

State of Hawaii
Department of the Attorney General



**REPORT ON EXPENDITURES RELATING TO
EMERGENCY RELIEF FOR NATURAL
DISASTERS**

**Pursuant to Section 24, Act 118
Session Laws of Hawaii 2006**

*Submitted to
The Twenty-Fourth State Legislature
July 15, 2007*

PURPOSE OF APPROPRIATION

Section 5 of Act 118 Session Laws of Hawaii (SLH) 2006, appropriated the sum of \$500,000 out of the general revenues of the State of Hawaii for fiscal year 2005-2006 for overtime, travel, and other staff expenses, and to hire consultants and experts to review legal issues related to dam and reservoir failures, and issues relating to the safety of existing dams and reservoirs. These funds could also be used for expenses related to possible litigation concerning dam and reservoir failures. Pursuant to section 26 of Act 118, the appropriations made by Act 118 did not lapse until June 30, 2007.

Section 24 of Act 118, SLH 2006, requires that each department or agency expending funds authorized by this Act shall report to the Legislature a summary of their expenditures organized by county no later than July 15, 2006, January 15, 2007, and July 15, 2007. Please see attachment "A" for our report of expenditures.

Since the dam failure and through June 30, 2007 the Department of the Attorney General has expended and encumbered a total of \$1,842,383.56, of which, \$414,770.75 was charged to the Legal Services budget program (ATG100) in fiscal year 2005 - 2006 within the existing appropriation provided by Act 178, SLH 2005, without any impact on the program and without an Emergency Appropriation in fiscal year 2006.

In fiscal year 2006 – 2007, the Department of the Attorney General expended \$1,427,612.81, exceeding the appropriation provided in Act 118 by \$927,612.81 and has used funds appropriated by Act 160, SLH 2006 for this purpose. The source of funds was ATG100 and there is currently no impact on the program.

CONSULTANTS

Consultants have been contracted to perform geological and hydrological studies, and perform surveyor services regarding the failure at the Kaloko dam. Consultants hired are: (1) Applied Geosciences, LLC; (2) Genterra Consultants, Inc.; (3) Water Resources Consulting Services; (4) GEI consultants Inc.; and (5) Hi-Tech Urban Solutions.

LEGAL COUNSEL

Robbins & Associates was retained to assist with tort claims against the State. Robert Carson Godbey was retained as a Special Deputy Attorney General pursuant to House Concurrent Resolution No. 192, House Draft 1, Senate Draft 1, adopted by the Twenty-Third State Legislature during the regular session of 2006.

RESOURCES OF THE DEPARTMENT OF THE ATTORNEY GENERAL

The Department of the Attorney General is utilizing the services of its Investigations Division to collect evidence regarding the dam failure. Three deputy attorneys general are also assigned (part-time) to handle the criminal and civil legal matters and to handle insurance claims.

Attachment A

**The Department of the Attorney General
Report of Contracts and expenditures through 6/30/07 for Kaloko Dam failure**

Report of expenditures related to Act 118, relating to Emergency Relief for Natural Disasters. (Appropriation = \$500,000)

