

testimony

From: Judy A Daniels [judydaniels@gmail.com]
Sent: Saturday, April 26, 2008 6:36 PM
To: testimony
Cc: Sen. Norman Sakamoto; sentokuda@capiotl.hawaii.gov
Subject: PLEASE OPPOSE THE NOMINATION OF KITTY LARGARETA!

LATE

BOR Appointment: Kitty Lagareta

EDU: Chair, Sen. Norman Sakamoto; Vice Chair, Sen Tokuda

PLEASE OPPOSE THE NOMINATION OF KITTY LARGARETA!

I am in strong opposition to the re-nomination of Kitty Largareta to the University of Hawaii (UH) Board of Regents (BOR). She has proven that she is not a regent of integrity that is able to be open, honest, and transparent as a UH Regent.

She seems to have lost perspective about what makes a university great and the need for open and transparent communication with the public. She also seems to be out of touch with the reality in terms of university life and what is in the best interest of the students, faculty, and community at large.

There are numerous, very powerful, examples of this lack of perspective, isolation, arrogance and lack of transparency:

In terms of her support of the UARC she completely ignored all the expert opinion on that matter, including all groups such as the Faculty Senates, student organizations, and most of the UH community. She also violated BOR policy requiring that opinions be systematically gathered at all campuses.

Kitty supported a raise in student tuitions when faculty and students virtually unanimously opposed them. Instead of raising tuition, she could have been lobbying the Governor for more funds for UH and looking at alternative ways to raise funding rather than placing the burden of raising funds on the students!

The appointment of David McClain as permanent President of UH without conducting a search was another major problem that Kitty instigated and it was against the advice of faculty and students. It shows poor judgment, favoritism, and lack of transparency.

Kitty seems to be increasingly isolating herself from the UH community and losing respect. She also lost a great deal of respect and showed a lack of integrity when supported keeping the budget and priorities a secret from the UH community.

Thank you for considering this testimony. I have been a professor at UH for almost 20 years and feel that we need new leadership in the BOR. We need regents who have integrity, who listen to their constituents and who are honest and transparent in their duties as a regent. I believe that our university can achieve greatness however the continued appointment of Kitty

will not help us achieve our potential.

--

Dr. Judy Daniels,
Professor

testimony

From: George Simson [simsongm@hawaiiintel.net]
Sent: Sunday, April 27, 2008 2:27 PM
To: testimony
Subject: Against re appointment of regent Larageta because of her support for secret research

Senator Norman Sakamoto, Chair
Senate Education Committee

This is to strongly urge you to reject the re-nomination of Ms. Kitty Lagareta as UH regent for one principal reason. As chairperson of the BOR, she supported the return to the destructive practice of secret research at the University of Hawaii. UH is now retrogressing to the disgraceful legacy of killing innocent people with Agent Orange.

Secret research at a university is destructive of the free flow of ideas. Some ideas will be hidden. Secret research corrupts any university in those large policy ways a regent is supposed to profess and protect. Secrecy to be secret hides and distorts fiscal practice, political partiality, personal dishonesty, suspicion among faculty, and proper communication among all facets of the university, including relations with the governor, the legislature, other state agencies, and private corporations such as Hawaiiintel (in need of cheap research and government bailouts), and loose private equity groups like the Carlyle Group whose billions of dollars are virtually unregulated and put them high among contractors to the DOD.

Confirming Ms Lagareta will only re-confirm the costly bad judgment of a group of regents who have made a bunch of costly personnel and policy mistakes in the past decade despite all the testimony to the contrary.
UH needs to build, not corrupt or diminish.

George Simson
Emeritus Professor, UH

testimony

From: Joel Fischer [jfischer@hawaii.edu]
Sent: Friday, April 25, 2008 3:34 PM
To: testimony
Cc: Sen. Norman Sakamoto; sentokuda@capiotl.hawaii.gov; jfischer@hawaii.edu
Subject: BOR APPT: EDU; Monday, 4/28; 3PM; Room 225.
Importance: High

LATE

BOR Appointment: Kitty Lagareta
 EDU: Chair, Sen. Norman Sakamoto; Vice Chair, Sen Tokuda

PLEASE OPPOSE THIS NOMINATION!

