INTRODUCTION

This matter concerns Georgette Yaindl’s allegations that Respondent United Public Workers, AFSCME Local 646, AFL-CIO and union managers Clifford “Chip” Uwaine, Dayton Nakanelua, and Laurie Santiago (“UPW” or “the union”) coerced union employees to support Hawaii First Congressional District candidate Colleen Hanabusa’s
candidacy in a special congressional election on May 22, 2010, and then fired Ms. Yaindl
and another UPW employee, Terry Lau, when they refused to comply. Respondents deny
that they coerced employees to participate in union-sponsored pro-Hanabusa campaign
activities, but alternatively argue that after Citizens United v. FEC, 130 S. Ct. 876 (2010),
they could have legally compelled its employees to do so.

This matter presents a number of questions, but two are novel. First, may a union
coerce employees to make in-kind contributions of time outside their normal work hours
to support a union's independent expenditures, which are permissible post-Citizens
United? Second, may a union conduct an independent expenditure campaign using the
coerced labor of its employees without filing independent expenditure disclosure reports
with the Commission? As explained below, and based on the general rule that
contributions must be voluntary, we believe the answer to these questions is "no."

Accordingly, we recommend the following:

• find reason to believe that UPW, Dayton Nakanelua, Clifford "Chip"
Uwaine, and Laurie Santiago violated 2 U.S.C. § 441b(a) by coercing
employees to contribute their off-hour time to further the union's
independent expenditures in support of Hanabusa;

• find no reason to believe that UPW, Dayton Nakanelua, Clifford "Chip"
Uwaine, and Laurie Santiago violated 2 U.S.C. § 441b(a) by coercing
employers to make financial contributions to Hanabusa 2010;

• find no reason to believe that UPW made, or Hanabusa 2010 accepted,
prohibited in-kind contributions via coordinated expenditures under
2 U.S.C. § 441b(a); and

• find reason to believe that UPW violated 2 U.S.C. § 434 by failing to
report its independent expenditures to the Commission.
II. FACTUAL AND LEGAL ANALYSIS

A. BACKGROUND

1. Parties

UPW is the exclusive bargaining representative for approximately 11,800 public sector employees in Hawaii. See UPW Response at 3. UPW's staff consists of approximately 39 employees. See id. at 4. Clifford "Chip" Uwaine, Dayton Nakaulhua, and Laurie Santiago are all union managers. The union operates a registered state PAC, but does not have a federal PAC. Id. at 3 (citing Ex. 5). UPW acknowledges it is a "political entity" that endorses candidates and "plan[s], organiz[es], and coordinat[es] a wide range of political actions," including "sign-waving, coffee hours, friend-to-friend cards, phone banking, mail-outs, house-to-house canvassing, [and] rallies" to support those candidates. Id.

Hanabusa 2010 is the principal campaign committee of Colleen Hanabusa, then a member of the Hawaii Senate and a candidate in the May 2010 special election in Hawaii's First Congressional District. See Amended Statement of Organization, dated Oct. 28, 2009. The Committee's disclosure reports do not reflect receipt of any financial or in-kind contributions from UPW, UPW's State PAC, or any UPW employees. Further, neither UPW nor its State PAC filed any independent expenditure or electioneering communications reports as to activities in support of Hanabusa.

Georgette Yaindl, Esq., is a licensed attorney in Hawaii. Complaint at ¶ 1. She worked as a staff attorney for UPW from August 27, 2007, until April 16, 2010, when UPW terminated her. Id. at ¶¶ 4, 30 and Ex. 1; UPW Response at 4 and Ex. 9.
Terry Lau was a lobbyist for UPW. Complaint at ¶ 34; UPW Response at 4 n.2.

He worked for UPW until April 16, 2010, when UPW terminated him. UPW Response at 4 n.2 and Ex. 18.

2. UPW’s campaign activities

In mid-to-late March 2010, UPW e-mailed its employees a notice that the union would sign-wave to support Hanabusa every Friday at 4:30 p.m. See Complaint at ¶ 8.

Then, UPW required all employees to attend a staff meeting on April 5, 2010, at which the union asked employees to support Hanabusa 2010 by sign-waving, phone banking, canvassing, and making financial contributions to the Committee. See id. at ¶ 12, 16.

