



DEPARTMENT OF THE ATTORNEY GENERAL

News Release

LINDA LINGLE
GOVERNOR

Mark J. Bennett, Attorney General
Phone: (808) 586-1500
Fax: (808) 586-1239

For Immediate Release: November 24, 2010

News Release 2010-27

**COUNCILMEMBER RODNEY TAM
PLEADS GUILTY TO THEFT AND UNSWORN FALSIFICATION**

HONOLULU – Honolulu City Councilmember Rodney H.C.G. Tam pled guilty today to two counts of Theft in the Third Degree, eleven counts of Theft in the Fourth Degree, and thirteen counts of Unsworn Falsification to Authorities.

The Department of the Attorney General filed a complaint alleging that Tam, as a Councilmember, submitted false claims for reimbursements of meals during fiscal years 2007-2008 and 2008-2009. Tam knowingly charged the City higher amounts than the actual receipts paid for the meals, and was therefore overpaid in reimbursements.

The amounts of the individual overcharges described in the complaint ranged from \$8.00 to \$267.55 and were incurred at various restaurants in Honolulu.

Under a plea agreement with the Department of the Attorney General, Tam pled guilty as charged to all 26 counts.

"Mr. Tam violated a public trust, and has now pled guilty to 26 separate crimes," Attorney General Mark Bennett said. "We believe this is an appropriate resolution to this case."

Sentencing is scheduled for January 27, 2011, before the Honorable Randal Shintani.

Theft in the Third Degree and Unsworn Falsification to Authorities are misdemeanors punishable by up to one year in jail, a fine of up to \$2,000, or both. Theft in the Fourth Degree is a petty misdemeanor punishable by up to thirty days in jail, a fine of up to \$1,000, or both.

A copy of the complaint is attached.

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For more information, contact:
Bridget Holthus
Special Assistant
to the Attorney General
(808) 586-1284
bridget.holthus@hawaii.gov

MARK J. BENNETT 2672
Attorney General
State of Hawaii

FILED
DISTRICT COURT OF
THE FIRST CIRCUIT
2010 NOV 24 A 8:00

LORI H. WADA 5232
Deputy Attorney General
Department of the Attorney
General, State of Hawaii
333 Queen Street, Suite 200
Honolulu, Hawaii 96813
Telephone: (808) 586-1160
Facsimile: (808) 586-1375
Attorneys for the State of Hawaii

DISTRICT COURT OF THE FIRST CIRCUIT

HONOLULU DIVISION

COMPLAINT

Count I: (HPD Rpt. No. 10-095072):

On or about the 14th day of October 2008, to and including the 30th day of October, 2008, in the City and County of Honolulu, State of Hawaii, RODNEY H.C.G. TAM, did obtain or exert control over the property of another, to wit, U.S. Currency in the amount of One Hundred Thirty Eight Dollars and Seventy-Six Cents (\$138.76), the value of which exceeds One Hundred Dollars (\$100.00), by deception, with intent to deprive the other of the property, and this offense is based on misconduct in office by RODNEY H.C.G. TAM, a public employee, at any time when RODNEY H.C.G. TAM was in public employment or within two years thereafter, thereby committing the offense of Theft in the Third Degree in violation of Section 708-832 (1) (a) of the Hawaii Revised Statutes.

Count II: (HPD Rpt. No. 10-350957):

On or about the 30th day of October, 2008, in the City and County of Honolulu, State of Hawaii, RODNEY H.C.G. TAM, with an intent to mislead a public servant in the performance of the public servant's duty, in a record or report required by law to be submitted to any governmental agency, to wit, ACA- 1 Form 96, did submit or invite reliance on any writing which the person

knows to be falsely made, completed, or altered, and this offense is based on misconduct in office by RODNEY H.C.G. TAM, a public employee, at any time when RODNEY H.C.G. TAM was in public employment or within two years thereafter, thereby committing the offense of Unsworn Falsification to Authorities, in violation of Section 710-1063(1)(b) of the Hawaii Revised Statutes.

Count III: (HPD Rpt. No. 10-350925):

On or about the 20th day of November, 2008, to and including the 16th day of December, 2008, in the City and County of Honolulu, State of Hawaii, RODNEY H.C.G. TAM, did obtain or exert control over the property of another, to wit, U.S. Currency in the amount of Two Hundred Sixty-Seven Dollars and Fifty-Five Cents (\$267.55), the value of which exceeds One Hundred Dollars (\$100.00), by deception, with intent to deprive the other of the property, thereby committing the offense of Theft in the Third Degree in violation of Section 708-832 (1) (a) of the Hawaii Revised Statutes.