I am in strong opposition to the re-nomination of Kitty

Lagareta. Although she came onto the Board as a breath of fresh air, over time she appeared to lose whatever perspective she might have had about what makes a university great. She began to see herself as the ultimate source of wisdom and power, and, along with a few of her more timid colleagues on the BOR, attempted to accumulate power in a way that increasingly demonstrated that she was out of touch with the reality of university life.

There are numerous, very powerful, examples of this increased isolation and arrogance:

First, there was her support of the UARC. I am not even arguing that her support (or the UARC itself) were wrong. What was wrong was the way she completely ignored all the expert opinion on that matter, including virtually all faculty groups such as the Faculty Senates, all student organizations, and most of the community. It was as if these groups didn't matter at all.

On top of that, when she and Mr. McClain decided to support the UARC as a *system* operation, *she violated very specific BOR policy* that *requires* that opinions be systematically gathered at all campuses!

Second, Kitty supported a raise in student tuitions when faculty and students virtually unanimously opposed them. (I was at the hearings.) As an appointee of Governor Lingle, Kitty should have been lobbying the Governor for more funds for UH, not placing the burden of raising funds on the back of the people who can least afford it!

Third, one of the most egregious violations was appointing David McClain as permanent President of UH without conducting a search, against the advice of faculty, students and members of the State Legislature. The arrogance of that act, and the way it violated best practices in presidential searches and the rights of all groups that should be party to the process, is obvious. Kitty increasingly was isolating herself from the UH community. In fact, it began to appear that she believed she, and only she, knew what was best for the UH.

That is such an absurd position that its ramifications should be apparent to even casual observers. Kitty was taking a completely maternal approach to the UH, with the faculty and students as the children whose opinions are barely worth hearing and certainly not worth considering.

Fourth and finally, the ultimate blow to the integrity of the UH was when Kitty supported keeping the budget a secret from the UH community but even *keeping campus priorities secret* until they are approved. This is the most arrogant and ignorant act of all. It showed her disdain for the faculty, students and community who ordinarily participate in setting campus priorities! It showed clearly that Kitty is not suited for a position as a Regent at UH!

Thank you for considering this testimony. It is submitted because I have been a professor at UH for almost 40 years, and I love our university!

Aloha,

joel

Dr. Joel Fischer,

ACSW
Professor
University of Hawai'i, School of Social Work
Henke Hall
Honolulu, HI 96822

"It is reasonable that everyone who asks justice should DO justice."
Thomas Jefferson

"There comes a time when one must take a position that is neither safe, nor politic, nor popular, but one must take it because one's conscience tells one that it is right."
Dr. Martin Luther King, Jr.

"Never, never, never quit."
Winston Churchill

testimony

From: Kristen Clyne [kclyne@hawaii.edu]
Sent: Monday, April 28, 2008 10:01 AM
To: testimony
Subject: BOR APPT: EDU; Monday, 4/28; 3PM; Room 225

LATE

BOR Appointment: Kitty Lagareta
EDU: Chair, Sen. Norman Sakamoto; Vice Chair, Sen Tokuda

Please oppose this nomination

Kitty Lagereta has consistently shown that she has no regard for the feelings, and opinions of the students, faculty and community of the University of Hawaii Manoa . Her support for the University Affiliated Research Center is the clearest case of her disregard for the input and numerous testimonies given by experts, faculty groups, students and community members opposed to a UARC. Her support for tuition hikes despite student and faculty opposition also demonstrated her disregard for the opinions of faculty members and the students at the university who are working and borrowing money in order to better their lives with an education. The most shocking revelation, however, was when Kitty supported a measure which would keep secret the UH budget until projects were approved. This is not just undemocratic it is unacademic. The University is not a corporation it is a place of learning. UHM is a community place where all projects should be subject to input of students, faculty and community. UHM is also partially funded through state funds, so we should all have a say in determining its priorities. Kitty Lagareta has consistently demonstrated the opposite and I feel she should stick to running her corporation not our University.