The union notified employees by e-mail about the mandatory meeting “[s]ometime within ten (10) or so days prior to April 5, 2010,” and required employees to formally request and obtain approval from Mr. Nakanelua if they were unable to attend. See id. at ¶ 12. Except for three or four employees, including Mr. Lau, the entire staff was in attendance, including executive staff, business agents, receptionists, clerks, and UPW’s custodian. See id. at ¶ 14. The union’s campaign to support Hanabusa was similar to previous instances when the union had asked employees to participate in political campaign activities for state and local candidates. See id. at ¶ 6. Ms. Yaindl states that she did not participate in any of these prior campaign-related activities for state and local candidates, and UPW Executive Assistant Uwaine mentioned her failure to sign-wave after being asked to do so to her. See id.

According to Ms. Yaindl, at the April 5th meeting, Mr. Nakanelua told employees that they were being asked to sign-wave on Fridays, phone bank Monday through Thursday evenings, canvass door-to-door Saturday mornings, and make financial
contributions. See id. at ¶ 16. Mr. Nakanelua also reportedly stated that "any staff who
may need to request an exemption from any of these activities should ‘come see [him].’"

Id. at ¶ 17 (paraphrasing Nakanelua). Mr. Uwaine then reportedly stated something like,
Nakanelua is "too kind" or "being too easy."” Id. at ¶ 18. Uwaine then reportedly said,
"It is expected that all staff will sign wave on Fridays [afternoons], phone bank Monday
through Thursdays [evenings], and canvass on Saturdays [mornings].” Id at ¶ 18. Ms.
Yaindl also claims that Mr. Uwaine directed employees, "who may have a part time job
on Saturdays, or who may be involved in other activities like coaching, you are to inform
your employer or team that you are not going to be available to them for the next six (6)
weeks.” Id. at ¶ 21.

At the meeting, Ms. Yaindl openly expressed concerns about the union’s policy
on requiring employees to forego work or other responsibilities to do volunteer political
work. See id. at ¶ 23. After the meeting, she documented those concerns in a
memorandum, and advised UPW that while she was available “and actually eager” to
phone bank for Hanabusa, she refused to sign-wave because of public safety concerns to
drivers and was unavailable on Saturdays to participate in door-to-door canvassing
because she worked at a farmer’s market. See UPW Response Ex. 14. According to the
Complaint, Mr. Lau was not at the April 5th meeting, but upon his return to the office, he
also informed Mr. Nakanelua that he was unavailable to canvass on Saturdays. See
Complaint at ¶ 34.

UPW does not dispute Ms. Yaindl’s description of the April 5th meeting regarding
its planned activities in support of Hanabusa’s candidacy. UPW, however, maintains that
its campaign activities for employees were voluntary. See UPW Responses at 12. UPW
also asserts that Citizens United permits the union to make independent expenditures, such as instructing staff to engage in campaign activities. See id. at 12-13.

3. The terminations

UPW fired Ms. Yaindl and Mr. Lau on April 16, 2010. See Complaint at ¶¶ 30, 34 and Ex. 1; see also UPW Response at 4 n.2 and Exs. 9, 18. According to Ms. Yaindl, Mr. Uwaine and Ms. Santiago gave her a termination letter signed by Mr. Nakanelua. Complaint at ¶ 30. UPW offered to reinstate both employees on April 27, 2010, but neither Ms. Yaindl nor Mr. Lau agreed to accept reinstatement. See UPW Response at 4 n.2 and Exs. 9, 10, 18. Neither the nearly identical termination letters nor the nearly identical offers of reinstatement provide a reason for the terminations, although UPW's termination letters note that both Ms. Yaindl and Mr. Lau were at-will employees. See id. Exs. 9, 10; see also Complaint at ¶ 35.

The complaint alleges that both Ms. Yaindl and Mr. Lau were fired for refusing to participate in the pro-Hanabusa campaign activities. In pursuing their unemployment claims, both Ms. Yaindl and Mr. Lau cited their objections to political activity as the reason for their dismissal, and UPW did not present any alternative reason (apparently relying solely on its subsequent offer of reinstatement). See UPW Response Exs. 15-18.