Count IV: (HPD Rpt. No. 10-351281):

On or about the 16th day of December, 2008, in the City and County of Honolulu, State of Hawaii, RODNEY H.C.G. TAM, with an intent to mislead a public servant in the performance of the public servant's duty, in a record or report required by law to be submitted to any governmental agency, to wit, ACA-1 Form 134, did submit or invite reliance on any writing which the person knows to be falsely made, completed, or altered, thereby committing the offense of Unsworn Falsification to Authorities, in violation of Section 710-1063(1)(b) of the Hawaii Revised Statutes.

Count V: (HPD Rpt. No. 10-350926):

On or about the 29th day of February, 2008, to and including the 19th day of March, 2008, in the City and County of Honolulu, State of Hawaii, RODNEY H.C.G. TAM, did obtain or exert control over the property of another, to wit, U.S. Currency in the amount of Ten Dollars (\$10.00), the value of which does not exceed One Hundred Dollars (\$100.00), by deception, with intent to deprive the other of the property, and this offense is based on misconduct in office by RODNEY H.C.G. TAM, a public employee, at any time when RODNEY H.C.G. TAM was in public employment or within two years thereafter, thereby committing the offense of Theft in the Fourth Degree in violation of Section 708-833 (1) of the Hawaii Revised Statutes.

Count VI: (HPD Rpt. No. 10-351282):

On or about the 19th day of March, 2008, in the City and County of Honolulu, State of Hawaii, RODNEY H.C.G. TAM, with an intent to mislead a public servant in the performance of the public servant's duty, in a record or report required by law to be submitted to any governmental agency, to wit, ACA-1 Form 210, did submit or invite reliance on any writing which the person knows to be falsely made, completed, or altered, and this offense is based on misconduct in office by RODNEY H.C.G. TAM, a public employee, at any time when RODNEY H.C.G. TAM was in public employment or within two years thereafter, thereby committing the offense of Unsworn Falsification to Authorities, in violation of Section 710-1063(1)(b) of the Hawaii Revised Statutes.

Count VII: (HPD Rpt. No. 10-350927):

On or about the 22nd day of April, 2008, to and including the 30th day of April, 2008, in the City and County of Honolulu, State of Hawaii, RODNEY H.C.G. TAM, did obtain or exert control over the property of another, to wit, U.S. Currency in the amount of Twenty-Four Dollars and Fifty Cents (\$24.50), the value of which does not exceed One Hundred Dollars (\$100.00), by deception, with intent to deprive the other of the property, and this offense is based on misconduct in office by RODNEY H.C.G. TAM, a public employee, at any time when RODNEY H.C.G. TAM was in public employment or within two years thereafter, thereby committing the offense of Theft in the Fourth Degree in violation of Section 708-833 (1) of the Hawaii Revised Statutes.

Count VIII: (HPD Rpt. No. 10-351283):

On or about the 30th day of April, 2008, in the City and County of Honolulu, State of Hawaii, RODNEY H.C.G. TAM, with an intent to mislead a public servant in the performance of the public servant's duty, in a record or report required by law to be submitted to any governmental agency, to wit, ACA-1 Form 255, did submit or invite reliance on any writing which the person knows to be falsely made, completed, or altered, and this offense is based on misconduct in office by RODNEY H.C.G. TAM, a public employee, at any time when RODNEY H.C.G. TAM was in public employment or within two years thereafter, thereby committing the offense of Unsworn Falsification to Authorities, in violation of Section 710-1063(1)(b) of the Hawaii Revised Statutes.

Count IX: (HPD Rpt. No. 10-350929):

On or about the 29th day of May, 2008, to and including the 2nd day of July, 2008, in the City and County of Honolulu, State of Hawaii, RODNEY H.C.G. TAM, did obtain or exert control

over the property of another, to wit, U.S. Currency in the amount of Nineteen Dollars (\$19.00), the value of which does not exceed One Hundred Dollars (\$100.00), by deception, with intent to deprive the other of the property, and this offense is based on misconduct in office by RODNEY H.C.G. TAM, a public employee, at any time when RODNEY H.C.G. TAM was in public employment or within two years thereafter, thereby committing the offense of Theft in the Fourth Degree in violation of Section 708-833 (1) of the Hawaii Revised Statutes.

