State of Hawaii Department of the Attorney General



2006 Annual Report

RECOMMENDATIONS FOR DENIAL OF CLAIMS FOR LEGISLATIVE RELIEF

Submitted to
The Twenty-Fourth State Legislature
Regular Session of 2007

AUTHORITY AND BACKGROUND

Section 37-77, Hawaii Revised Statutes, requires the Attorney General to report annually to the Legislature on the claims for which a recommendation for denial is made. This reporting requirement is contrasted with the Attorney General's obligation under the same statutory authority to submit a bill to the Legislature that contains all of the claims for which payment is recommended.

A listing and summary of each claim are provided in the report section below. All of the claims this year are filed by Department of Education (DOE) employees, either teachers or other school staff. All of the claims involve damage to or theft of employee property. The majority of the claims are for vandalism to employee vehicles parked on school property. In every case, DOE officials have recommended that the claims be denied because of the absence of DOE negligence. The Attorney General's recommendation for denying these claims is based on a determination that no state employee negligence has been found.

There are no strong policy reasons for the Legislature to appropriate funds to pay these claims. State employees, like other individuals, usually have, or may obtain, insurance to cover the risks involved. Absent compelling policy justification, state liability for damages should only attach where the negligence of a state employee has been established.

As required by section 37-77, Hawaii Revised Statutes, the data and documents supporting the claims below are maintained in the Tort Litigation Division, Department of the Attorney General, and are available for inspection by the Legislature.

SUMMARY OF CLAIMS DURING FISCAL YEAR 2006 FOR WHICH DENIAL IS RECOMMENDED

Claimant: Evelyn Jean Bovey Amount Claimed: \$353.49

Ms. Bovey, a student services coordinator at Ala Wai High School, claims damages to her front windshield occurred while her car was parked at her school parking lot.

Claimant: Albert B. Ferreira Amount Claimed: \$600.00

Mr. Ferreira, a teacher at Hilo High School, claims damages to his automatic hatch opening system while his car was parked at his school parking lot.

Claimant: Sybil N. Hamada Amount Claimed: \$267.68

Ms. Hamada, a teacher at Farrington High School, claims damages to her passenger car window while her car was parked at her school parking lot.

Claimant: Cheryl Iwasaki-Chun Amount Claimed: \$1290.27

Ms. Iwasaki-Chun, a counselor at Helemano Elementary School, claims damages to her car (paint and dents) while her car was parked at her school parking lot.

Claimant: June H. Kawasaki Amount Claimed: \$525.39

Ms. Kawasaki, a student services coordinator at Central Middle School, claims damages to her car (dents and missing emblem) while her car was parked at her school parking lot.

Claimant: Donna Hosaka Leong Amount Claimed: \$1162.02

Ms. Leong, a teacher at Moanalua High School, claims damages to her passenger side rear view mirror and paint while her car was parked at her school parking lot.

Claimant: Sharon Jane Marcos Amount Claimed: \$500.00

Ms. Marcos, a teacher at Waipahu Elementary School, claims damages to her car (rear passenger window) while her car was parked at her school parking lot.

Claimant: Stephanie Skelly Amount Claimed: \$650.00

Ms. Skelly, a teacher at Pohakea Elementary School, claims damages to her car (broken lock, broken ignition, lost personal items) while her car was parked at her school parking lot.

Claimant: Lena Tanaka Amount Claimed: \$27.56

Ms. Tanaka, a teacher at Waimanalo Elementary School, claims damages to her car (broken windshield wiper blades) while her car was parked at her school parking lot.

Claimant: John David Wilkinson Amount Claimed: \$264.42

Mr. Wilkinson, a teacher at Waiakea High School, claims damages to his car (four tires slashed) while his car was parked at his school parking lot.