UPW maintains that it did not threaten Ms. Yaindl and Mr. Lau for refusing to contribute to, or participate in, political activities, and it did not fire them in retaliation for expressing concern that the union was coercing employees to participate or contribute. Id. at 5. The union also notes that other unnamed employees who did not participate in its campaign activities "did not experience adverse employment action." Id. at 6.

Finally, the union notes that it offered to reinstate Ms. Yaindl and Mr. Lau shortly after
their terminations, and "[a]ny unintended message that [Ms. Yaindl's] termination was
imposed as a threat or in retaliation for not contributing to Hanabusa's campaign quickly
evaporated...with the offer to reinstate Ms. Yaindl (and Mr. Lau)."  See id. at 10-11 (citing
Exs. 10, 18).

B. LEGAL ANALYSIS

This matter raises the question of whether unions can coerce employees to
contribute their own time, outside of regular work hours, including evenings and
weekends, to participate in union independent expenditures post-Citizens United. As
explained below, UPW appears to have coerced employees to make in-kind contributions
of their free time for the purpose of influencing a federal election. While the union may
use its own resources, including paid work-hour time of its employees, for independent
expenditures post-Citizens United, it may not coerce its employees to make in-kind
contributions of their off-hour time for the purpose of influencing a federal election. See
2 U.S.C. §§ 431(8)(A), 441b(a). Such coerced, off-hour participation in campaign
activities is closely analogous to coercing employee contributions to a union SSF and
constitutes an involuntary in-kind employee contribution to UPW's independent
expenditure campaign. See 2 U.S.C. § 441b(b)(3).

1. Coerced contributions

a. Coercion of employees to participate in off-hour campaign activities

The Federal Election Campaign Act of 1971, as amended ("the Act"), prohibits
corporations and labor organizations from making contributions in connection with any

1 Following Citizens United, which invalidated the Act's restriction on corporate financing of independent
expenditures and electioneering communications, labor organizations can make independent expenditures. See 130 S. Ct. at 913; see also Advisory Opinion 2010-11 (Commonsense Ten) at 3 n.3 (applying Citizens United to labor organizations).
federal election. 2 U.S.C. § 441b(a); 11 C.F.R. § 114.2(b). The term, "contribution," includes "any direct or indirect payment, distribution, loan, advance, deposit, gift of money, or any services, or anything of value" made to a candidate, campaign committee, or political party organization. 2 U.S.C. § 441b(b)(2). The prohibition against corporate and labor organization contributions under 2 U.S.C. § 441b(a) extends to the facilitation of contributions to political committees, including the labor organization's own separate segregated fund ("SSF"). See 11 C.F.R. § 114.2(f)(1). Facilitation includes the use of coercive activity, which involves "the threat of a detrimental job action, the threat of any other financial reprisal, or the threat of force, to urge any individual to make a contribution or engage in fundraising activities on behalf of a [federal] candidate or political committee." 11 C.F.R. § 114.2(f)(2)(iv). See also 2 U.S.C. § 441b(b)(3) (prohibiting SSFs from making a contribution or expenditure "by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of force, job discrimination, or financial reprisal \\
21 and may not be threatened with a detrimental job action. Corporate and Labor

We note that part 114 of the Commission's regulations may be addressed in the Commission's upcoming rulemaking to implement changes in the law arising from the Supreme Court's decision in Citizens United v. FEC, 130 S. Ct. 876 (2010).
Organization Activity; Express Advocacy and Coordination with Candidates; Final Rule,

Similarly, the Commission has used the anti-coercion language found in
11 C.F.R. § 114.5(a)(2) as an aide to determine if an entity’s solicitations for
contributions to its SSF are coercive. Specifically, part 114.5 provides that the individual
soliciting the suggested contribution must inform the solicited employee of “the political
purposes of such fund at the time of such solicitation,” “of his right to refuse to so
contribute without any reprisal,” “that the guidelines are merely suggestions,” “that the
individual is free to contribute more or less,” and that “the corporation or labor
organization will not favor or disadvantage anyone by reason of the amount of their
contribution or their decision not to contribute.” 11 C.F.R. § 114.5(a)(2)-(4).