Kristen Clyne
Graduate Student UHM
Department of Political Science

Urgent-4pps

April 27, 2008

Senators N. Sakamoto and L. Ihara
State Capitol

LATE

Fax: 586-8588; 586-6251

Subjects:

- Kitty Lagareta's Untruths about speaking for Board of Regents re. Candidate Advisory Council when she was BOR Chair
- Lagareta's serving as Chair of the BOR Committee on Personnel and Legal Affairs when Dobelle was fired, according to June 16, 2004 BOR minutes

Dear Senators:

Thanks for taking the time Thursday to discuss with me the Monday confirmation session on Kitty Lagareta for the Board of Regents.

To follow up on the question of whether Lagareta was speaking for the Board, as she claims, in opposing the Senate bill to establish a Candidate Advisory Council, I could find no BOR agenda item for February, March or April 2007 in which the BOR discussed this topic in a public meeting. And in the minutes of those months, I found no evidence that the BOR had discussed this topic. Lagareta was BOR chair at this time.

However, in 2005, when Lagareta was vice chair, I did find a letter that BOR Chair Patricia Lee sent to Senate President Bunda and House Speaker Say opposing a similar bill. I will fax you this letter to follow my two pages.

However, neither the BOR agendas nor the minutes of February, March and April 2005 show that the BOR discussed this legislative measure in a public meeting that gave proper notice, that invited public comment and that shows the BOR openly discussed and deliberated toward a decision.

In effect, if the BOR did in fact take a position on the candidate advisory council, it was behind closed doors and a violation of the Sunshine Law. Such policy matters

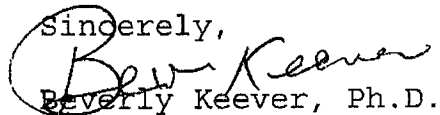
are not legitimate exemptions to an open meeting for a Hawaii government board.

Chair Lee's 2005 letter was attached to President McClain's 2007 testimony before your committee on this matter. Both McClain's testimony and Lee's letter may be found under the 2007 legislative testimony of UH at www.hawaii.edu/govrel.

On another matter, Lagareta was chair of the BOR Committee on Personnel and Legal Affairs when Dobelle was fired, according to the BOR minutes of June 16, 2004. She was vice chair of the full board at that time and she became in effect the spokesperson for the board on the Dobelle fiasco. I'll develop this point more in my testimony I'm faxing tonight to the Senate Sgt. At Arms to be delivered to the Senate Education Committee.

Thanks for considering these highly relevant reasons for rejecting Lagareta's nomination to return as a Regent. We need new faces, new directions and more competence.

Sincerely,



Beverly Kever, Ph.D.

Tel. and fax: 732-7598

Attached: 2 pages of UH BOR letter by Chair Lee 4/25/05



Attachment 1

COPY

University of Hawai'i Board of Regents

April 25, 2005

Chairperson

Dr. Patricia Y. Lee

The Honorable Robert Bunda
Senate President
State Capitol, Room 003
Honolulu, Hawai'i 96813

Vice Chairperson

Ms. Kitty Lagareta

The Honorable Calvin K.Y. Say
House Speaker
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Bunda and Speaker Say:

Members

Mr. Andres Albano Jr.

Dr. Byron W. Bender

Dr. Ramón S. de la Peña

Mr. James I. C. Haynes II

Mr. John K. Kai

Mr. Trent K. Kakuda

Mr. Alvin A. Tanaka

Mr. Jane B. Tatibouet

Mr. Myron A. Yamasato

I am writing in reference to SB 1257 SD2 HD2 B Relating to the University of Hawai'i. This measure establishes the candidate advisory council to screen and propose candidates for appointment to the Board of Regents (BOR) of the University of Hawai'i. It also changes BOR membership by decreasing the number of members from twelve to eleven and requires a certain number of BOR members to represent specific geographic areas. The bill also clarifies that every BOR member may serve beyond the expiration date of the member's term until the member's successor has been appointed, has qualified, and has been confirmed by the senate.

