seven candidate committees are also alleged to have violated section 441e by accepting contributions from foreign nationals.

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19. Gem of Hawaii Political Action Committee recently requested an advisory opinion from the Commission regarding its contributions. See A.O. 1989-29.

20. These are: Hiroaki Fushimi; Michisaburo Hayashi; Schoichi Kaneda; Masanori Kobayashi; Itsuo Koshiba; Hirofumi Oshishi; Eiji Sakemoto; Kenji Sakemoto; Katasumi Yamaguchi; Eiman Yamamoto; and Yokohama Okadaya.

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The combined total of alleged prohibited contributions from the two complaints is $103,110. The average contribution is $1,041.52; the amounts of the contributions ranged from as little as $10 to many contributions of $2,000. The contributions accepted by the seven candidate committees are discussed below.

Honolulu City Councilman David W. Kahanu admits accepting a contribution from Royal Hawaiian Country Club. (Att. 264). Additionally, he admits that upon a review of materials, he also accepted a contribution from American Hawaiian Cruises. Both these contributions were to be refunded.[21]

State Senator Ann Kobayashi also accepted a contribution from Royal Hawaiian Country Club. (Att. 376). Her response indicates that this contribution was returned.

Lieutenant Governor Ben Cayetano notes that he received a total of $8,000 from four persons who were subsequently determined to be foreign nationals. (Att. 118). None of these persons, however, are named respondents in this matter.[22]

The campaigns of James Aki and Citizens for Waihee did not submit responses in this matter.

The campaign of Leigh-Wai Doo also submitted a response, stating that only two persons were alleged to have impermissibly

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21. As previously discussed, Royal Hawaiian Country Club did not address the issue of foreign national ownership, thus implicitly acknowledging such foreign involvement.

22. These persons are Yusaka Nomura, Etyu Nomura, Shushi Nomura, and Koji Nomura. Because these persons were not named in the complaint and this Office has no information regarding their status, we make no recommendations regarding them pending information received from discovery requests.

contributed and that neither such person is a foreign national. (Att. 183). This Office agrees that for one individual, Yoshinori Hayashida, this contention is correct. No information has been submitted regarding the other respondent, Masanori Kobayashi. See footnote 20, supra.

Finally, the campaign of Frank Fasi, the Mayor of Honolulu, also admits to accepting contributions from foreign nationals. The response groups the contributions into four groups. First, the response lists contributions refunded by the committee prior to when the complaint in this matter was filed.[23] Second, the response lists contributions refunded after the complaint in this matter was filed.[24] Third, the response lists contributions that are allegedly not made via a foreign national.[25] Because the response does not consider the elements deemed critical by the

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23. These contributors are: Yasuo Yasuda, Tetsuo Yasuda, Eiman Yamamoto, Itsuo Koshiba, Hiroshi Kobayashi, Masanori Kobayashi, and Yoshinori Hayashida, Hirofumi Ohishi, Eiji Sakemoto, Kenji Sakemoto, Isamu Yamaguchi, Katasumi Yamaguchi (listed on reports as of Y.Y. Valley Corporation, Y.Y. Valley Corporation, Hiroaki Fushimi, Royal Hawaiian Country Club, Inc., Schoichi Kaneda, and Seinosuka Yoshida.

24. These are Minami Group (USA), Inc. and Daiei Hawaii Investments, Inc.

25. These are Azabu Realty, Inc., Central Pacific Bank PAC, Grosvenor International (Hawaii) Ltd., Hachidai USA, Inc., Halekulani Corporation, Hasegawa Komuten (Hawaii) Inc., Hawaii Sekitei Corp., Jet Hawaii Inc., Kauai Island Tours, Inc., Leyton House (Hawaii), Inc., Longevity International Enterprises Corp., Daiichiya-Love's Bakery, New Tokyo-Hawaii Restaurant Co., Ltd. contribution, Ohbayashi Hawaii Corporation, Otaka Inc. contribution, Pacifico Creative Service, Pan-Pacific Construction, Inc., Plaza Nimitz Partners Hotel, Saab-Scania of America, Inc., S.I.U. of N.A., Servco Pacific, Inc., Yokohama Okadaya Corp., Hasegawa Komuten, Inc., and Hawaii Sekitei Corp.

Commission, however, this Office does not consider this listing to be determinative. Additionally, the response lists contributions to be refunded by the Committee due to a lack of information whether or not such entities are foreign nationals or domestic subsidiaries of a foreign nationals.[26] Moreover, the response lists persons who chose not to communicate with the Fasi Committee, as well as one contributor, Michisaburo Hayashi, who the campaign was unable to contact.

This Office therefore recommends the Commission find reason to believe the above-noted committees violated section 441e.

IV. SUMMARY

As discussed above, numerous respondents admit that they are foreign nationals who made contributions to Hawaii State and local candidates. Other respondents have failed to provide information to rebut the complaints' allegations that they are foreign nationals. Additionally, other corporate respondents have failed to sufficiently satisfy the Commission's two-pronged test in this matter. Accordingly, this Office recommends that the Commission find reason to believe that those respondents discussed in Part

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26. These are: All Nippon Airways Ltd., ANA Hallo Tours (USA) Inc., ANA Hotels Hawaii, Inc., Coordination Council for North American Affairs, Daiei Hawaii Investments Co., International Commercial Bank of China, Kintetsu International Express, Mokuleia Land Co., Pearl City Country Club, Queen Kapiolani Hotel, Royal Country Club, Sony Hawaii, Taiyo Hawaii Co., Tobishima Pacific, Inc., Universal Express Co. (Hawaii), Seinosuke Yoshida and Y.Y. Valley Corporation.

III A, C, and F of section III violated section 441e.[27]

As to those respondents who are neither foreign nationals nor subsidiaries of foreign nationals, or have satisfied the Commission's two-pronged test, this Office recommends that the Commission find no reason to believe that such persons violated 2 U.S.C. § 441e. These respondents are discussed in parts B and D of section III of this report.

Finally, in order to resolve the factual questions raised in this matter, this Office recommends that the Commission approve the attached sample questions to the respondents.

V. RECOMMENDATIONS

1. Merge MUR 2846 with MUR 2892.

2. Find no reason to believe Roy Hiroshige violated 2 U.S.C. § 441e.

3. Find no reason to believe Servco Pacific, Inc., Seafarers International Union, and Plaza Hotel Nimitz Partners violated 2 U.S.C. § 441e.

4. Find no reason to believe Central Pacific Bank Political Action Committee, GEM of Hawaii Political Action Committee, and Sony Hawaii Company violated 2 U.S.C. § 441e.