If UPW had a SSF and coerced employees to participate in mandatory campaign
activities during their off-hours to support the SSF’s independent expenditure campaign
in support of Hanabusa, then it would have violated 2 U.S.C. § 441b(a), (b)(3), and
11 C.F.R. § 114.2(f)(2)(iv). However, UPW does not have a federal SSF, and it appears
that the current facilitation regulations prohibiting coerced contributions to political
committees, including union SSFs, simply do not contemplate the possibility of coerced
contributions to support union independent expenditures, which are now permitted by
Citizens United. As stated above, coerced, off-hour participation in campaign activities is
closely analogous to coercing employee contributions to a union SSF and constitutes an
involuntary in-kind contribution to UPW’s independent expenditure campaign. See
2 U.S.C. § 441b(b)(3).
UPW claims it never required employees to participate in its campaign activities,
see UPW Response at 12, but there is information that employees were required to
volunteer time during their off-hours. When Ms. Yaindl raised general concerns during
her initial employment interviews about campaign activities, Mr. Uwaine reportedly
stated something like, "while UPW cannot require staff participation in political
campaigns, let's put it this way, we do strongly encourage it." Complaint at ¶ 2
(paraphrasing Uwaine). In either late 2009 or early 2010, Mr. Uwaine reportedly
mentioned her absence at political functions prior to its Hanakusa campaign efforts to
Ms. Yaindl. See id. ¶ 6 (paraphrasing Mr. Uwaine, stating "[Respondent] Laurie
[Santiago] says you haven't been doing any sign-waving when asked.")

Further, at the April 5th mandatory meeting, the union appeared to require staff to
commit their evening and weekend off-hours to sign-wave, phone bank, and canvass. See
id. at ¶¶ 16, 18. Mr. Nakanelua informed UPW employees that they needed to request
exemptions from participating in specific campaign activities, and Mr. Uwaine instructed
UPW employees to inform weekend employers and those with community obligations
that they would be unavailable for the next six weeks. See id. at ¶¶ 17, 21. Lastly, the
union fired both Ms. Yaindl and Mr. Lau very shortly after they asked for exemptions
from canvassing on Saturdays because of weekend obligations, and has presented no
other reason for their dismissals. See id. at ¶¶ 30, 34, 38.

Collectively, UPW's actions suggest that it coerced employees to participate in its
campaign activities because it 1) required employees to forego evening and weekend
obligations and/or employment, with any absences requiring approval by union
supervisors; 2) sent e-mails and held mandatory meetings to tell employees of the need to
participate in campaign activities; and 3) appeared to have taken retaliatory action against Ms. Yaindl and Mr. Lau for not participating.

The Commission previously found similar activities constituted coercion. See MUR 5268 (Kentucky State District Council of Carpenters, et al.) (finding mandatory campaign activity assignments both during and after normal business hours to be coercive); MUR 5337 (First Consumers National Bank) (finding coercive an e-mail solicitation that threatened bonuses and identified colleagues who had yet to make a contribution); MUR 5379 (Alex Panelas U.S. Senate) (finding coercive an e-mail indicating that the company was tracking which individuals did and did not make requested contributions); see also MUR 5664 (International Union of Painters and Allied Traders) (finding reason to believe that a union facilitated in-kind contributions by requiring employees to participate in campaign activities both during and after normal business hours, but ultimately closing the file following an investigation that did not find sufficient evidence to sustain the allegations).

UPW asserts that "[a]ny unintended message that the termination was imposed as a threat or in retaliation for not contributing to Hanabusa’s campaign quickly evaporated with the offer to reinstate Yaindl (and Lau)." UPW Response at 10-11. While the offers to reinstate Ms. Yaindl and Mr. Lau may mitigate the violation, they do not negate or cure it. Also, UPW’s claim as to what its employees thought about the terminations and reinstatements is speculative.