Prepared by: David Moore 586-1223

County	Date	Purpose/Description	Recipient	Contract Amount	As of 6/30/07	
					Paid	Encumbered
Kauai	03/15/06	Surveyor Services for Kaloko Dam failure	Applied Geosciences, LLC	\$30,000.00		
Kauai	04/06/06	Surveyor Services for Kaloko Dam failure	Applied Geosciences, LLC	\$35,000.00		
Kauai	04/17/06	Geological study for Kaloko Dam failure	Applied Geosciences, LLC	\$64,600.00		
Kauai	07/17/06	Geological study for Kaloko Dam failure	Applied Geosciences, LLC	\$80,000.00		
Kauai	10/03/06	Geological study for Kaloko Dam failure	Applied Geosciences, LLC	\$100,000.00		
Kauai	04/10/07	Geological study for Kaloko Dam failure	Applied Geosciences, LLC	\$100,000.00		
		Vendor total		\$409,600.00	\$329,102.80	\$0.00
Kauai	03/14/06	Geological study for Kaloko Dam failure	Genterra Consultants Inc.	\$50,000.00		
Kauai	04/18/06	Geological study for Kaloko Dam failure	Genterra Consultants Inc.	\$168,000.00		
Kauai	06/24/06	Geological study for Kaloko Dam failure	Genterra Consultants Inc.	\$150,000.00		
Kauai	09/11/06	Geological study for Kaloko Dam failure	Genterra Consultants Inc.	\$195,000.00		
Kauai	04/10/07	Geological study for Kaloko Dam failure	Genterra Consultants Inc.	\$150,000.00		
		Vendor total		\$713,000.00	\$658,108.81	\$54,893.19
Kauai	03/29/06	Hydrological study for Kaloko Dam failure	Water Resources Consulting	\$30,000.00		
Kauai	02/07/07	Hydrological study for Kaloko Dam failure	Water Resources Consulting	\$40,000.00		
		Vendor total		\$70,000.00	\$41,655.27	\$0.00
Kauai	11/24/06	Expert for Tort cases	GEI Consultants, Inc.	\$54,000.00	\$13,460.00	\$40,540.00
Kauai	05/25/07	Expert for Tort cases	Hi-Tech Urban Solutions	\$44,900.00	\$0.00	\$0.00
Kauai	06/08/06	Special Deputy for Tort claims vs the State	Robbins & Associates	\$150,000.00		
Kauai	01/04/07	Special Deputy for Tort claims vs the State	Robbins & Associates	\$300,000.00		
		Vendor total		\$450,000.00	\$245,065.55	\$204,934.45
Kauai	08/01/06	Special Deputy per HCR No. 192	Godbey Griffiths Reiss Chong LLP	\$250,000.00	\$249,965.03	\$0.00
		Tort Division miscellaneous charges				
Kauai	04/26/07	Bruce Fehring, et al v Pflueger, et al	Attorney travel for deposition	\$146.48	\$148.48	
		Criminal Justice Division misc. charges				
Kauai	06/01/07	Adobe Acrobat Professional - case documents	Comp USA	\$2,697.71	\$2,697.71	
		Civil Recoveries Division miscellaneous charges				
Kauai	10/20/06	C. Brewer case - Copying charges	Professional Image	\$265.88		
Kauai	12/14/06	C. Brewer v Industrial Indemnity et al	Deputy Travel	\$159.80		
Kauai	01/03/07	Transcription charges - C. Brewer	Ralph Rosenberg	351.83		
Kauai	01/09/07	Transcription charges - C. Brewer	Damon Key Leong	175.92		
Kauai	02/15/07	C. Brewer v Industrial Indemnity et al	Deputy Travel	97.80		
Kauai	03/08/07	Transcription charges - C. Brewer	Damon Key Leong	364.40		
Kauai	05/08/07	C. Brewer v Industrial Indemnity et al	Deputy Travel	97.80		
Kauai	05/17/07	C. Brewer v Industrial Indemnity et al	Deputy Travel	97.80		
Kauai	06/12/07	Transcription charges - C. Brewer	Damon Key Leong	\$201.04		
				\$1,812.27	\$1,812.27	
Kauai	March	Investigations Division - Dam failure investigation	Investigators travel and Overtime	\$15,885.57		
Kauai	April	Investigations Division - Dam failure investigation	Investigators travel and Overtime	\$6,581.11		
Kauai	May	Investigations Division - Dam failure investigation	Investigators travel and Overtime	\$2,042.00		
Kauai	June	Investigations Division - Dam failure investigation	Investigators travel and Overtime	\$119.60		
Kauai	July	Investigations Division - Dam failure investigation	Investigators travel and Overtime	\$708.80		
Kauai	August	Investigations Division - Dam failure investigation	Investigators travel and Overtime	\$5,708.87		
Kauai	September	Investigations Division - Dam failure investigation	Investigators travel and Overtime	\$0.00		
Kauai	October	Investigations Division - Dam failure investigation	Investigators travel and Overtime	\$0.00		
Kauai	November	Investigations Division - Dam failure investigation	Investigators travel and Overtime	\$183.20		
Kauai	December	Investigations Division - Dam failure investigation	Investigators travel and Overtime	\$1,385.89		
Kauai	April '07	Investigations Division - Dam failure investigation	Investigators travel and Overtime	\$579.60		
		Investigations total		\$33,194.64	\$33,194.64	
			Dept. of the Attorney General	\$2,029,351.10	\$1,542,015.92	\$300,367.64
		Total expenditures since inception >>>			\$1,842,383.56	

NOTE: The Department of the Attorney General (ATG100) was able to absorb \$414,770.75 of the expenditures in FY 2006 within the existing appropriation provided by Act 178, SLH 2005 without any impact to the Department. No emergency Appropriation was needed in FY 2006.