

STAND. COM. REP. NO. 3697

Honolulu, Hawaii

APR 29 2008

RE: GOV. MSG. NO. 609

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Education, to which was referred Governor's Message No. 609, submitting for study and consideration the nomination of:

BOARD OF REGENTS OF THE UNIVERSITY OF HAWAI'I

G.M. No. 609 CATHERINE Y. LAGARETA,
for a term to expire 6-30-2013,

begs leave to report as follows:

Upon review of the background information provided, your Committee finds that Catherine Y. Lagareta is the Chair and Chief Executive Officer of Communications Pacific who holds a Bachelor's degree in English literature from the University of Hawaii at Manoa. Ms. Lagareta is being nominated for her first term of service on the Board of Regents for the University of Hawaii as a representative of the community-at-large, although she is currently serving on the Board as a representative of the City and County of Honolulu. She has served in varying capacities for several companies in the private sector, including service as an executive director and a vice president. She has been an active member in the community, serving as an officer or member of numerous organizations and participating in various community activities in the community. She has also been recognized and honored for her professional and community service and commitment.

Testimony in support of the nominee was submitted by eighteen individuals. Testimony in opposition of the nominee was submitted by five individuals.



Your Committee received testimony from many parties, which included testimony criticizing the nominee and her prior service and decision making as a member of the Board of Regents. Your Committee questioned the nominee regarding her prior service on the Board, contributions to the Board, accountability for prior actions and positions of the Board, and any ideas or vision for improving the University of Hawaii System. The nominee adequately answered the questions of the Committee; however, your Committee continues to have reservations in light of the nominee's role and prior decisions and actions as a member of the Board of Regents, given questionable decisions, actions, and omissions in overseeing the University of Hawaii System.

Existing concerns with the nominee, based on the nominee's personal actions, as well as the nominee's role as a member of the Board of Regents, include but are not limited to the following:

- (1) The proper handling of the firing of former President Evan Dobbelle, publicly documented in the media—*Firing shakes UH*, 6/17/04 Star-Bulletin; *Dobbelle and Regents settle*, 7/30/04 Star-Bulletin; *The Dobbelle Debacle*, 7/25/04 Star-Bulletin; *Regents' minutes reveal concerns about Dobbelle*, 8/13/04 Honolulu Advertiser;
- (2) Audit- issues relating to the effective oversight of the Board of Regents that were reflected in University audits—*Audit Slams UH Budget*, 12/31/05 Star-Bulletin; *UH condemns audit findings: Report cites contract problems, overruns, lack of accountability*, 12/28/07 Honolulu Advertiser;
- (3) Open records violations- criticisms regarding a lack of openness with records and other information—*UH Regents cited for secrecy*, 3/26/06 Star-Bulletin; *UH Regents conceal budget papers*, 8/25/07 Star-Bulletin; *Regents violated open-records law by concealing documents*, 8/29/07 Star-Bulletin;
- (4) Facilities- issues with the University of Hawaii facilities, including the repair and maintenance backlog—*UH Regents want to trim repair backlog*, 9/29/07 Honolulu Advertiser; *Fire highlights need for fixes at UH*, 10/23/07 Star-Bulletin; *UH official says neglect is leaving library all wet*, 11/8/07 Star-Bulletin; *Faculty, students to vacate UH Edmondson Hall for safety*



precautions, 12/10/07 Honolulu Advertiser; Neglect of UH campus appalls senators, 1/11/08 Star-Bulletin; UH repairs need both private, public funds, 1/17/08 Honolulu Advertiser; UH sites crumble as funds fall short, 4/27/08 Star-Bulletin;

Includes the national attention created by Colt Brennan--Brennan criticizes conditions at Hawaii athletic facilities, 5/4/07 AP article on ESPN.com; Brennan fires away at UH facilities, 5/4/07 Honolulu Advertiser; Facilities fight continues with Brennan in the ranks, 5/15/07 Star-Bulletin;

Led to the resignation of June Jones--Jones heads for Dallas, likely for good, 1/6/08 Star-Bulletin; Jones close to leaving Hawaii before, 1/6/08 Star-Bulletin; Poor facilities a reason June Jones left Hawaii, 1/8/08 Honolulu Advertiser;

- (5) *Salaries- issues relating to questions regarding which salary negotiations are delegated and which remain under the oversight of the Board of Regents--Warriors' Million Dollar Man, 1/16/08 KHON2.com; Lingle is at best No. 474 in salary, 2/4/08 Star-Bulletin;*
- (6) *Constitutional Amendment/Candidate Advisory Council--when the nominee was questioned as to her advocacy against the proposed constitutional amendment, she stated that the Board of Regents was fully behind it. However, the Board of Regents minutes do not demonstrate that such a vote occurred. Subsequently, the nominee presented the minutes of the October 19-20, 2006 meetings, where the Board of Regents voted to submit proposed enabling legislation should the constitutional amendment pass. This did not support her previous statement. She then stated that there were other reasons for her advocacy. Inconsistencies such as this raise concerns; and*
- (7) *Shared governance/transparency - The nominee speaks of "shared governance" and says the Board of Regents has an ultimate responsibility to provide strong oversight of all that making sure everything is operating as it should. In a written response to a question regarding working with the Legislature, the nominee stated that*



"there is a lot of room for improving relationships between the leadership of the University and the Legislature." However, as a board member, she subsequently led efforts of the Board of Regents to officially rebuke the Legislature as well as efforts to rebuke a particular senator.

Other concerns raised included issues relating to the process for conducting a search for a new president, which did not include a nationwide search; issues relating to the selection, oversight, retention or failure to retain, and release of certain personnel, including Athletic Director Herman Frazier and Head Football Coach June Jones; a lack of effort in utilizing private partnerships to ensure facilities and other programs did not unnecessarily or untimely deteriorate; issues relating to campus security; and problems with low graduation rates. These issues, as well as the personnel issues, audit concerns, open record and open meeting concerns, facility concerns, and apparent reduced transparency and oversight by the full Board of Regents, have led this Committee to recommend not to confirm the nominee.

As affirmed by the record of votes of the members of your Committee on Education that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee to be not qualified for the position to which nominated and recommends that the Senate not advise and consent to the nomination.

Respectfully submitted on
behalf of the members of the
Committee on Education,


NORMAN SAKAMOTO, Chair