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27. Although not a controlling factor, many of the respondents in this matter indicated to this Office that they were advised by Hawaiian state officials that contributions by foreign nationals to state and local elections were permissible. Press accounts attached to the complaint quoted the state's lieutenant governor as stating that such contributions were permissible under state law. See Complaint at Exhibits 2, 3 and 4. In February, 1989, at a time after which most of the contributions in question were made, the Deputy Attorney General of Hawaii issued an opinion that in the event complaints regarding contributions by foreign nationals were referred to Campaign Spending Commission, such matters would be referred to the Commission. To date the Commission has not received such a referral.

5. Find reason to believe Hawaii Sekitei Corporation, Pearl Country Club of Hawaii, Taiyo Hawaii Company, Masao Hayashi, and Yoshinori "Ken" Hayashida violated 2 U.S.C. § 441e.

6. Find reason to believe Yasuo Yasuda (a.k.a. Han Kuk Chun), Takayuki Mizutani, Hiroshi Kobayashi, and Tetsuo Yasuda (a.k.a. Han Soo Chun) violated 2 U.S.C. § 441e.

7. Find reason to believe Daiei Hawaii Investments, Inc., Japan Airlines, Inc., Coordination Council For North American Affairs, Minami Group (US), Royal Hawaiian Country Club, Y.Y. Valley Corporation, Molkeiki Land Company, All Nippon Airways Co. Ltd. and International Commercial Bank of China violated 2 U.S.C. § 441e.

8. Find reason to believe Azabu Building Co. Ltd., ANA Hallo Tours (USA), Inc., Longevity International Enterprises Corporation, Pacifico Creative Services, Inc., Saab-Scania of America, Inc., Leyton House (Hawaii), Inc., Kintetsu International Express, Japan Travel Bureau International, Inc., and Tobishima Pacific, Inc. violated 2 U.S.C. § 441e.

9. Find reason to believe Hawaii Omori Corporation, Nitto Hawaii Corporation, Inc., Pan-Pacific Construction Company Inc., Pan-Pacific Development Inc., Jet Hawaii, Inc., Mauna Lani Resort PAC, Mauna Lani Resort Inc., Ohbayashi Hawaii Corporation, Azabu Realty, Inc., Grosvenor International (Hawaii), Ltd., Hachidai USA Inc., Halekulani Corporation, Hasegawa Komuten (Hawaii) Inc., Otaka Inc., Daiichiya-Love's Bakery, Inc., New Tokyo-Hawaii Restaurant Co., LTD., Universal Express Company (Hawaii), Ltd., American Hawaii Cruises, Kumagai Properties, Inc. ANA Hotels Hawaii, Inc., and Matsuzato Hawaii, Inc. (dba as Queen Kapiolani Hotel), violated 2 U.S.C. § 441e.

10. Find reason to believe the Committee of Honolulu City Councilman David W. Kahanu, the Committee of State Senator Ann Kobayashi, the Committee of Lieutenant Governor Ben Cayetano, the Campaign of James Aki, Citizens for Waihee, the Campaign of Leigh-Wai Doo, and Campaign of Frank Fasi violated 2 U.S.C. § 441e.

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11. Approve the attached sample letters, sample factual and legal analyses[28] and sample questions[29].

4/19/90
Date

Lawrence M. Noble
General Counsel

Attachments
1. responses (pages 1-791)
2. sample letters (7) (pages 792-803)
3. questions (6) (pages 804-810)
4. factual and legal analyses (pages 811-833)

Staff assigned: Patty Reilly

RESPONDENTS	MUR#	ATTACHMENT #
All Nippon Airways Co., LTD.	2892	86 - 88
American Hawaii Cruises	2846	1 - 42
	2892	44 - 85
ANA Hallo Tours (USA), Inc.	2892	89 - 94
ANA Hotels Hawaii, Inc.	2892	95 - 108

28. The sample factual and legal analyses for all respondents includes a modified version of Sections I and II of this report, as well as an appropriate section discussing the basis of the Commission's reason to believe determination. A sample copy of Sections I and II is attached, as well as thirteen samples of Sections III of the factual and legal analysis. Some of these alternative sections are specific as to persons or candidate committees, others are generic. The end of each alternative generic section lists the respondents to whom it will be given.

29. Sample questions are provided for individuals, candidate committees, and corporations. Specific questions are attached for Central Pacific Bank PAC, International Bank of China, and Yoshinori "Ken" Hayashida.

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Asabu U.S.A. Corporation	2846	109 - 112
Asabu Realty, Inc.	2892	113 - 117
Benjamin J. Cayetano	2846	118
Central Pacific Bank Political Action Committee	2892	139 - 155
	2846	156 - 173
Citizens For Waihee	2846	43
Coordination Council For North American Affairs	2892	137 - 138
Daiei Hawaii Investments, Inc.	2846	174 - 175
	2892	176 - 177
Daiichiya-Love's Bakery, Inc.	2892	178 - 182
LEIGH-MAI DOO (Campaign for)	2846	183
Friends of Frank Fasi	2846	184 - 197
	2846	198 - 202
	2846	203 - 211
	2846	212 - 218
	2846	531 - 634
GEM Political Action Committee	2846	219 - 220
	2892	221 - 222
	2892	223 - 224
Grosvenor Intn'l (Hawaii) LTD.	2892	225 - 232

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Hachidai USA, Inc.	2892	233 - 251
Halekulani Corp.	2892	252 - 272
Hasegawa Komuten (Hawaii), Inc.	2892	273 - 287
Hawaii Omori Corporation	2846	288 - 307
Hawaii Sekitei Corp.	2892	308
Masao Hayashi	2846	309
	2846	310 - 312
Yoshinori Ken Hayashida	2846	313 - 316
	2892	317 - 320
Roy Hiroshige	2846	321
ICBC (Int'l Commercial Bank of China)	2892	322
Japan Air Lines Company, LTD.	2846	344 - 352
Japan Travel Bureau Int'l, Inc.	2846/2892	353 - 363
Jet Hawaii, Inc.	2892	323 - 343
David W. Kahanu	2846	364
	2846	365
Kintetsu International Express	2892	366 - 375
Ann H. Kobayashi (Campaign for)	2846	376 - 377
Hiroshi Kobayashi	2846	378 - 380

