

Charter school suing state panels | Hawaii Tribune Herald

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A Hilo charter school has filed companion lawsuits against two state panels.

The complaints were filed Thursday in Hilo Circuit Court by attorney Ted Hong on behalf of Connections Public Charter School and William Eric Boyd, a school employee.

The first suit accuses the Charter School Review Panel and its chairman, Carl Takamura, of intentionally violating the state's Sunshine Law and trying to unlawfully force the school to fire Hong or face possible revocation of its charter. It seeks Takamura's dismissal from his post.

The second complaint names the Hawaii State Ethics Commission and Les Kondo, the commission's executive director, and asks the court to stop an ongoing ethics investigation against Connections and Boyd.

The suit states that Connections' local school board is "an autonomous governing body of its charter school ... not covered by any collective bargaining agreement," that the Ethics Commission has no jurisdiction over Boyd as a charter school employee, and that the investigation violates his right to due process.

The suit also alleges the defendants "wrongfully interfered with attorney-client privilege."

According to a separate statement released by Hong, an independent audit found no ethics violations occurred at the school.

"We've been using Ted Hong for over a year on this case, and that was on the advice of the (state attorney general)," said John Thatcher, Connections' principal. "They were saying that they could only represent us in our official capacity and that if (the investigation) went beyond our official capacity, that we should have a private attorney."

The Kondo suit states that a "disgruntled, former employee" filed the ethics complaint, alleging Boyd "used school resources and rigged a food service bid contract to benefit" a company operated by Boyd's wife, Erika.

The suit describes Boyd as a "non-participating partner" in the company, which it says "won a competitive bid to supply school lunches to Connections."

"The only other place we could get food from when we started using her was the Department of Education," Thatcher said. "The Department of Education was charging us 10 cents per plate for delivery from Hilo Intermediate down to the Kress Building. They were charging us so much more ... than Erika Boyd was doing it for. So we did it purely because we needed to save money. It was several years before this complaint was filed."

According to the suit, Boyd "in his capacity as a school official ... would sign off invoices submitted by his wife's company for school lunches simply acknowledging that in fact the lunches had been delivered to an off-campus school site."

The suit alleges that on July 7, Deputy Attorney General Michelle Puu wrote to Kondo "that (Puu), in consultation with the Hawaii Charter School Review Panel ... would assist Mr. Kondo in terminating Mr. Hong's representation of the plaintiffs."

It also states that Kondo submitted written testimony to a July 28 Charter School Review Panel hearing, stating, in part: "If our understanding of the attorney general's position is correct ... Connections PCS cannot legally retain a private attorney without first obtaining approval to do so, signed by the governor -- we request that you direct Connections PCS to produce such approval or, if none exists, to justify its continuing disregard of the attorney general's opinion."

The suit against Takamura alleges violation of the Sunshine Law because neither Connections nor Boyd "had any notice based on the agenda of the July 28, 2011, meeting that the issue of plaintiffs' legal representation would be discussed, decided upon or that ... CSRP would take any kind of decision making action concerning plaintiffs' legal representation."

The agenda of an Aug. 11 Charter School Review Panel meeting lists "questions regarding Connections PCS and State Ethics Commission." Those questions include if Hong is representing Connections or Boyd in an official capacity, how Hong's services were retained and if public money is funding his services.

Thatcher said that under the laws governing charter schools, any private donations "can be used at the discretion of the school."

"That's the point we've been making," he said. "We're not using the money that's been allocated by the state. We're using basically private donations and things like that to pay for Mr. Hong."

Thatcher said Connections is "being micro-managed by the review panel."

"The panel is telling us to do things, and the chairman is telling us to do things when he didn't even have a motion to tell us those things, so he's violating the Sunshine Law," he said.

In his written statement, Hong called the investigation and the review panel's actions "a prime example of bureaucrats that still refuse to recognize and treat charter schools as independent and how hard charter schools have to fight just to protect their basic rights."

Kondo said Friday he hadn't read the suit and couldn't comment. Takamura didn't return a phone message left early Friday afternoon.

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