



Lawmaker Kym Pine is Accused of Committing At Least Twenty Serious Crimes in Violation of Federal, State and County Laws

EXTORTION & ATTEMPTED EXTORTION

According to HRS §707-764 pertaining to extortion, “A person commits extortion if the person does any of the following: (1) Obtains, or exerts control over, the property, labor, or services of another with intent to deprive another of property, labor, or services by threatening by word or conduct to: (d) Commit a penal offense; (i) Take or withhold action as a public servant, or cause a public servant to take or withhold such action; (l) Do any other act that would not in itself substantially benefit the defendant but that is calculated to harm substantially some person with respect to the threatened person's health, safety, business, calling, career, financial condition, reputation, or personal relationships; (2) Intentionally compels or induces another person to engage in conduct from which another has a legal right to abstain or to abstain from conduct in which another has a legal right to engage by threatening by word or conduct to do any of the actions set forth in paragraph (1)(a) through (l). http://www.capitol.hawaii.gov/hrscurrent/Vol14_Ch0701-0853/HRS0707/HRS_0707-0764.htm

BRIBERY & ATTEMPTED BRIBERY

According to HRS §710-1040 pertaining to bribery, “A person commits the offense of bribery if the person confers, or offers or agrees to confer, directly or indirectly, any pecuniary benefit upon a public servant with the intent to influence the public servant's vote, opinion, judgment, exercise of discretion, or other action in the public servant's official capacity.” Also, according to HRS §710-1040: “For purposes of this section, ‘public servant’ includes in addition to persons who occupy the position of public servant as defined in section 710-1000(15), persons who have been elected, appointed, or designated to become a public servant although not yet occupying that position.” Bribery is a class B felony. A person convicted of violating this section, notwithstanding any law to the contrary, shall not be eligible for a deferred acceptance of guilty plea or nolo contendere plea. http://www.capitol.hawaii.gov/hrscurrent/Vol14_Ch0701-0853/HRS0710/HRS_0710-1040.htm

THEFT OR BRIBERY CONCERNING PROGRAMS RECEIVING FEDERAL FUNDS

18 U.S.C. §666 : US Code - Section 666: Theft or bribery concerning programs receiving Federal funds. (a) Whoever, if the circumstance described in subsection (b) of this section exists (1) being an agent of an organization, or of a State, local, or Indian tribal government, or any agency thereof (A) embezzles, steals, obtains by fraud, or otherwise without authority knowingly converts to the use of any person other than the rightful owner or intentionally misapplies, property that (i) is valued at \$5,000 or more, and (ii) is owned by, or is under the care, custody, or control of such organization, government, or agency; or (B) corruptly solicits or demands for the benefit of any person, or accepts or agrees to accept, anything of value from any person, intending to be influenced or rewarded in connection with any business, transaction, or series of transactions of such organization, government, or agency involving any thing of value of \$5,000 or more; or (2) corruptly gives,

offers, or agrees to give anything of value to any person, with intent to influence or reward an agent of an organization or of a State, local or Indian tribal government, or any agency thereof, in connection with any business, transaction, or series of transactions of such organization, government, or agency involving anything of value of \$5,000 or more; shall be fined under this title, imprisoned not more than 10 years, or both.

THEFT & ATTEMPTED THEFT

According to HRS §708-830 pertaining to theft, “a person commits theft if the person does any of the following: (1) Obtains or exerts unauthorized control over property. A person obtains or exerts unauthorized control over the property of another with intent to deprive the other of the property.

http://www.capitol.hawaii.gov/hrscurrent/Vol14_Ch0701-0853/HRS0708/HRS_0708-0830.htm

According to HRS §708-830.5 pertaining to theft in the first degree. (1) A person commits the offense of theft in the first degree if the person commits theft: (a) of property or services, the value of which exceeds \$20,000;

http://www.capitol.hawaii.gov/hrscurrent/Vol14_Ch0701-0853/HRS0708/HRS_0708-0830_0005.htm