Count X: (HPD Rpt. No. 10-351284):

On or about the 2nd of July, 2008, in the City and County of Honolulu, State of Hawaii, RODNEY H.C.G. TAM, with an intent to mislead a public servant in the performance of the public servant's duty, in a record or report required by law to be submitted to any governmental agency, to wit, ACA-1 Form 338, did submit or invite reliance on any writing which the person knows to be falsely made, completed, or altered, and this offense is based on misconduct in office by RODNEY H.C.G. TAM, a public employee, at any time when RODNEY H.C.G. TAM was in public employment or within two years thereafter, thereby committing the offense of Unsworn Falsification to Authorities, in violation of Section 710-1063(1)(b) of the Hawaii Revised Statutes.

Count XI: (HPD Rpt. No. 10-350930):

On or about the 13th day of June, 2008, to and including the 25th day of June, 2008, in the City and County of Honolulu, State of Hawaii, RODNEY H.C.G. TAM, did obtain or exert control over the property of another, to wit, U.S. Currency in the amount of Eight Dollars (\$8.00). the value of which does not exceed One Hundred Dollars (\$100.00), by deception, with intent to deprive the other of the property, and this offense is based on misconduct in office by RODNEY H.C.G. TAM, a public employee, at any time when RODNEY H.C.G. TAM was in public employment or within two years thereafter, thereby committing the offense of Theft in the Fourth Degree in violation of Section 708-833 (1) of the Hawaii Revised Statutes.

Count XII: (HPD Rpt. No. 10-351285):

On or about the 25th day of June, 2008, in the City and County of Honolulu, State of Hawaii, RODNEY H.C.G. TAM, with an intent to mislead a public servant in the performance of the public servant's duty, in a record or report required by law to be submitted to any governmental agency, to wit, ACA-1 Form 317, did submit or invite reliance on any writing which the person knows to be falsely made, completed, or altered, and this offense is based on misconduct in office

by RODNEY H.C.G. TAM, a public employee, at any time when RODNEY H.C.G. TAM was in public employment or within two years thereafter, thereby committing the offense of Unsworn Falsification to Authorities, in violation of Section 710-1063(1)(b) of the Hawaii Revised Statutes.

Count XIII: (HPD Rpt. No. 10-350931):

On or about the 9th day of July, 2008, to and including the 12th day of August, 2008, in the City and County of Honolulu, State of Hawaii, RODNEY H.C.G. TAM, did obtain or exert control over the property of another, to wit, U.S. Currency in the amount of Eight Dollars (\$8.00), the value of which does not exceed One Hundred Dollars (\$100.00), by deception, with intent to deprive the other of the property, and this offense is based on misconduct in office by RODNEY H.C.G. TAM, a public employee, at any time when RODNEY H.C.G. TAM was in public employment or within two years thereafter, thereby committing the offense of Theft in the Fourth Degree in violation of Section 708-833 (1) of the Hawaii Revised Statutes.

Count XIV: (HPD Rpt. No. 10-351286):

On or about the 12th day of August, 2008, in the City and County of Honolulu, State of Hawaii, RODNEY H.C.G. TAM, with an intent to mislead a public servant in the performance of the public servant's duty, in a record or report required by law to be submitted to any governmental agency, to wit, ACA-1 Form 24, did submit or invite reliance on any writing which the person knows to be falsely made, completed, or altered, and this offense is based on misconduct in office by RODNEY H.C.G. TAM, a public employee, at any time when RODNEY H.C.G. TAM was in public employment or within two years thereafter, thereby committing the offense of Unsworn Falsification to Authorities, in violation of Section 710-1063(1)(b) of the Hawaii Revised Statutes.

Count XV: (HPD Rpt. No. 10-350932):

On or about the 23rd day of July, 2008, to and including the 12th day of August, 2008, in the City and County of Honolulu, State of Hawaii, RODNEY H.C.G. TAM, did obtain or exert control over the property of another, to wit, U.S. Currency in the amount of Twenty-Five Dollars and Sixty-Eight Cents (\$25.68), the value of which exceeds One Hundred Dollars (\$100.00), by deception, with intent to deprive the other of the property, and this offense is based on misconduct in office by RODNEY H.C.G. TAM, a public employee, at any time when RODNEY H.C.G. TAM was in public employment or within two years thereafter, thereby committing the offense of Theft in the Fourth Degree in violation of Section 708-833 (1) of the Hawaii Revised Statutes.

Count XVI: (HPD Rpt. No. 10-351287):

On or about the 12th day of August, 2008, in the City and County of Honolulu, State of Hawaii, RODNEY H.C.G. TAM, with an intent to mislead a public servant in the performance of the public servant's duty, in a record or report required by law to be submitted to any governmental agency, to wit, ACA-1 Form 32, did submit or invite reliance on any writing which the person knows to be falsely made, completed, or altered, and this offense is based on misconduct in office by RODNEY H.C.G. TAM, a public employee, at any time when RODNEY H.C.G. TAM was in public employment or within two years thereafter, thereby committing the offense of Unsworn Falsification to Authorities, in violation of Section 710-1063(1)(b) of the Hawaii Revised Statutes.

