

State of Hawaii
Department of the Attorney General

Annual Report
Fiscal Year 2001

RECOMMENDATION FOR DENIAL OF
CLAIMS FILED UNDER THE
LEGISLATIVE RELIEF ACT

Submitted to
The Twenty-First State Legislature
Regular Session of 2002

AUTHORITY AND BACKGROUND

Pursuant to the provisions of section 37-77, Hawaii Revised Statutes, the Attorney General is required 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, perhaps because the teachers=bargaining unit contract requires school officials to inform teachers of their right to file such claims.

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 HRS Section 37-77, 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 2001
FOR WHICH DENIAL IS RECOMMENDED**

Claimant: Debra K. Aguinaldo **Amount Claimed: \$822.50**

Ms. Aguinaldo, a teacher at Koloa Elementary School, claims damages related to vandalism (scratches) against her car while it was parked at her school parking lot.

Claimant: Ethelreda K. Antonio **Amount Claimed: \$160.00**

Ms. Antonio, a teacher at Makaha Elementary School, claims damages related to vandalism (broken lock and door jam) against her car while it was parked at her school parking lot.

Claimant: Starr A. Asselin **Amount Claimed: \$1,000.00**

Ms. Asselin, a teacher at Waikoloa Elementary School, claims damages related to vandalism (dents) against her car while it was parked at her school parking lot.

Claimant: Larry Clark **Amount Claimed: \$154.17**

Mr. Clark, a teacher at Maui High School, claims damages related to vandalism (scratches) against his car while it was parked at his school parking lot.

Claimant: Thomas Joseph Corcoran **Amount Claimed: \$343.11**

Mr. Corcoran, a teacher at Highlands Intermediate School, claims damages related to vandalism (scratches and stolen emblem) against his car while it was parked at his school parking lot.

Claimant: Diane Duke **Amount Claimed: \$250.00**

Ms. Duke, a teacher at Kealakehe Elementary School, claims damages related to vandalism (scratches) against her car while it was parked at her school parking lot.

Claimant: Elizabeth Clark Field **Amount Claimed: \$80.99**

Ms. Field, a teacher at Kailua High School, claims damages related to vandalism (flat tire) against her car while it was parked at her school parking lot.

Claimant: Ann Freese **Amount Claimed: \$95.78**

Ms. Freese, a teacher at Kailua High School, claims damages related to vandalism (flat tire) against her car while it was parked at her school parking lot.

Claimant: Anne Katsuko Greseth **Amount Claimed: \$94.22**

Ms. Greseth, a teacher at Kahuku High & Intermediate School, claims damages related to vandalism (flat tire) against her car while it was parked at her school parking lot.

Claimant: Lynne Kinuyo Kobayashi **Amount Claimed: \$822.50**

Ms. Kobayashi, a teacher at Koloa Elementary School, claims damages related to vandalism (scratches) against her car while it was parked at her school parking lot.

Claimant: Lawrence Kui Tai Park **Amount Claimed: \$250.00**

Mr. Park, a teacher at Moanalua High School, claims damages related to vandalism (broken windows and scratches) against his car while it was parked at his school parking lot.

Claimant: Diane M. Ross **Amount Claimed: \$125.00**

Ms. Ross, a teacher at Fern Elementary School, claims damages related to vandalism (broken lock) against her car while it was parked at her school parking lot.

Claimant: Willie James Smith **Amount Claimed: \$713.54**

Mr. Smith, a teacher at Kailua High School, claims damages related to vandalism (dents and scratches) against his car while it was parked at his school parking lot.

Claimant: Roland T. Tamura **Amount Claimed: \$247.87**

Mr. Tamura, a teacher at Kailua High School, claims damages related to vandalism (flat tires) against his car while it was parked at his school parking lot.

Claimant Lani Annette Webster

Amount Claimed: \$84.94

Ms. Webster, a teacher at Kailua High School, claims damages related to vandalism (flat tire) against her car while it was parked at her school parking lot.