I understand that this bill has been scheduled for a conference meeting this Tuesday, April 26, 2005 at 9:00 am. This measure was discussed in great length at our Board of Regents' meeting at Windward Community College. It is the consensus of the members of the Board that we ask that this bill be amended by:

- Increasing the size of the Board of Regents to 13 rather than reducing it to 11. Richard T. Ingram, President of the Association of Governing Boards (AGB) suggests that a larger Board would enable that Board to have a division of labor, through a committee system to make its significant responsibility more manageable. It would also enable the Board to meet statutory requirements for quorum. We favor the present statutory language requiring geographic representation without specific numbers for each island. The candidate advisory committee can address the changing demographics which may affect future geographic distribution.
- Eliminate the "designated slots", allowing as appropriate, the appointment of members by the Governor, Senate President and House Speaker. The AGB cautions against screening bodies that are composed of special interest representatives. On this matter, Richard T. Ingram, President of AGB, stated in recent correspondence with Interim President McClain: 'Governing boards should not have any 'designated slots', because such a practice contradicts what public, citizen trusteeship is supposed to be: outstanding citizens who are independent in their individual and collective judgment who are there to serve the people of Hawai'i – not segments of the society, not special interests of any kind. Their primary duty is to hold the university's assets in trust for the current and future generations. It follows,

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- Allow for the reappointment of a Regent to a second 5-year term rather than a ten-year appointment with a mid-term review. The average term for Regents at public universities is 5.3 years.

Thank you for your thoughtful consideration and action in this matter.

Sincerely,



Patricia Y. Lee
Chairperson

- c: Chair Clayton Hee, Senate Higher Education Committee
Chair Colleen Hanabusa, Senate Judiciary and Hawaiian Affairs
Committee
Chair Tommy Waters, House Higher Education Committee
Vice Chair Blake Oshiro, House Judiciary Committee
Representative Scott Nishimoto
Members, Board of Regents

LATE**CLARIFICATION**

April 27, 2008

Senators N. Sakamoto and L. Ihara
State Capitol

Fax: 586-8588; 586-6251

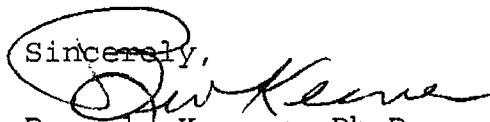
Dear Senators:

Amplifying the four-page fax I just sent your office, the April 21, 2005 agenda for the Board of Regents shows that **"Legislative Update" is the imprecise agenda description** used to discuss the pending constitutional amendment and enabling legislation then being discussed in the Legislature relating to the Candidate Advisory Committee. This description is too general as an agenda item to alert the public as to the magnitude of such an important piece of legislation should a member wish to participate in the deliberation and offer testimony.

The minutes of that meeting show that the Board of Regents did discuss the constitutional amendment and enabling legislation in 2005, just as the Legislature was scheduled to act. The BOR unanimously passed a resolution authorizing Chair Lee to communicate with the Legislature the "best practices" that essentially opposed the measure that was passed by the Legislature but then vetoed by the governor. Kitty Lagreta was Vice Chair at the time.

Thanks again for your consideration.

Sincerely,



Beverly Keever, Ph.D.

Tel. and fax: 732-7598

TESTIMONY OPPOSING SENATE EDUCATION COMMITTEE
CONFIRMATION OF CATHERINE Y. LAGARETA
TO THE UNIVERSITY OF HAWAI`I BOARD OF REGENTS
APRIL 28, 2008, CONFERENCE ROOM 225

For the past five years, Kitty Lagareta has generously volunteered her time as a member of, and more recently, as chair of the Board of Regents, time that took her away from her responsibilities as the chairwoman and CEO of one of the state's most prestigious marketing, advertising and public relations firms.

But I oppose her Senate confirmation to another five-year term and urge this Committee negatively to consider it. As a faculty member teaching at the University of Hawai`i for 26 years and expressing my own perspective, I evaluate Ms. Lagareta as a key player on the Board that mishandled its decision-making.

The BOR's decision-making, with Lagareta in leadership roles, lacked transparency, resulted in negative UH publicity not only statewide but also nationally and even internationally and cost Hawaii taxpayers hugely and unnecessarily. And voters expressed their disapproval in landslide numbers at the ballot box in the 2006 general election.

I offer these three evidences:

1. CHAIR LAGARETA AND CONCEALED DOCUMENTS

First, symptomatic of a mindset that sparks public distrust in government, Chair Lagareta permitted the Board of Regents last August to hold a public meeting on the University of Hawaii budget documents—but then kept much of the information secret by refusing to disclose the documents.

In doing so, Lagareta and the Board violated the spirit of Hawaii's Sunshine Law by abusing the deliberative process privilege to withhold from the public documents and reports it had placed on its public-meetings agenda.

Even more frustrating, Board members then discussed these documents in open meeting among themselves and with top UH officials but left the public completely in the dark about what the Board was deliberating.

The result: a negative news story—which I'll attach—negative editorials, a stern Manoa Faculty Senate resolution, and a cutting off of public participation in the very university that is supposed to serve and inform Hawaii's residents.

2. LAGARETA AND THE DOBELLE DEBACLE

Second, at the time of the disastrous—and costly--mishandling of the firing of former UH President Evan Dobbelle, Lagareta was vice chair of the Board and, according to the June 16, 2004 BOR minutes, she was also chair of the Personnel and Legal Affairs Committee.

The blotched firing of Dobbelle "for cause" came on June 15, 2004, in a 12-hour, largely closed-door meeting. While Dobbelle was on the mainland, the Board fired him but declined to specify the cause. His seven-year, \$442,000-a-year contract permitted his dismissal only for a felony conviction, mental instability or "moral turpitude."

Dobbelle hired a lawyer and threatened to sue for defamation of character and contract violations. Instead of going to court, a mediated settlement was negotiated. It rescinded UH's firing, allowed Dobbelle to resign and paid him \$1.6

million plus \$250,000 for two years for research, \$1,666-a-month UH pension for the rest of his life and \$1 million in fees to various attorneys.

Readers in Hawaii and college towns sprinkled around the country were told the news about the research paper for which UH paid Dobelle \$250,000 over two years.

"That's \$625 per page," calculated the prestigious Chronicle of Higher Education. And each page was triple spaced. "Folks in Hawaii aren't exactly thrilled to have footed the hefty bill for the 400-page study," the Chronicle stated without citing sources. But, it said, the 25 universities that Dobelle cited as outstanding for uplifting their communities "were thrilled." UH didn't make Dobelle's list of 25 praiseworthy institutions.

3. LAGARETA AND BALLOT-BOX REJECTION

Linda Lingle won re-election by the greatest margin of any governor in Hawaii's history in November 2006.

But alongside her victory, voters repudiated just as heavily her discretion in appointing members of the UH Board of Regents and, by implication, their performance during the four years that included the Dobelle debacle.

Like Democratic governors before her, Lingle, a Republican, had exercised wide discretion in appointing members to the BOR if they were approved by the state Senate.

But voters in the Nov. 7 general election changed that by approving limits on gubernatorial discretion. In a landslide vote of no confidence,

voters approved an amendment to Hawaii's Constitution that requires Lingle and her successors to select future regent candidates from a pool of people screened and proposed by an advisory council, a method opposed by Lingle and in more muted language by the BOR itself.

The breadth of the votes for Lingle but against her regents selection is striking, my precinct-by-precinct analysis of the elections returns shows. Of the 352 precincts statewide, Lingle won all but 29. But she lost in all but five precincts and tied in a sixth when residents voted yes or no on the constitutional amendment concerning regent selection. In one precinct, Kalaupapa Settlement, no one voted in person or by absentee ballot.

Lingle won 61.7 percent of the total vote for governor in the 2006 general election. But she lost by 61.5 percent when voters chose either yes or no on the constitutional amendment that rejects the wide-discretion method of selecting regents.

The depth of voter sentiment against a governor's selection of regents is also striking. Residents in many precincts voted by a 2-1 margin to approve the constitutional amendment that restricts the wide discretion given to governors, when the yes-or-no votes on that question are compared.

In short, voters approved Lingle personally but disapproved of the process and probably the performance of the regents she had appointed to guide the state's only public university. Senators, please listen to the voters' message at the ballot box and reject this incumbent candidate.


Beverly Ann Deepe Keever, Ph.D.

Star Bulletin

mobile edition

Vol. 12, Issue 237 - Saturday, August 25, 2007

UH regents conceal budget papers

By Craig Gima
cgima@starbulletin.com

University of Hawaii regents held what would normally be a routine informational briefing yesterday, except that much of the information was kept secret.

Under a new policy, which regents said they would re-examine next month, members of the public who wanted to see budget documents were told to fill out a written form and that the documents would be made available up to 10 days after the board approves the budget request to the Legislature.

J.N. Musto, executive director of the University of Hawaii Professional Assembly, strongly objected.

"We're not talking about national secrets here," Musto told the board. He questioned how the public could let regents know what they think about the budget proposal if they cannot see the details of what is in it.

The faculty union might sue the university or seek a change in the law if the policy is upheld, Musto said.

Darolyn Lendio, the university general counsel, cited the "deliberative process privilege" in withholding the budget documents, which included UH President David McClain's recommendations to the regents and the budget priorities for each campus.

Citing an Office of Information Practices manual, Lendio said the privilege allows an agency to "withhold recommendations, draft documents, proposals, suggestions and other opinion materials that comprise part of the process by which the agency formulates its decisions and policies."

Withholding the information encourages "the uninhibited exchange of ideas, recommendations and opinions," she said.

Some of the budget documents are online even though they were not available at the meeting.

During a similar budget meeting last year, UH administrators prepared a PowerPoint presentation that projected information onto a screen so that anyone at the meeting could see what was being discussed.

This year, when McClain talked about the budget, he referred to documents the regents and UH administrators could see but the public could not.

"Take a look at tab E," McClain told the regents. "These are the current campus priorities."

Construction funds sought

The University of Hawaii is proposing \$359 million in construction spending and \$30 million in additional operating money in the supplemental budget year, UH President David McClain told regents yesterday.

The proposed UH budget request is scheduled to be discussed and approved by the regents next month and submitted to the governor and the Legislature.

McClain verbally covered some of the budget highlights yesterday, saying that about \$99 million from the construction or capital improvement project budget would go toward repair and maintenance of, and health and safety improvements for, aging UH buildings.



CENTRAL PACIFIC BANK

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Telephone (808) 544-0500

April 24, 2008

LATE

The Honorable Norman Sakamoto
State Senator
Chair – Committee on Education
415 S. Beretania Street, Room 415
Honolulu, HI 96813

Re: In strong support of Kitty Lagareta's reappointment to the UH Board of Regents

Dear Senator Sakamoto:

It gives me great pleasure to submit this letter of recommendation of Kitty Lagareta's reappointment to the University's Board of Regents. She is an excellent candidate and I stand in strong support of his confirmation.

As Central Pacific Bank is a client of Communication Pacific, I have had the opportunity to work closely with Ms. Lagareta and am impressed with her vast understanding of our community, as well as her commitment towards improving Hawaii and leading change.

She possesses an impressive history of community service and has taken leadership roles in the organizations to which she is committed.

Ms. Lagareta is a visionary and can continue to be an important contributor to the university system as it plans and carries out its mission for the new millennium. She is an excellent candidate for the regent position and I encourage the Senate to support her reappointment.

Sincerely,

A handwritten signature in cursive script that reads "Clint Arnoldus".

Clint Arnoldus
President & Chief Executive Officer