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	2892	381 - 383
Kumagai Properties Inc.	2846	384 - 390
Leyton House (Hawaii) Inc.	2892	391
	2892	392 - 396
	2892	397 - 400
Longevity Intn'l Enterprises Corp.	2892	401 - 417
Matsuzato Hawaii, Inc. (dba as Queen Kapiolani Hotel)	2892	707 - 709
	2892	710 - 716
Mauna Lani Resort, Inc.	2846	418 - 440
Mauna Lani Resort PAC	2846	418 - 440
Minami Group (USA) Inc.	2892	441 - 443
Takayuki Misutani	2846	174 - 175
	2892	176 - 177
Mokuleia Land Company Sankyo Tsusho Co., LTD.	2892	444 - 448
	2892	449 - 453
New Tokyo-Hawaii Restaurant Co., LTD.	2892	454 - 461
Nitto Hawaii Co LTD.	2846	462 - 483
Ohbayashi Hawaii Corp.	2846	484 - 497
	2892	498 - 509
	2846/2892	510 - 530

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Otaka, Inc.	2892	635 - 638
Pacifico Creative Services, Inc.	2892	639 - 646
Pan-Pacific Development, Inc.	2846	647 - 660
	2892	661 - 674
Pan-Pacific Construction, Inc.	2846	675 - 688
	2892	689 - 702
Pearl Country Club of Hawaii	2892	703 - 705
Plaza Hotel Mimitx Partners	2892	706
Royal Hawaiian Country Club Inc.	2892	717 - 721
Saab-Scania of America, Inc.	2892	722 - 736
Seafarers Intn'l Union	2892	737 - 738
Servco Pacific Inc.	2892	739 - 741
Sony Hawaii Company	2892	742 - 744
	2892	745 - 752
Taiyo Hawaii Company, LTD.	2892	753 - 754
Tobishima Pacific, INC.	2892	755 - 756
Universal Express Co (Hawaii) Ltd.	2892	757 - 759
	2892	760 - 766
Y.Y. Valley Corp.	2892	767 - 771

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Tetsuo Yasuda, a.k.a. Han Soo Chun	2846	772 - 776
	2892	777 - 781
Yasuo Yasuda, a.k.a. Han Kuk Chun	2846	782 - 786
	2892	787 - 791

Persons who have not responded to the complaint:

James Aki (Campaign for)	2846	n/a
Hiroaki Fushimi	2892	n/a
Michisaburo Hayashi	2892	n/a
Schoichi Kaneda	2892	n/a
Masanori Kobayashi	2892	n/a
Itsuo Koshiba	2892	n/a
Hirofumi Oshishi	2892	n/a
Eiji Sakemoto	2892	n/a
Kenji Sakemoto	2892	n/a
Katasumi Yamaguchi	2892	n/a
Eiman Yamamoto	2892	n/a
Yokohama Okadaya	2892	n/a

2043571801

FEDERAL ELECTION COMMISSION
WASHINGTON DC 20463

MEMORANDUM

TO: LAWRENCE M. NOBLE
GENERAL COUNSEL

FROM: MARJORIE W. EMMONS/DELORES HARRIS
COMMISSION SECRETARY

DATE: APRIL 26, 1990

SUBJECT: MURS 2846 & 2892 - GENERAL COUNSEL'S REPORT DATED APRIL 19, 1990

The above-captioned document was circulated to the Commission on Tuesday, April 24, 1990 at 11:00 a.m.

Objection(s) have been received from the Commissioner(s) as indicated by the name(s) checked below:

Commissioner Aikens	
Commissioner Elliott	
Commissioner Josefiak	XXXX
Commissioner McDonald	
Commissioner McGarry	XXXX
Commissioner Thomas	XXXX

This matter will be placed on the meeting agenda for Tuesday, May 1, 1990.

Please notify us who will represent your Division before the Commission on this matter.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of	)	
	)	MURs 2846 and 2892
Citizens for Waihee	)	
Friends of Fasi, et al.	)	

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the Federal Election Commission executive session on May 1, 1990, do hereby certify that the Commission decided by a vote of 6-0 to take the following actions with respect to MURs 2846 and 2892:

1. Merge MUR 2846 with MUR 2892.

2. Find no reason to believe Roy Hiroshige violated 2 U.S.C. § 441e.

3. Find no reason to believe Servco Pacific, Inc., Seafarers International Union, and Plaza Hotel Nimitz Partners violated 2 U.S.C. § 441e.

4. Find no reason to believe Central Pacific Bank Political Action Committee, GEM of Hawaii Political Action Committee, and Sony Hawaii Company violated 2 U.S.C. § 441e.

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5. Find reason to believe Hawaii Sekitei Corporation, Pearl Country Club of Hawaii, Taiyo Hawaii Company, Masao Hayashi, and Yoshinori "Ken" Hayashida violated 2 U.S.C. § 441e.

6. Find reason to believe Yasuo Yasuda (a.k.a. Han Kuk Chun), Takayuki Mizutani, Hiroshi Kobayashi, and Tetsua Yasuda (a.k.a. Han Soo Chun) violated 2 U.S.C. § 441e.

7. Find reason to believe Daiei Hawaii Investments, Inc., Japan Airlines, Inc., Coordination Council for North American Affairs, Minami Group (US), Royal Hawaiian Country Club, Y.Y. Valley Corporation, Molkeiki Land Company, All Nippon Airways Co, Ltd. and International Commercial Bank of China violated 2 U.S.C. § 441e.

8. Find reason to believe Azabu U.S.A., Inc., ANA Hallo Tours (USA), Inc., Longevity International Enterprises Corporation, Pacifico Creative Services, Inc., Saab-Scania of America, Inc., Leyton House (Hawaii), Inc., Kintetsu International Express, Japan Travel Bureau International, Inc., and Tobishima Pacific, Inc. violated 2 U.S.C. § 441e.

(continued)

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9. Find reason to believe Hawaii Omori Corporation, Nitto Hawaii Corporation, Inc., Pan-Pacific Construction Company, Inc., Pan-Pacific Development, Inc., Jet Hawaii, Inc., Mauna Lani Resort PAC, Mauna Lani Resort, Inc., Ohbayashi Hawaii Corporation, Azabu Realty, Inc., Grosvenor International (Hawaii), Ltd., Hachidai USA, Inc. Halekulani Corporation, Haseko (Hawaii) Inc., Otaka Inc., Daiichiya-Love's Bakery, Inc., New Tokoyo-Hawaii Restaurant Co., LTD., Universal Express Company (Hawaii), Ltd., American Hawaii Cruises, Kumagai Properties, Inc. ANA Hotels Hawaii, Inc., and Matsuzato Hawaii, Inc. (dba as Queen Kapiolani Hotel), violated 2 U.S.C. § 441e.

10. Find reason to believe the Committee of Honolulu City Councilman David W. Kahanu, the Committee of State Senator Ann Kobayashi, the Committee of Lieutenant Governor Ben Cayetano, the Campaign of James Aki, Citizens for Waihee, the Campaign of Leigh-Wai Doo, and Campaign of Frank Fasi violated 2 U.S.C. § 441e.

(continued)

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11. Approve the sample letters, sample factual and legal analyses, and sample questions recommended in the General Counsel's report dated April 19, 1990.

Commissioners Aikens, Elliott, Josefiak, McDonald, McGarry, and Thomas voted affirmatively for the decision.

Attest:

May 3, 1990
Date

Marjorie W. Emmons
Marjorie W. Emmons
Secretary of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 21, 1990

Dickson C.H. Lee, Esquire
Okumura, Takushi, Funaki & Wee
Suite 1400, Grosvenor Center
733 Bishop Street
Honolulu, HI 96813

RE: MUR 2892
Universal Express Co. (Hawaii) LTD.

Dear Mr. Lee:

On June 6, 1989, the Federal Election Commission notified your client of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your client at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on May 1 , 1990, found that there is reason to believe Universal Express Co. (Hawaii) LTD. violated 2 U.S.C. § 441e, a provision of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against your client. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office along with answers to the enclosed questions within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against your client, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

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If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

Enclosures
Questions
Factual & Legal Analysis

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of) MUR 2892)

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Universal Express Company (Hawaii), Ltd.

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within fifteen days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

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INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1986 to present.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding, the nationality of such person and whether such person is a United States citizen or a permanent resident alien of the United States. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Universal Express Co. (Hawaii), Ltd. MUR 2892

1. State your name, local address, business, and where you are incorporated.

2. Identify all officers and directors.

3. Identify all management personnel.

4. State whether you are a subsidiary of any entity. If so, identify all entities with ownership rights.

5. List all contributions (date, amount, recipient) made by you to federal, state and local elections. List all refunds made of such contributions, and the date of the refund. State whether you are required to file reports with any state election board.

6. Identify all persons who participated in the making of each contribution noted above. If these persons are not noted in your answer to interrogatories one or two, identify such persons.

7. State the source of funds used to make the contributions noted above and whether any funds were provided directly or indirectly by a foreign national.

8. State whether you maintain a political action committee. If so, specify the source of funds used by such committee. Identify all persons associated with the operation of such political action committee.

9. If your answer to the above interrogatory is in the negative, state whether you maintain a pool of funds specified for election activity. If so, identify the procedure under which such pool was established, state how it is currently operated, and identify those persons who determine under which circumstances funds are available for the pool.

10. Identify each person answering these questions, the length of time that he or she has been associated with the respondent, and all positions held with the respondent.

The Commission requests the following documents: all election reports required to be filed with any government agency.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Universal Express Company (Hawaii), LTD. MUR: 2892

I. BACKGROUND

The Office of the General Counsel received a complaint on April 11, 1989 (MUR 2846), alleging that thirty persons, as foreign nationals, impermissibly contributed to state elections in violation of 2 U.S.C. § 441e. The majority of these persons were alleged to have contributed to Citizens for Waihee, a state committee of the governor of Hawaii. On May 30, 1989, this Office received a second complaint (MUR 2892) alleging approximately sixty alleged foreign nationals had impermissibly contributed to the Campaign of Frank Fasi, the mayor of Honolulu. The Commission determined to merge these two matters.

II. LEGAL ANALYSIS

A. THE LAW

The basis of the complaints is the Act's prohibition on contributions from foreign nationals at 2 U.S.C. § 441e. This provision states:

> (a) It shall be unlawful for a foreign national directly or through any other person to make any contribution of money or other thing of value, or to promise expressly or impliedly to make any such contribution, in connection with any election to any political office or in connection with any primary election, convention, or caucus held to select candidates for any political office; or for any person to solicit, accept, or receive any such contribution from a foreign national.

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The prohibition is also included in the Commission's Regulations at 11 C.F.R. § 110.4(a)(1) that states:

> A foreign national shall not directly or through any other person make a contribution, or expressly or impliedly promise to make a contribution, in connection with a convention, caucus, primary, general, special, or runoff election in connection with any local, State, or Federal public office.

Further, no person shall solicit, accept, or receive a contribution as set out in 11 C.F.R. § 110.4(a)(1) from a foreign national. 11 C.F.R. § 110.4(a)(2).

The term "foreign national" is defined at 2 U.S.C. § 441e(b)(1) as, inter alia, a "foreign principal" as that term is defined at 22 U.S.C. § 611(b). Under § 611(b), a "foreign principal" includes:

> (1) a government of a foreign country and a foreign political party;
>
> (2) a person outside the United States, unless it is established that such person is an individual and a citizen of and domiciled within the United States, or that such person is not an individual and is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States; and
>
> (3) a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country

The Act further provides that resident aliens are excluded from the definition of "foreign national". See 2 U.S.C. § 441e(b)(2).

B. CHALLENGES TO JURISDICTION

As an initial matter, the issue of the Commission's

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jurisdiction is addressed. A number of respondents have submitted responses arguing that the Commission is without jurisdiction because the contributions in question are not prohibited by Hawaii state law.[1] These arguments rest upon two independent legal bases. First, a number of respondents argue that the Commission lacks jurisdiction because section 441e does not explicitly prohibit contributions to state and local elections. Additionally, other respondents argue that the Commission cannot assert jurisdiction in this matter without violating the Tenth Amendment to the United States Constitution. Each argument is discussed separately below.[2]

1. **STATE COMMITTEES ACCEPTING CONTRIBUTIONS FROM FOREIGN NATIONALS ARE WITHIN THE PURVIEW OF SECTION 441e**

As noted above, respondents first argue that section 441e's prohibition is inapplicable to state and local elections because this section does not expressly address such elections. Respondents note that section 441e addresses "contributions" and "candidates", terms which are defined at 2 U.S.C. § 431 as applicable to federal elections and office. Although respondents acknowledge that the Commission's Regulations do prohibit contributions by foreign nationals to state and local elections,

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1. Hawaii law permits contributions from corporations and does not explicitly prohibit contributions from foreign nationals. See Hawaii Revised Statutes § 11 et. seq.

2. A number of respondents note that they relied upon representations of Hawaii's attorney general that contributions from foreign nationals to state political committees were permissible.

they argue the regulation at 11 C.F.R. 110.4 is overly broad.[3]

As discussed below, the Commission's long-standing interpretation of section 441e is supported by the language and structure of the statute, as well as the relevant legislative history. Therefore, section 441e's prohibitions are appropriately applied to state and local elections.

Initially it is clear that section 441e expressly prohibits contributions by foreign nationals to "any political office," (emphasis added). The phrase "any political office" appears but twice in the Act; at this section and in section 441b(a) (prohibition of contributions from national banks). The Commission has promulgated Regulations for both these sections, consistently interpreting each as applying to federal, state and local elections. See 11 C.F.R. §§ 110.4 and 114.2. In contrast, the Act contains numerous references to "Federal office", defined at 2 U.S.C. § 431(3) to refer solely to federal elections.[4] Consequently, section 441e's reference to "any political office" is correctly read as applying to federal, state, and local elections, and is distinguished by its plain language from

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3. Since the operative language of 11 C.F.R. 110.4 was first adopted in 1976, the Commission has consistently taken the position in both enforcement matters and in advisory opinions that section 441e applies to state and local elections, as well as federal elections. See, e.g., A.O.s 1979-59, 1985-3, 1982-10, 1985-3, 1989-20; and MURs 1859, 1159, and 2165.

4. See, e.g., section 432(e)(1) (designation of principal campaign committee); section 439a (use of contributed amounts for certain purposes); section 441a(a)(1)(A) and (2)(A) (limitations on contributions to authorized committees); section 441g (limitations on contributions in currency); section 441h (fraudulent misrepresentation of campaign authority).

sections of the Act dealing solely with federal elections.[5]

The legislative history of § 441b's statutory predecessor (18 U.S.C. § 610) is unequivocal that "any political office" was intended to apply to federal, state and local elections:

> The effect of this provision is to make it unlawful for any corporation, [organized by authority of any laws of Congress], no matter what its character may be, to make a contribution "in connection with any election to any political office" without regard to whether the election be national, State, county, township, or municipal. The Congress has the undoubted right thus to restrict and regulate corporations of its own creation.

U.S. v. Clifford, 409 F. Supp. 1070, 1073 (E.D.N.Y. 1976), quoting S. Rep. No. 3065, 59th Congress, 1st Sess. 2 (1906). Accordingly, there remains little doubt of Congressional intent as to the scope of this phrase, and no serious question but that Congress intended both section 441e and the national bank prohibition at section 441b to apply to state and local elections.[6]

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5. One respondent points to Section 441c, which in subsection (a)(1) prohibits federal contractors from contributing "to any political party, committee, or candidate for public office," and argues that "this language is similar if not broader", than § 441e's language, yet is applied only to federal elections. Subsection (b), however, which permits federal contractors to maintain separate segregated funds for the purpose of influencing elections, explicitly refers to elections for "Federal office", and the Commission long ago reasoned that this limitation must be imported into subsection (a) as well to prevent an anomalous result. See A.O. 1975-99, 1 Fed. Election Camp. Fin. Guide, ¶ 5171 at pp. 10,113-114, codified at 11 C.F.R. § 115.2(a) (prohibition on federal contractors applicable only to federal elections).

6. While not as explicit, the legislative history of section 441e also confirms Congress's intent to reach beyond federal elections. Section 441e's operative language originated in an amendment to the Foreign Agents Registration Act of 1938 ("FARA"),

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Finally, respondents argue that because "contribution" as defined at § 431(8) refers to "any election for Federal office" section 441e's reference to "contribution" can only refer to federal elections. This is simply not the case. Rather, it is well settled that the

> natural presumption that identical words used in different parts of the same Act are intended to have the same meaning .... is not rigid and readily yields whenever there is such variation in the connection in which the words are used as reasonably to warrant the conclusion that they were employed in different parts of the act with different intent. Where ... the conditions are different, or the scope of the legislative powers exercised in one case is broader than that exercised in another, the meaning well may vary to meet the purposes of the law, to be arrived at by a consideration of the language in which those purposes are expressed, and of the circumstances under which the language was employed.

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52 Stat. 631-633, as amended in relevant part in 1942, 1966 and 1984, codified at 22 U.S..C. §§ 611-621. The 1966 amendments sought "to protect the interests of the United States by requiring complete public disclosure by persons acting for or in the interests of foreign principals where their activities are political in nature or border on the political." H.R. Rep. No. 1470, 89th Cong., 1st Sess., reprinted in 1966 U.S. Code Cong. & Admin. News 2397, 2398. Moreover, when the provision was amended as part of the Federal Election Campaign Act Amendments of 1974, 88 Stat. 1263, the author of the amendment noted Congress's concern with foreign influence over "American political candidates," and broadly stated that the provision "would ban the contributions of foreign nationals to campaign funds in American political campaigns." 120 Cong. Rec. 8782 (March 28, 1974) (statement of Senator Bentsen), reprinted in Legislative History of the Federal Election Campaign Amendments of 1974 at 264. See also id. ("I am saying that contributions by foreigners are wrong and they have no place in the American political system.").

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In this instance we have demonstrated that Congress used specific statutory language ("any political office") to reach beyond federal elections in only two instances: the prohibition of national bank contributions at section 441b(a) and the prohibition of foreign national contributions at section 441e. Thus, upon consideration of "the circumstances under which the language ... [is] employed," Atlantic Cleaners, 286 U.S. at 433, the phrase "contribution of money or other things of value" in section 441e must be read more broadly than "contribution" as defined at section 431(8). Indeed, respondents' reading of section 441e would render superfluous the phrase "any political office," and would do so in the face of legislative history as to its intended scope. It is a cardinal principle of statutory construction, however, that statutes should be interpreted to give force to the language chosen by Congress, and interpretations which render statutory language meaningless are to be avoided. See, e.g., U.S. v. Fausto, 108 S. Ct. 668, 675-76 (1988).

In sum, the statutory structure and legislative history demonstrates that Congress intended "any political office" to apply to federal, state and local elections.[7] Therefore,

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7. The Commission's consistent interpretation giving force to this statutory language would be afforded great deference by the courts. See, e.g., F.E.C. v. Democratic Senatorial Campaign Committee, 454 U.S. 27, 36-37 (1981).

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respondents' argument of statutory construction must fail.

2. TENTH AMENDMENT CONCERNS

Other respondents argue that the Commission's assertion of jurisdiction in this matter violates the Tenth Amendment to the United States Constitution. This amendment reserves to the states "powers not delegated to the United States by the Constitution, nor prohibited by it to the states." Citing Oregon v. Mitchell, 400 U.S. 112 (1970), respondents argue that because states have been recognized as having the right to establish and maintain separate and independent governments, and "to determine within the powers of the constitution the qualifications of their own voters for state, county, and municipal offices and the nature of their own machinery for filling local public offices...," Id. at 125, the State of Hawaii is constitutionally entitled to permit foreign nationals to fund its elections.

Oregon struck down the age requirements provision for the Voting Rights Act Amendments of 1970, finding age limitations valid as to national elections but invalid as to state elections. The Court reasoned that the Article 1, Section 2 of the Constitution reserves to the state the power to regulate state and local elections. Thus, respondents' assertion that Oregon relies on the Tenth Amendment is flawed. In fact, Oregon merely addressed states' powers to regulate participation, by age, in state and local elections, but did not address the quite different issue presented in this matter, i.e. expanding the electoral process to include foreign nationals. Such inclusion interjects the state into aspects of foreign policy and immigration that are

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acknowledged areas of federal domain. See Toll v. Moreno, 458 U.S. 1, 10 (1982) (reaffirmation of the federal constitutional power over aliens via Article I, § 8 cl.4 [authority to establish uniform Rule of naturalization] and Article I, § 8 cl.3. [power to regulate commerce with foreign nationals and inherent power over foreign affairs]). Moreover, the Oregon court recognized that the federal government can indeed regulate certain aspects of state elections impinging upon federally protected interests, i.e. literary tests, poll taxes, and other vestiges of racial discrimination. In this instance the Act is similarly interjected in an area of apparent state domain to assert a constitutionally recognized federal interest over foreign affairs.

Respondents' reliance on the Tenth Amendment adds nothing to their argument. The Supreme Court has only recently reaffirmed that "Tenth Amendment limits on Congress' authority to regulate state activities . . . . are structural, not substantive--i.e., that States must find their protection from congressional regulation through the national political process, not through judicially defined spheres of unregulable state activity." South Carolina v. Baker, 108 S. Ct. 1355, 1360 (1988), citing Garcia v. San Antonio Metropolitan Transit Authority, 469 U.S. 528 (1985) (overruling National League of Cities v. Usery, 426 U.S. 833 (1976)). Therefore, respondents' jurisdictional arguments are without foundation.

C. THE COMMISSION'S INTERPRETATION AND APPLICATION OF SECTION 441e

These matters involve both individuals and corporations who

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are said to be foreign nationals. Initially, it is clear that the Act prohibits contributions from persons, including individuals, who are foreign nationals. 2 U.S.C. § 441e. See A.O. 1983-31. In its advisory opinions, the Commission has addressed the issue whether a corporation that is not a foreign national, but is a domestic subsidiary of a foreign national parent, may make contributions in connection with state and local campaigns for political office. In addressing this issue the Commission has looked to two factors: the source of the funds used to make the contributions and the status of the decision makers. Regarding the source of funds, the Commission has not permitted such contributions by a domestic subsidiary where the source of funds is the foreign national parent, reasoning that this essentially permits the foreign national to make contributions indirectly when it could not do so directly. See, e.g., A.O.s 1985-3 and 1981-36.

Moreover, even if the funds in question are from a domestic subsidiary, the Commission also requires that the status of the decision makers must be examined. The Commission has conditioned its approval of contributions by domestic subsidiaries of foreign nationals by requiring that no director or officer of the company or its parent who is a foreign national may participate in any way in the decision making process regarding the proposed contribution. This, in turn, requires an examination of the nationalities of the decision makers, specifically the officers and directors in instances where a corporation is implicated. See A.O.s 1985-3, 1982-10 and 1989-20.

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III. FACTUAL AND LEGAL ANALYSIS

The Commission has established a two-pronged test enabling domestic subsidiaries of foreign nationals to make political contributions. In order to meet the requirements of this test, an entity associated with a foreign national (either as a domestic subsidiary or as a state political action committee) must demonstrate that it does not receive funds for the contributions from its parent foreign national, and that the parent foreign national does not exercise any control or decision making responsibility regarding the contribution. Additionally, the source of the funds must be examined. Satisfying this first prong requires examining the identity of the decision makers, including the officers and directors of the domestic subsidiary.

The above-named respondent has failed to satisfy this criteria. Consequently, there is reason to believe respondent violated 2 U.S.C. § 441e.

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FEDERAL ELECTION COMMISSION
WASHINGTON D.C. 20463

May 21, 1990

Karl K. Kobayashi, Esquire
Carlsmith, Wichman, Case, Mukai & Ichiki
Suite 2200, Pacific Tower
1001 Bishop Street
Honolulu, HI 96813

RE: MUR 2892
Jet Hawaii, Inc.

Dear Mr. Kobayashi:

On June 6, 1989, the Federal Election Commission notified your client of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). A copy of the complaint was forwarded to your client at that time.

Upon further review of the allegations contained in the complaint, and information supplied by you, the Commission, on May 1 , 1990, found that there is reason to believe Jet Hawaii, Inc. violated 2 U.S.C. § 441e, a provision of the Act. The Factual and Legal Analysis, which formed a basis for the Commission's finding, is attached for your information.

Under the Act, you have an opportunity to demonstrate that no action should be taken against your client. You may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Please submit such materials to the General Counsel's Office along with answers to the enclosed questions within 15 days of receipt of this letter. Where appropriate, statements should be submitted under oath.

In the absence of any additional information demonstrating that no further action should be taken against your client, the Commission may find probable cause to believe that a violation has occurred and proceed with conciliation.

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If you are interested in pursuing pre-probable cause conciliation, you should so request in writing. See 11 C.F.R. § 111.18(d). Upon receipt of the request, the Office of the General Counsel will make recommendations to the Commission either proposing an agreement in settlement of the matter or recommending declining that pre-probable cause conciliation be pursued. The Office of the General Counsel may recommend that pre-probable cause conciliation not be entered into at this time so that it may complete its investigation of the matter. Further, the Commission will not entertain requests for pre-probable cause conciliation after briefs on probable cause have been mailed to the respondent.

Requests for extensions of time will not be routinely granted. Requests must be made in writing at least five days prior to the due date of the response and specific good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days.

This matter will remain confidential in accordance with 2 U.S.C. §§ 437g(a)(4)(B) and 437g(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public.

If you have any questions, please contact Patty Reilly, the attorney assigned to this matter, at (202) 376-5690.

Sincerely,

Lee Ann Elliott

Lee Ann Elliott
Chairman

Enclosures
Questions
Factual & Legal Analysis

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of) MUR 2892)

INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Jet Hawaii, Inc.

In furtherance of its investigation in the above-captioned matter, the Federal Election Commission hereby requests that you submit answers in writing and under oath to the questions set forth below within fifteen days of your receipt of this request. In addition, the Commission hereby requests that you produce the documents specified below, in their entirety, for inspection and copying at the Office of the General Counsel, Federal Election Commission, Room 659, 999 E Street, N.W., Washington, D.C. 20463, on or before the same deadline, and continue to produce those documents each day thereafter as may be necessary for counsel for the Commission to complete their examination and reproduction of those documents. Clear and legible copies or duplicates of the documents which, where applicable, show both sides of the documents may be submitted in lieu of the production of the originals.

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INSTRUCTIONS

In answering these interrogatories and request for production of documents, furnish all documents and other information, however obtained, including hearsay, that is in possession of, known by or otherwise available to you, including documents and information appearing in your records.

Each answer is to be given separately and independently, and unless specifically stated in the particular discovery request, no answer shall be given solely by reference either to another answer or to an exhibit attached to your response.

The response to each interrogatory propounded herein shall set forth separately the identification of each person capable of furnishing testimony concerning the response given, denoting separately those individuals who provided informational, documentary or other input, and those who assisted in drafting the interrogatory response.

If you cannot answer the following interrogatories in full after exercising due diligence to secure the full information to do so, answer to the extent possible and indicate your inability to answer the remainder, stating whatever information or knowledge you have concerning the unanswered portion and detailing what you did in attempting to secure the unknown information.

Should you claim a privilege with respect to any documents, communications, or other items about which information is requested by any of the following interrogatories and requests for production of documents, describe such items in sufficient detail to provide justification for the claim. Each claim of privilege must specify in detail all the grounds on which it rests.

Unless otherwise indicated, the discovery request shall refer to the time period from January 1, 1986 to present.

The following interrogatories and requests for production of documents are continuing in nature so as to require you to file supplementary responses or amendments during the course of this investigation if you obtain further or different information prior to or during the pendency of this matter. Include in any supplemental answers the date upon which and the manner in which such further or different information came to your attention.

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DEFINITIONS

For the purpose of these discovery requests, including the instructions thereto, the terms listed below are defined as follows:

"You" shall mean the named respondent in this action to whom these discovery requests are addressed, including all officers, employees, agents or attorneys thereof.

"Persons" shall be deemed to include both singular and plural, and shall mean any natural person, partnership, committee, association, corporation, or any other type of organization or entity.

"Document" shall mean the original and all non-identical copies, including drafts, of all papers and records of every type in your possession, custody, or control, or known by you to exist. The term document includes, but is not limited to books, letters, contracts, notes, diaries, log sheets, records of telephone communications, transcripts, vouchers, accounting statements, ledgers, checks, money orders or other commercial paper, telegrams, telexes, pamphlets, circulars, leaflets, reports, memoranda, correspondence, surveys, tabulations, audio and video recordings, drawings, photographs, graphs, charts, diagrams, lists, computer print-outs, and all other writings and other data compilations from which information can be obtained.

"Identify" with respect to a document shall mean state the nature or type of document (e.g., letter, memorandum), the date, if any, appearing thereon, the date on which the document was prepared, the title of the document, the general subject matter of the document, the location of the document, the number of pages comprising the document.

"Identify" with respect to a person shall mean state the full name, the most recent business and residence addresses and the telephone numbers, the present occupation or position of such person, the nature of the connection or association that person has to any party in this proceeding, the nationality of such person and whether such person is a United States citizen or a permanent resident alien of the United States. If the person to be identified is not a natural person, provide the legal and trade names, the address and telephone number, and the full names of both the chief executive officer and the agent designated to receive service of process for such person.

"And" as well as "or" shall be construed disjunctively or conjunctively as necessary to bring within the scope of these interrogatories and requests for the production of documents any documents and materials which may otherwise be construed to be out of their scope.

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INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

TO: Jet Hawaii, Inc. MUR 2892

1. State your name, local address, business, and where you are incorporated.

2. Identify all officers and directors.

3. Identify all management personnel.

4. State whether you are a subsidiary of any entity. If so, identify all entities with ownership rights.

5. List all contributions (date, amount, recipient) made by you to federal, state and local elections. List all refunds made of such contributions, and the date of the refund. State whether you are required to file reports with any state election board.

6. Identify all persons who participated in the making of each contribution noted above. If these persons are not noted in your answer to interrogatories one or two, identify such persons.

7. State the source of funds used to make the contributions noted above and whether any funds were provided directly or indirectly by a foreign national.

8. State whether you maintain a political action committee. If so, specify the source of funds used by such committee. Identify all persons associated with the operation of such political action committee.

9. If your answer to the above interrogatory is in the negative, state whether you maintain a pool of funds specified for election activity. If so, identify the procedure under which such pool was established, state how it is currently operated, and identify those persons who determine under which circumstances funds are available for the pool.

10. Identify each person answering these questions, the length of time that he or she has been associated with the respondent, and all positions held with the respondent.

The Commission requests the following documents: all election reports required to be filed with any government agency.

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FEDERAL ELECTION COMMISSION

FACTUAL AND LEGAL ANALYSIS

RESPONDENT: Jet Hawaii, Inc. MUR: 2892

I. BACKGROUND

The Office of the General Counsel received a complaint on April 11, 1989 (MUR 2846), alleging that thirty persons, as foreign nationals, impermissibly contributed to state elections in violation of 2 U.S.C. § 441e. The majority of these persons were alleged to have contributed to Citizens for Waihee, a state committee of the governor of Hawaii. On May 30, 1989, this Office received a second complaint (MUR 2892) alleging approximately sixty alleged foreign nationals had impermissibly contributed to the Campaign of Frank Fasi, the mayor of Honolulu. The Commission determined to merge these two matters.

II. LEGAL ANALYSIS

A. THE LAW

The basis of the complaints is the Act's prohibition on contributions from foreign nationals at 2 U.S.C. § 441e. This provision states:

> (a) It shall be unlawful for a foreign national directly or through any other person to make any contribution of money or other thing of value, or to promise expressly or impliedly to make any such contribution, in connection with any election to any political office or in connection with any primary election, convention, or caucus held to select candidates for any political office; or for any person to solicit, accept, or receive any such contribution from a foreign national.

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The prohibition is also included in the Commission's Regulations at 11 C.F.R. § 110.4(a)(1) that states:

> A foreign national shall not directly or through any other person make a contribution, or expressly or impliedly promise to make a contribution, in connection with a convention, caucus, primary, general, special, or runoff election in connection with any local, State, or Federal public office.

Further, no person shall solicit, accept, or receive a contribution as set out in 11 C.F.R. § 110.4(a)(1) from a foreign national. 11 C.F.R. § 110.4(a)(2).