As discussed above, the statutory prohibition on labor organization contributions generally prohibits the coercion of employee contributions. 2 U.S.C. § 441b(a), (b)(3); 11 C.F.R. § 114.2(f)(2)(iv). While these provisions do not specifically prohibit a union
from coercing contributions of its employees' free time to its own independent
expenditure campaign, the Act and the Commission's regulations direct in a number of
places that contributions must be voluntary. See 2 U.S.C. § 441b(a), (b)(3); 11 C.F.R.
§ 114.2(f)(2)(iv); see also 11 C.F.R. § 114.5(a)(2), (4). Accordingly, we recommend the
Commission find reason to believe that UPW violated 2 U.S.C. § 441b(a) by coercing
employees to participate in campaign activities to support Hanabusa 2010 in their free
time; and also find reason to believe that UPW officers, Dayton Nakanelua, Clifford
“Chip” Uwaine, and Laurie Santiago who directed and/or consented to those activities,
violated 2 U.S.C. § 441b(a).3

b. Unitemized financial contributions

The complaint also generally alleges UPW coerced employees to make financial
contributions to Hanabusa 2010. However, the Committee's disclosure reports do not
indicate any receipt of contributions from UPW employees. It is possible that the
contributions may be unitemized because they fall below the amount that requires the
Committee to report the contribution. See 2 U.S.C. § 434(b)(3)(A). However, the
complaint also fails to allege any specific information regarding any purported
monitoring of employee response to the solicitation of financial contributions. By
contrast, in MUR 5268 (Kentucky State District Council of Carpenters, et al.), the
Commission made reason to believe findings based on information that the union was

3 Some facts in this matter could be viewed as suggesting that the union knowingly and willfully violated
the Act. See, e.g., Complaint at ¶ 2 (acknowledgement by Mr. Uwaine that the union “cannot require staff
participation in political campaigns . . . [but] we do strongly encourage it.”). However, because the
Supreme Court decided Citizens United less than three months before the relevant events in this matter,
Respondents may have misunderstood the range of activities they could take in support of permissible
independent expenditures. Accordingly, we are not recommending a knowing and willful finding at this
time. However, should we discover additional relevant facts during our investigation, we will make
appropriate recommendations to the Commission.
monitoring or tracking which employees complied with its requests to make contributions
to specified federal candidates. See MUR 5268 Factual and Legal Analyses.

Here, the available information fails to allege a similar systematic effort to
monitor or track whether employees actually made the requested financial contributions.

Accordingly, we recommend the Commission find no reason to believe UPW violated
2 U.S.C. § 441b(a) and 11 C.F.R. § 114.2(f) by coercing UPW employees to make
financial contributions to Hanabusa 2010; and also find no reason to believe that UPW
officers, Dayton Nakanelua, Clifford “Chip” Uwaine, and Laurie Santiago, who directed
and/or consented to those activities, violated 2 U.S.C. § 441b(a).

2. Coordination

The Act prohibits corporations and labor organizations from making contributions
in connection with any federal election, including in-kind contributions. 2 U.S.C.
§ 441b(a), (b)(2); 11 C.F.R. § 100.7(a)(1)(iii)(B). The Act provides that expenditures,
electioneering communications, or republished campaign materials made in coordination
with a committee constitute in-kind contributions to that candidate or party committee.


The Commission's regulations provide a three-prong test to determine whether a
communication is coordinated. All three prongs of the test must be satisfied to support a
conclusion that a coordinated communication occurred. 11 C.F.R. § 109.21(a); see also
Explanation and Justification for Final Rules on Coordinated Communications, 71 Fed.
Reg. 33190 (June 8, 2006) and Explanation and Justification for Regulations on

Recently revised regulations on coordinated communications include a new content standard at 11 C.F.R.
§ 109.21(e)(3) for communications that are the functional equivalent of express advocacy and a new safe
harbor for certain business and commercial communications. See Coordinated Communications, 75 Fed.
Reg. 55947 (Sept. 15, 2010).
Coordinated and Independent Expenditures, 68 Fed. Reg. 421 (Jan. 3, 2003). We also note that under 11 C.F.R. § 109.20(b), a coordinated expenditure that is not made for a communication is either an in-kind contribution or coordinated party expenditure that must be reported as an expenditure. The campaign activities in this matter, however, appear to involve communicative activities that would not invoke the application of part 109.20(b).

