

Complaint by Dylan Armstrong v. Michele Matsuo re alleged misuse of DPH funds:
Dylan's request for reconsideration of decision of Investigation Committee to deny his
request for recusal. Oct 2017

Dylan's request for reconsideration:

You are mistaken. Your facts are wrong.

You do need to recuse yourself.

You said on Wednesday 10/11, "Re the complaint alleging misuse of party funds: You approached me, BEFORE Michele had actually spent any funds and sought my advice and comments."

No, our conversation took place AFTER Michele had already spent Democratic Party funds inappropriately on a false pretense.

- You made a mistake with your facts. I did not speak with you until 8/24 (Wed) when you saw a draft of the complaint, and you strongly disagreed with and did your best to dissuade me from filing charges against Ms. Matsuo. Ms. Matsuo's email on 8/22 (Exhibit "B") indicates that she had already secured Manoa Elementary School as a meeting place for the anti-Rail meeting, using Democratic party funds.

So in fact we spoke after she already secured the meeting place and misappropriated democratic party funds.

This looks like the Old Guard, protecting the Old Guard.

- No investigative committee is made up of witnesses in any investigative proceeding that I've ever heard.
- All three investigators are key witnesses. You and Rich were cc'd in Michele's initial e-mail dated 08/21/2017 at 2:38 pm about holding an anti- Rail forum (Exhibit "A") in my 08/25/2017 complaint . As Party Treasurer Tambry cut the check that Matsuo used to secure the school. All three investigators are key witnesses. It is always inappropriate for witnesses to adjudicate, period.

I live in Manoa. The 2,846 registered Democrats in my state house district are my friends and neighbors. I represent them both as Vice Chair of the Oahu County Democrats, as a neighborhood board member, and in other civic capacities. When the rights of my friends and neighbors are being abused, I speak up. That's why I filed the two complaints against Michele Matsuo. And these complaints must be reviewed by a truly impartial investigative committee.

I knew that these charges would could not be reviewed impartially, with Michele Matsuo's friends investigating. That is why I filed an additional document specifically requesting an investigation by individuals without a conflict of interest.

Many concerned citizens are watching to see if the Democratic Party of Hawaii can truly reform itself. Will the old guard of the Democratic Party allow for an investigation without people with obvious and blatant conflicts of interest?

I am again attaching my recusal letter filed 08/25/2017. Alan, I strongly encourage you, Rich and Tambry to recuse yourselves. All 3 of you have a direct conflict of interest, and should not be investigating these charges against Michelle Matsuo.

There is case law about conflict of interest.

On Wed 08/24/2017, you strongly objected to my plans to file charges against your friend Michele Matsuo. I disobeyed you and Bart Dame, and went ahead and filed charges on Fri 08/25/2017. Now you are squashing my complaint by using your powers as chair of the investigative committee. These are serious charges and they need to be seriously investigated by people who do not have a conflict of interest.

In retaliation for my filing charges against Matsuo, and to further intimidate me, I was physically attacked by Matsuo's protege, Rep. Sean Quinlan on Monday October 9, 2017. Defending Matsuo has now escalated to the point where physical violence was used to scare me.

If these complaints are serious enough that somebody would threaten my safety, then these complaints need to be taken seriously by the DPH-OCC.

I won't back down. Somebody needs to have the guts to stand up and do the right thing.

Alan, you need to rescue yourself from this investigation, because you do have a conflict of interest.

X_____

Response

Dylan, in further response to your request that I “rescue” myself from this investigation, and on behalf of Rich Halverson and Tambry Young with respect to your requests that they also recuse themselves as “key witnesses”, I provide the following:

First, you contend that I got the chronology wrong with respect to when you contacted me about Michele Matsuo’s actions. You state that when you first contacted me, she had already spent party funds to secure the venue for the district meeting.

My response is that this is not a material difference: My concern at the time was that you had time to intervene, as County Vice Chair, to ask Michele to reconsider her actions and point out that, in your view, her actions were going to lead – future tense – into a misuse of party funds. I believed, at the time, that there was time and opportunity to avoid this apparent misuse by asking her to take certain actions. As it turned out, according to the evidence, State Chair Tim Vandever intervened and caused the meeting to be repurposed. Accordingly, a result took place that was similar to what I was urging you to cause to happen. The issue is MOOT.

Second, you contend that all three members of the Investigative Committee – Rich Halverson, Tambry Young, and I – are “key witnesses” because we all received Michele Matsuo’s email blast inviting us to the district meeting. This email blast evidently went out to several hundred people. The text of the blast was also one of the exhibits in your complaint. The mere fact that each of the three of us saw the email blast at the time it was issued, before the district meeting, simply does not make us “key witnesses.” This

situation does not involve in any way a Rashomon-type test of our individual perceptions of the text.

Third, you contend that Tambry Young should be disqualified because, as DPH Treasurer, she signed the check that was issued for the rental of the venue. Our response is that she did this in a ministerial capacity on instructions from the State Chairperson. This was not a discretionary action on her part.

Fourth, I am not Michele Matsuo's "friend." I barely know her. For the record, I am far more your actual friend.

Further, we remind you that you have still not provided any new evidence that contradicts the evidence that is already before the Investigation Committee. That evidence shows that, by virtue of State Chair Tim Vandever's actions, the district meeting took place in a manner that was properly within the scope of the purpose for which the funding had been made available to DPH District 23.

Accordingly, even if all three members of the Investigation Committee were to recuse ourselves, any other three people who would reasonably be chosen to serve on an investigation of this complaint would necessarily come to the same conclusion. For this reason, it would be **futile** to appoint a new Investigation Committee for this complaint.