The term "foreign national" is defined at 2 U.S.C. § 441e(b)(1) as, inter alia, a "foreign principal" as that term is defined at 22 U.S.C. § 611(b). Under § 611(b), a "foreign principal" includes:

> (1) a government of a foreign country and a foreign political party;
>
> (2) a person outside the United States, unless it is established that such person is an individual and a citizen of and domiciled within the United States, or that such person is not an individual and is organized under or created by the laws of the United States or of any State or other place subject to the jurisdiction of the United States and has its principal place of business within the United States; and
>
> (3) a partnership, association, corporation, organization, or other combination of persons organized under the laws of or having its principal place of business in a foreign country

The Act further provides that resident aliens are excluded from the definition of "foreign national". See 2 U.S.C. § 441e(b)(2).

B. CHALLENGES TO JURISDICTION

As an initial matter, the issue of the Commission's

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jurisdiction is addressed. A number of respondents have submitted responses arguing that the Commission is without jurisdiction because the contributions in question are not prohibited by Hawaii state law.[1] These arguments rest upon two independent legal bases. First, a number of respondents argue that the Commission lacks jurisdiction because section 441e does not explicitly prohibit contributions to state and local elections. Additionally, other respondents argue that the Commission cannot assert jurisdiction in this matter without violating the Tenth Amendment to the United States Constitution. Each argument is discussed separately below.[2]

1. **STATE COMMITTEES ACCEPTING CONTRIBUTIONS FROM FOREIGN NATIONALS ARE WITHIN THE PURVIEW OF SECTION 441e**

As noted above, respondents first argue that section 441e's prohibition is inapplicable to state and local elections because this section does not expressly address such elections. Respondents note that section 441e addresses "contributions" and "candidates", terms which are defined at 2 U.S.C. § 431 as applicable to federal elections and office. Although respondents acknowledge that the Commission's Regulations do prohibit contributions by foreign nationals to state and local elections,

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1. Hawaii law permits contributions from corporations and does not explicitly prohibit contributions from foreign nationals. See Hawaii Revised Statutes § 11 et. seq.

2. A number of respondents note that they relied upon representations of Hawaii's attorney general that contributions from foreign nationals to state political committees were permissible.

they argue the regulation at 11 C.F.R. 110.4 is overly broad.[3]

As discussed below, the Commission's long-standing interpretation of section 441e is supported by the language and structure of the statute, as well as the relevant legislative history. Therefore, section 441e's prohibitions are appropriately applied to state and local elections.

Initially it is clear that section 441e expressly prohibits contributions by foreign nationals to "any political office," (emphasis added). The phrase "any political office" appears but twice in the Act; at this section and in section 441b(a) (prohibition of contributions from national banks). The Commission has promulgated Regulations for both these sections, consistently interpreting each as applying to federal, state and local elections. See 11 C.F.R. §§ 110.4 and 114.2. In contrast, the Act contains numerous references to "Federal office", defined at 2 U.S.C. § 431(3) to refer solely to federal elections.[4] Consequently, section 441e's reference to "any political office" is correctly read as applying to federal, state, and local elections, and is distinguished by its plain language from

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3. Since the operative language of 11 C.F.R. 110.4 was first adopted in 1976, the Commission has consistently taken the position in both enforcement matters and in advisory opinions that section 441e applies to state and local elections, as well as federal elections. See, e.g., A.O.s 1979-59, 1985-3, 1982-10, 1985-3, 1989-20; and MURs 1859, 1159, and 2165.

4. See, e.g., section 432(e)(1) (designation of principal campaign committee); section 439a (use of contributed amounts for certain purposes); section 441a(a)(1)(A) and (2)(A) (limitations on contributions to authorized committees); section 441g (limitations on contributions in currency); section 441h (fraudulent misrepresentation of campaign authority).

sections of the Act dealing solely with federal elections.[5]

The legislative history of § 441b's statutory predecessor (18 U.S.C. § 610) is unequivocal that "any political office" was intended to apply to federal, state and local elections:

> The effect of this provision is to make it unlawful for any corporation, [organized by authority of any laws of Congress], no matter what its character may be, to make a contribution "in connection with any election to any political office" without regard to whether the election be national, State, county, township, or municipal. The Congress has the undoubted right thus to restrict and regulate corporations of its own creation.

U.S. v. Clifford, 409 F. Supp. 1070, 1073 (E.D.N.Y. 1976), quoting S. Rep. No. 3065, 59th Congress, 1st Sess. 2 (1906). Accordingly, there remains little doubt of Congressional intent as to the scope of this phrase, and no serious question but that Congress intended both section 441e and the national bank prohibition at section 441b to apply to state and local elections.[6]

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5. One respondent points to Section 441c, which in subsection (a)(1) prohibits federal contractors from contributing "to any political party, committee, or candidate for public office," and argues that "this language is similar if not broader", than § 441e's language, yet is applied only to federal elections. Subsection (b), however, which permits federal contractors to maintain separate segregated funds for the purpose of influencing elections, explicitly refers to elections for "federal office", and the Commission long ago reasoned that this limitation must be imported into subsection (a) as well to prevent an anomalous result. See A.O. 1975-99, 1 Fed. Election Camp. Fin. Guide, ¶ 5171 at pp. 10,113-114, codified at 11 C.F.R. § 115.2(a) (prohibition on federal contractors applicable only to federal elections).

6. While not as explicit, the legislative history of section 441e also confirms Congress's intent to reach beyond federal elections. Section 441e's operative language originated in an amendment to the Foreign Agents Registration Act of 1938 ("FARA"),

Finally, respondents argue that because "contribution" as defined at § 431(8) refers to "any election for Federal office" section 441e's reference to "contribution" can only refer to federal elections. This is simply not the case. Rather, it is well settled that the

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In this instance we have demonstrated that Congress used specific statutory language ("any political office") to reach beyond federal elections in only two instances: the prohibition of national bank contributions at section 441b(a) and the prohibition of foreign national contributions at section 441e. Thus, upon consideration of "the circumstances under which the language ... [is] employed," Atlantic Cleaners, 286 U.S. at 433, the phrase "contribution of money or other things of value" in section 441e must be read more broadly than "contribution" as defined at section 431(8). Indeed, respondents' reading of section 441e would render superfluous the phrase "any political office," and would do so in the face of legislative history as to its intended scope. It is a cardinal principle of statutory construction, however, that statutes should be interpreted to give force to the language chosen by Congress, and interpretations which render statutory language meaningless are to be avoided. See, e.g., U.S. v. Fausto, 108 S. Ct. 668, 675-76 (1988).

In sum, the statutory structure and legislative history demonstrates that Congress intended "any political office" to apply to federal, state and local elections.[7] Therefore,

7. The Commission's consistent interpretation giving force to this statutory language would be afforded great deference by the courts. See, e.g., F.E.C. v. Democratic Senatorial Campaign Committee, 454 U.S. 27, 36-37 (1981).

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