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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 6344
United Public Workers, AFSCME Local)
646, AFL-CIO; Dayton Nakanelua, State)
Director, UPW; Clifford "Chip" Uwaine,)
Executive Assistant to the State Director,)
UPW; Laurie Santiago, Oahu Division)
Director, UPW; Hanabusa 2011 and Patsy)
Saiki, in her official capacity as)
Treasurer)

CERTIFICATION

I, Shelley E. Garr, recording secretary of the Federal Election Commission executive session, do hereby certify that on April 05, 2011, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 3-3 to pass a motion to:
 - a. Find reason to believe that United Public Workers, AFSCME Local 646, AFL-CIO violated 2 U.S.C. § 441b(a) when it coerced employees to contribute their off-hour time to the union's pro-Hanabusa independent expenditure campaign.
 - b. Find reason to believe that Dayton Nakanelua, Clifford "Chip" Uwaine, and Laurie Santiago violated 2 U.S.C. § 441b(a) by directing and/or consenting to the coercion of UPW employees to contribute their off-hour time to the union's pro-Hanabusa independent expenditure campaign.
 - c. Find no reason to believe that United Public Workers, AFSCME Local 646, AFL-CIO violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 114.2(f) by coercing employees to make financial contributions to Hanabusa 2010.

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- d. Find no reason to believe that Dayton Nakanelua, Clifford "Chip" Uwaine, and Laurie Santiago violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 114.2(f) by directing and/or consenting to the coercion of UPW employees to make financial contributions to Hanabusa 2010.
 - e. Find no reason to believe that United Public Workers, AFSCME Local 646, AFL-CIO or Hanabusa 2010, and Patsy Saiki, in her official capacity as Treasurer, violated 2 U.S.C. § 441b(a) by making or accepting prohibited corporate in-kind contributions in the form of coordinated expenditures.
 - f. Find no reason to believe that Dayton Nakanelua, Clifford "Chip" Uwaine, and Laurie Santiago violated 2 U.S.C. § 441b(a) by consenting to the making of prohibited contributions.
 - g. Find reason to believe that United Public Workers, AFSCME Local 646, AFL-CIO violated 2 U.S.C. § 434(g) by failing to report independent expenditures.
 - h. Approve the Factual and Legal Analyses as recommended in the First General Counsel's Report dated January 31, 2011.
 - i. Authorize use of compulsory process.
 - j. Approve the appropriate letters.

Commissioners Bauerly, Walther, and Weintraub voted affirmatively for the motion.

Commissioners Hunter, McGahn II, and Petersen dissented.

2. Decided by a vote of 6-0 to:

- a. Find no reason to believe that United Public Workers, AFSCME Local 646, AFL-CIO violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 114.2(f) by coercing employees to make financial contributions to Hanabusa 2010.
- b. Find no reason to believe that Dayton Nakanelua, Clifford "Chip" Uwaine, and Laurie Santiago violated 2 U.S.C. § 441b(a) and 11 C.F.R. § 114.2(f) by directing and/or consenting to the coercion of UPW employees to make financial contributions to Hanabusa 2010.
- c. Find no reason to believe that United Public Workers, AFSCME Local 646, AFL-CIO or Hanabusa 2010, and Patsy Saiki, in her official capacity as Treasurer, violated 2 U.S.C. § 441b(a) by making or accepting prohibited corporate in-kind contributions in the form of coordinated expenditures.

- d. Find no reason to believe that Dayton Nakanelua, Clifford "Chip" Uwaine, and Laurie Santiago violated 2 U.S.C. § 441h(a) by consenting to the making of prohibited contributions.
- e. Find reason to believe that United Public Workers, AFSCME Local 646, AFL-CIO violated 2 U.S.C. § 434(g) by failing to report independent expenditures.
- f. Approve the Factual and Legal Analyses as recommended in the First General Counsel's Report dated January 31, 2011 with appropriate modifications consistent with the Commission vote.
- g. Authorize use of compulsory process.
- h. Approve the appropriate letters.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

April 7, 2011
Date

Shelley E. Galt
Shelley E. Galt
Deputy Secretary of the Commission

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