



Since 1967, protecting the public's right to know

The Big Island Press Club

P.O. Box 1920 Hilo, Hawaii 96721

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Board of Education earns 2007 Lava Tube Award

HILO – For defying the state Office of Information Practices' directives to make public the minutes and audio tape of the meeting at which charter schools director Jim Shon was fired in September, the Hawaii state Board of Education is the 2007 recipient of the Big Island Press Club's Lava Tube Award.

Lava Tube awards are presented annually to recognize the worst examples of openness in the state.

The Board of Education eventually released minutes of the closed-door meeting, revealing how individual members voted on Shon's firing, but not until after the November general election when several members were seeking re-election. The audio tape of the meeting is still being withheld by the board despite repeated notices that its refusal to release the tape is illegal.

Also this year the Press Club is presenting its Torch of Light award, recognizing the best example of openness in Hawaii, to *West Hawaii Today* for uncovering and reporting on a previously secret case in the state Judiciary.

The Press Club's board of directors has presented these awards annually since 1997.

Since being informed by the OIP on Oct. 30, 2006, that it must comply with the state's open meetings law, the Board of Education has continually thwarted the public's right to know by refusing to make the tape available upon request without charging excessive and illegal fees. The board told Larry Geller, a citizen who requested a copy of the tape, that it would cost \$880 to transcribe the tape of the meeting in order to redact portions that were not required to be released.

OIP Director Les Kondo informed the Board in December, and again as recently as March 8, that charging a fee for transcribing the tape is illegal under Hawaii law.

Board President Karen Knudsen said the Board is incapable of producing a redacted version of the tape and must use a private company's professional services to produce the tape.

In the March 8 letter, the OIP gave the BOE until March 15, the eve of Freedom of Information Day, to comply with the law. "Any further delay by BOE in providing Mr. Geller with a copy of the audio tape cannot be reasonably justified," OIP Director Kondo said. But the OIP has no enforcement capabilities, and Mr. Geller, whose remaining option is to take the BOE to court, has given up seeking a copy of the audio recording.

"The BOE is wrong in its refusal to release the transcripts of that meeting," said Press Club President Peter Sur. "The delayed release of the minutes denied voters a chance to evaluate whether members seeking re-election deserved another term.

"The Board of Education is not a secret society. Its actions have a direct effect on close to 200,000 of

Hawaii's youth. Yet it acts as if accountability is a word for teachers and administrators, but not their governing body," Sur said.

Also this year, which marks the Big Island Press Club's 40th anniversary, the Press Club cites the Hawaii State Legislature again for a Lava Tube dishonorable mention. The Legislature has earned the dubious distinction each year since 1997 for continually failing to abide by the Sunshine Law which it has mandated for every other public agency in Hawaii.

A second dishonorable mention is reserved this year for the Hawaii County Council, which was found in violation of the Sunshine twice in 2006, each time for failing to place an item on its agenda that was subsequently discussed and voted on in violation of open public meetings requirements of the law.

TORCH OF LIGHT

The Torch of Light is awarded to *West Hawaii Today* for its efforts in removing the veil of secrecy surrounding a case in the state Judiciary. The Kailua-Kona newspaper, owned by Stephens Media, petitioned the Hawaii Supreme Court to force the formerly secret lawsuit involving a prominent Big Island law firm into the public eye. The unusual nature of the secrecy involved in the case and the newspaper's aggressive efforts to shed light on it represents outstanding service to the public's right to know and is a worthy recipient of the Press Club's 2007 Torch of Light, said Sur.

The Lava Tube and Torch of Light awards are announced each year on March 16, which is celebrated nationwide as Freedom of Information Day on the birthday of James Madison, the foremost champion of openness in government among the nation's founding fathers. Madison was born in 1751.

For information, call Hunter Bishop, 808-987-5186; or visit the club's Web site, www.bigislandpressclub.com. The following are the past recipients of the awards.

Torch of Light

- 2006** Lillian Koller, director of the state Department of Human Services
- 2005** Former judge and Hawaii County Police Commissioner Paul DeSilva
- 2004** University of Hawaii at Manoa Journalism Professor Beverly Keever
- 2003** U.S. Rep. Patsy Mink (posthumously)
- 2002** Hawaii County Mayor Harry Kim
- 2001** Hawaii County Clerk Al Konishi
- 2000** Hawaii Gov. Ben Cayetano
- 1999** Jerry Rothstein and Judith Graham
- 1998** Environment Hawaii and Common Cause
- 1997** Society of Professional Journalists, Hawaii Chapter

Lava Tube

- 2006** Kauai County Council, Honolulu City and County Council
- 2005** Third Circuit District Court Judge Matthew Pyun
- 2004** State Land Board Chairman Peter Young
- 2003** State Sen. Calvin Kawamoto
- 2002** University of Hawaii Board of Regents
- 2001** University of Hawaii Board of Regents
- 2000** State Rep. Eric Hamakawa, Hawaii County Councilman James Arakaki
- 1999** Hawaii County Council
- 1998** Hawaii Gov. Ben Cayetano
- 1997** Hawaii County Councilman Elroy Osorio