Count XVII: (HPD Rpt. No. 10-350933):

On or about the 4th day of August, 2008, to and including the 26th day of August, 2008, in the City and County of Honolulu, State of Hawaii, RODNEY H.C.G. TAM, did obtain or exert control over the property of another, to wit, U.S. Currency in the amount of Twenty Dollars and Sixty-Six Cents (\$20.66), the value of which does not exceed One Hundred Dollars (\$100.00), by deception, with intent to deprive the other of the property, and this offense is based on misconduct in office by RODNEY H.C.G. TAM, a public employee, at any time when RODNEY H.C.G. TAM was in public employment or within two years thereafter, thereby committing the offense of Theft in the Fourth Degree in violation of Section 708-833 (1) of the Hawaii Revised Statutes.

Count XVIII: (HPD Rpt. No. 10-351288):

On or about the 26th ay of August, 2008, in the City and County of Honolulu, State of Hawaii, RODNEY H.C.G. TAM, with an intent to mislead a public servant in the performance of the public servant's duty, in a record or report required by law to be submitted to any governmental agency, to wit, ACA-1 Form 35, did submit or invite reliance on any writing which the person knows to be falsely made, completed, or altered, and this offense is based on misconduct in office by RODNEY H.C.G. TAM, a public employee, at any time when RODNEY H.C.G. TAM was in public employment or within two years thereafter, thereby committing the offense of Unsworn Falsification to Authorities, in violation of Section 710-1063(1)(b) of the Hawaii Revised Statutes.

Count XIX: (HPD Rpt. No. 10-350934):

On or about the 22nd day of August, 2008, to and including the 3rd day of September, 2008, in the City and County of Honolulu, State of Hawaii, RODNEY H.C.G. TAM, did obtain or exert control over the property of another, to wit, U.S. Currency in the amount of Fifty Dollars and Fifty

Cents (\$50.50), the value of which does not exceed One Hundred Dollars (\$100.00), by deception, with intent to deprive the other of the property, and this offense is based on misconduct in office by RODNEY H.C.G. TAM, a public employee, at any time when RODNEY H.C.G. TAM was in public employment or within two years thereafter, thereby committing the offense of Theft in the Fourth Degree in violation of Section 708-833 (1) of the Hawaii Revised Statutes.

Count XX: (HPD Rpt. No. 10-351289):

On or about the 3rd day of September, 2008, in the City and County of Honolulu, State of Hawaii, RODNEY H.C.G. TAM, with an intent to mislead a public servant in the performance of the public servant's duty, in a record or report required by law to be submitted to any governmental agency, to wit, ACA-1 Form 50, did submit or invite reliance on any writing which the person knows to be falsely made, completed, or altered, and this offense is based on misconduct in office by RODNEY H.C.G. TAM, a public employee, at any time when RODNEY H.C.G. TAM was in public employment or within two years thereafter, thereby committing the offense of Unsworn Falsification to Authorities, in violation of Section 710-1063(1)(b) of the Hawaii Revised Statutes.

Count XXI: (HPD Rpt. No. 10-350936):

On or about the 12th day of November, 2008, to and including the 26th day of November, 2008, in the City and County of Honolulu, State of Hawaii, RODNEY H.C.G. TAM, did obtain or exert control over the property of another, to wit, U.S. Currency in the amount of Thirty-Six Dollars and Seventy-Six Cents (\$36.76), the value of which does not exceed One Hundred Dollars (\$100.00), by deception, with intent to deprive the other of the property, and this offense is based on misconduct in office by RODNEY H.C.G. TAM, a public employee, at any time when RODNEY H.C.G. TAM was in public employment or within two years thereafter, thereby committing the offense of Theft in the Fourth Degree in violation of Section 708-833 (1) of the Hawaii Revised Statutes.

Count XXII: (HPD Rpt. No. 10-351290):

On or about the 26th day of November, 2008, in the City and County of Honolulu, State of Hawaii, RODNEY H.C.G. TAM, with an intent to mislead a public servant in the performance of the public servant's duty, in a record or report required by law to be submitted to any governmental agency, to wit, ACA-1 Form 127, did submit or invite reliance on any writing which the person knows to be falsely made, completed, or altered, thereby committing the offense of Unsworn Falsification to Authorities, in violation of Section 710-1063(1)(b) of the Hawaii Revised Statutes.