The available facts indicate that while the communication meets the payment and content prongs via UPW's expenditures for pro-Hanabusa campaign activities, it did not meet the conduct prong. The Hanabusa Committee explicitly denies any knowledge or involvement with UPW's campaign activities. See Hanabusa 2010 Response at 1; see also id. (Hamakawa Aff. at ¶ 6) (stating “To my knowledge, the Hanabusa 2010 campaign had no involvement with, or knowledge of, the alleged acts and communications by [Respondents] as described in the Complaint.”). While UPW's Response does not comment on its interaction with Hanabusa 2010, it claims to have engaged in the type of independent expenditures authorized by Citizens United.

In the absence of information suggesting the union satisfied the conduct prong of the coordination regulations, the union's campaign activities do not appear to result in prohibited in-kind contributions to Hanabusa 2010. Accordingly, we recommend the Commission find no reason to believe that UPW made, or that Hanabusa 2010 accepted, prohibited corporate in-kind contributions in violation of 2 U.S.C. § 441b(a). We further recommend the Commission 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.
3. Failure to file independent expenditure reports

Under the Act, a person that makes independent expenditures aggregating $10,000 or more at any time up to and including the twentieth day before the date of an election must file a report describing the expenditures within 48 hours. 2 U.S.C. § 434(g)(2). The Act further requires that a person that makes independent expenditures aggregating $1,000 or more after the twentieth day, but more than twenty-four hours before the date of an election must file a report describing the expenditures within twenty-four hours. Id. § 434(g)(1).

Although UPW acknowledges making expenditures to support Hanabusa 2010, as permitted following Citizens United, the union did not report any independent expenditures with the Commission. UPW would have been required to disclose the campaign activities as independent expenditures within 48 hours if it spent more than $10,000 for employees to sign-wave, phone bank, and canvass after work hours and on weekends prior to May 1, 2010. Similarly, UPW would have been required to disclose the campaign activities as independent expenditures within 24 hours if it spent more than $1,000 for employees to engage in the same type of campaign activities between May 1, 2010 and the special election on May 22, 2010. Here, UPW's activities appear to date from late March 2010 through the special election on May 22, 2010.

It appears that approximately 39 UPW employees were collectively required to spend hundreds of hours on campaign activities, so it is likely that UPW spent over

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3 While the response suggests the state PAC may have been behind the campaign activities, the state PAC also did not file any independent expenditure reports with the Commission. See, e.g., UPW Response at 3 (“The State PACs play an important role in planning, organizing, and coordinating a wide range of political actions. The State PACs are responsible for endorsing the candidates . . . and developing plans and programs to realize the union’s political priorities.”). However, UPW’s disclosure reports with the Hawaii Campaign Spending Commission do not reflect any expenditures for Hanabusa 2010 by the state PAC in the time frame leading up to the special election.
$10,000, including salaries, in connection with sign-waving, phone banking, and door-to-door canvassing in support of Hanabusa up to May 1, 2010, and also spent over $1,000 for costs (including salaries) for the same campaign activities in support of Hanabusa between May 1, 2010 and the special election on May 22, 2010. Accordingly, we recommend the Commission find reason to believe that UPW violated 2 U.S.C. § 434(g) by failing to report those costs as independent expenditures.

III. INVESTIGATION

A limited investigation is necessary to determine the number of UPW employees who participated in the campaign activities, the number of hours they worked, the value of their time, and the value of any other disbursements made by UPW in connection with its pro-Hanabusa independent expenditures.

While we will try to conduct some of this investigation informally, we request that the Commission authorize the use of compulsory process as to representatives and officers of UPW, as well as other witnesses in the matter, including
the issuance of appropriate interrogatories, document subpoenas, and deposition subpoenas, as necessary.

IV. RECOMMENDATIONS

1. 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;

2. 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;

3. 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;

4. 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 employees to make financial contributions to Hanabusa 2010;

5. 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;

6. 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;

7. 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;

8. Approve the attached Factual and Legal Analyses;

9. Authorize use of compulsory process;

10. Approve the appropriate letters.
Christopher Hughey  
Acting General Counsel

[-Signature-]  
BY:  
Stephen Gura  
Deputy Associate General Counsel for Enforcement

[-Signature-]  
Mark Shonkwiler  
Assistant General Counsel

[-Signature-]  
Phillip A. Olaya  
Attorney