MONEY LAUNDERING & INTENT TO LAUNDER MONEY

According to HRS §708A-3 pertaining to money laundering, “It is unlawful for any person: (a) Who knows that the property involved is the proceeds of some form of unlawful activity, to knowingly transport, transmit, transfer, receive, or acquire the property or to conduct a transaction involving the property, when, in fact, the property is the proceeds of specified unlawful activity; (b) Who knows that the property involved in the transaction is the proceeds of some form of unlawful activity, to knowingly engage in the business of conducting, directing, planning, organizing, initiating, financing, managing, supervising, or facilitating transactions involving the property that, in fact, is the proceeds of specified unlawful activity; (c) To knowingly conduct or attempt to conduct a financial transaction involving property represented to be the proceeds of specified unlawful activity, or property used to conduct or facilitate specified unlawful activity, with the intent to: (i) Promote the carrying on of specified unlawful activity; or (ii) Conceal or disguise the nature, the location, the source, the ownership, or the control of property believed to be the proceeds of specified unlawful activity.

http://www.capitol.hawaii.gov/hrscurrent/Vol14_Ch0701-0853/HRS0708A/HRS_0708A-0003.htm

HARASSMENT & ATTEMPTED HARASSMENT

According to HRS §711-1106 pertaining to harassment. (1) A person commits the offense of harassment if, with intent to harass, annoy, or alarm any other person, that person: (c) Repeatedly makes telephone calls, facsimile transmissions, or any form of electronic communication as defined in section 711-1111(2), including electronic mail transmissions, without purpose of legitimate communication;

http://www.capitol.hawaii.gov/hrscurrent/Vol14_Ch0701-0853/HRS0711/HRS_0711-1106.htm

USE OF A COMPUTER IN THE COMMISSION OF A SEPARATE CRIME

§708-893 Use of a computer in the commission of a separate crime. (1) A person commits the offense of use of a computer in the commission of a separate crime if the person: (a) Intentionally uses a computer to obtain control over the property of the victim to commit theft in the first or second degree.

http://www.capitol.hawaii.gov/hrscurrent/Vol14_Ch0701-0853/HRS0708/HRS_0708-0893.htm

WIRE FRAUD & ATTEMPTED WIRE FRAUD

18 U.S.C. § 1343 : US Code - Section 1343: Fraud by wire, radio, or television. Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both.

<http://uscode.house.gov/uscode-cgi/fastweb.exe?getdoc+uscview+t17t20+697+0++%28%29%20%20AND%20%28%2818%29%20ADJ%20USC%29%3ACITE%20AND%20%28USC%20w%2F10%20%281343%29%29%3ACITE%20%20%20%20%20%20%20%20%20>

INTENT TO DEPRIVE HONOLULU CITIZENS OF TOM BERG'S HONEST SERVICES

18 U.S.C. § 1346 : US Code - Section 1346: Definition of "scheme or artifice to defraud". For the purposes of this chapter, the term "scheme or artifice to defraud" includes a scheme or artifice to deprive another of the intangible right of honest services.

<http://uscode.house.gov/download/pls/18C63.txt>

EXTORTION VIA INTERSTATE COMMUNICATIONS

18 U.S.C. § 875 : US Code - Section 875: Interstate communications. (d) Whoever, with intent to extort from any person, firm, association, or corporation, any money or other thing of value, transmits in interstate or foreign commerce any communication containing any threat to injure the property or reputation of the addressee or of another or the reputation of a deceased person or any threat to accuse the addressee or any other person of a crime, shall be fined under this title or imprisoned not more than two years, or both.

TERRORISTIC THREATENING

According to HRS §707-715, terroristic threatening is when a person threatens, by word or conduct, to commit a felony: (1) With the intent to terrorize, or in reckless disregard of the risk of terrorizing, another person; http://www.capitol.hawaii.gov/hrscurrent/Vol14_Ch0701-0853/HRS0707/HRS_0707-0715.htm

According to HRS §707-716 pertaining to **terroristic threatening in the first degree**. (1) A person commits the offense of terroristic threatening in the first degree if the person commits terroristic threatening:

- (a) By threatening another person on more than one occasion for the same or a similar purpose;
- (b) By threats made in a common scheme against different persons;
- (c) Against a public servant arising out of the performance of the public servant's official duties.

http://www.capitol.hawaii.gov/hrscurrent/Vol14_Ch0701-0853/HRS0707/HRS_0707-0716.htm

ELECTION FRAUD & ATTEMPTED ELECTION FRAUD

According to HRS §19-3 pertaining to election frauds, the following persons shall be deemed guilty of an election fraud: (7) Every person who induces or procures any person to withdraw from being a candidate at an election in consideration of any payment or gift or valuable consideration; or of any threat; and every candidate who withdraws from being a candidate in pursuance of such inducement or procurement.

http://www.capitol.hawaii.gov/hrscurrent/Vol01_Ch0001-0042F/HRS0019/HRS_0019-0003.htm

§19-4 Penalties; disqualification for, removal from office; reports of convictions to chief election officer.

Every person found guilty of an election fraud shall be fined not less than \$1,000 nor more than \$5,000, or imprisoned not more than two years, or both. Besides the punishment, the person shall be disqualified from voting and from being elected to, holding or occupying any office, elective or appointive. If the person so convicted holds any office, either elective or appointive, at the time of the conviction, the office shall at once and without mention in the sentence or other proceeding be vacated by the conviction. The judge before whom the conviction is had shall immediately transmit to the chief election officer and to the respective county clerks the name of the person, the offense of which the person has been convicted and the sentence of the court.

http://www.capitol.hawaii.gov/hrscurrent/Vol01_Ch0001-0042F/HRS0019/HRS_0019-0004.htm

VIOLATING STATE ETHICS LAWS

§84-13 Fair treatment. No legislator or employee shall use or attempt to use the legislator's or employee's official position to secure or grant unwarranted privileges, exemptions, advantages, contracts, or treatment, for oneself or others;

§84-11 Gifts: No legislator or employee shall solicit, accept, or receive, directly or indirectly, any gift, whether in the form of money, service, loan, travel, entertainment, hospitality, thing, or promise, or in any other form, under circumstances in which it can reasonably be inferred that the gift is intended to influence the legislator or employee in the performance of the legislator's or employee's official duties or is intended as a reward for any official action on the legislator's or employee's part.

FAILURE TO REGISTER AS A LOBBYIST WITH THE CITY ETHICS COMMISSION

Sec. 3-13.2 Definitions. "Lobbyist" means any person who engages oneself for pay or other consideration for the purpose of influencing, directly or indirectly, and whether by such person or through any agent or employee or other person in any manner whatsoever, the policy making process of the City and County of Honolulu.

<http://www1.honolulu.gov/ethics/charterordinancesrules.htm>

Sec. 3-13.3 Registration and reporting. (a) Each lobbyist shall, not later than five days after engaging himself or herself to conduct lobbying activities or receiving contributions, membership dues or a fee or salary as set forth in Section 3-13.2, file a registration form with the ethics commission.

<http://www1.honolulu.gov/ethics/charterordinancesrules.htm>

Section 11-108. Registration of Lobbyists. The council shall by ordinance provide for the registration of lobbyists, including the classification, issuance, revocation, suspension and renewal of certificates of registration, the disclosure of information necessary in the public interest, and the investigative procedures and sanctions necessary to effectuate the purposes of the ordinance. As used herein, "lobbyist" means any person who is engaged for pay or other consideration for the purpose of attempting to influence legislative or administrative action of the city. (Reso. 83-357)

http://www1.honolulu.gov/ethics/chartersection11_108.htm

Sec. 3-13.6 Prohibition. No person who is not the holder of a current certificate of registration issued by the ethics commission under this article shall engage in lobbying activities. (Added by Ord. 05-033)

<http://www1.honolulu.gov/ethics/charterordinancesrules.htm>

(rev. 07 September 2011)