Count XXIII: (HPD Rpt. No. 10-350940):

On or about the 6th day of February, 2009, to and including the 18th day of February, 2009, in the City and County of Honolulu, State of Hawaii, RODNEY H.C.G. TAM, did obtain or exert control over the property of another, to wit, U.S. Currency in the amount of Forty-Six Dollars (\$46.00), the value of which does not exceed One Hundred Dollars (\$100.00), by deception, with intent to deprive the other of the property, and this offense is based on misconduct in office by RODNEY H.C.G. TAM, a public employee, at any time when RODNEY H.C.G. TAM was in public employment or within two years thereafter, thereby committing the offense of Theft in the Fourth Degree in violation of Section 708-833 (1) of the Hawaii Revised Statutes.

Count XXIV: (HPD Rpt. No. 10-351291):

On or about the 18th day of February, 2009, in the City and County of Honolulu, State of Hawaii, RODNEY H.C.G. TAM, with an intent to mislead a public servant in the performance of the public servant's duty, in a record or report required by law to be submitted to any governmental agency, to wit, ACA-1 Form 211, did submit or invite reliance on any writing which the person knows to be falsely made, completed, or altered, thereby committing the offense of Unsworn Falsification to Authorities, in violation of Section 710-1063(1)(b) of the Hawaii Revised Statutes.

Count XXV: (HPD Rpt. No. 10-350941):

On or about the 4th day of March, 2009, to and including the 10th day of March, 2009, in the City and County of Honolulu, State of Hawaii, RODNEY H.C.G. TAM, did obtain or exert control over the property of another, to wit, U.S. Currency in the amount of Twenty-One Dollars and Sixty-Three Cents (\$21.63), the value of which exceeds One Hundred Dollars (\$100.00), by deception, with intent to deprive the other of the property, and this offense is based on misconduct in office by RODNEY H.C.G. TAM, a public employee, at any time when RODNEY H.C.G. TAM was in public employment or within two years thereafter, thereby committing the offense of Theft in the Fourth Degree in violation of Section 708-833 (1) of the Hawaii Revised Statutes.

Count XXVI: (HPD Rpt. No. 10-351292):

On or about the 10th day of March, 2009, in the City and County of Honolulu, State of Hawaii, RODNEY H.C.G. TAM, with an intent to mislead a public servant in the performance of the public servant's duty, in a record or report required by law to be submitted to any governmental agency, to wit, ACA-1 Form 227, did submit or invite reliance on any writing which the person

knows to be falsely made, completed, or altered, thereby committing the offense of Unsworn Falsification to Authorities, in violation of Section 710-1063(1)(b) of the Hawaii Revised Statutes.

Signed this 24th day of November, 2010:

A handwritten signature in black ink, appearing to read "Lori H. Wada", written over a horizontal line.

LORI H. WADA
Deputy Attorney General
State of Hawaii

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P E N A L S U M M O N S
=====

THE STATE OF HAWAII:

To: RODNEY H.C.G. TAM
2751-C2 Booth Road
Honolulu, Hawaii 96813

You are commanded to appear before the Presiding Judge at Honolulu District Court, Court Room 7C at 1111 Alakea Street, Honolulu, Hawaii, at 8:30 a.m. on Wednesday, November 24, 2010, then and there to answer the charges of Theft in the Third Degree in violation of Section 708-832(1)(a) of the Hawaii Revised Statutes, Theft in the Fourth Degree in violation of Section 708-833 of the Hawaii Revised Statutes, and Unsworn Falsification to Authorities in violation of Section 710-1063(1)(b) of the Hawaii Revised Statutes made against you in the above complaint and to be further dealt with according to law. Failure to obey this summons will render you subject to prosecution for contempt.

NOV 24 2010

GIVEN UNDER MY HAND this _____ day of _____, 2010.

W. SPALLONE 

Clerk, District Court of the First Circuit

UNLESS AUTHORIZED IN WRITING BY A JUDGE OF THE DISTRICT OF CIRCUIT COURT, THIS SUMMONS MAY NOT BE PERSONALLY DELIVERED BETWEEN THE HOURS OF 10:00 P.M. AND 7:00 A.M. ON PREMISES NOT OPEN TO THE PUBLIC.

PROOF OF SERVICE

(If the accused is found, use the following form of service.)

SERVED, the within Complaint and Penal Summons on _____
therein named, by handing him/her a copy of the complaint and penal summons thereof and at the
same time showing him/her the original at _____ on _____ at
_____ o'clock ____m.

DATED: _____

Serving Officer/ID No.

Remarks: