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DEMOCRATIC PARTY OF HAWAII

OAHU COUNTY COMMITTEE

INVESTIGATION REPORT

To: OAHU COUNTY COMMITTEE

From: INVESTIGATION COMMITTEE

Re: MICHAEL GOLOJUCH, JUNIOR; In his capacity as the Chair of the LGBT Caucus.

The undersigned were designated to conduct an investigation of alleged misconduct involving the above referenced member. The initial information that served as a basis for this investigation was provided by Complainant, Mary Hackney, and consisted of a written complaint endorsed by seven (7) additional members. The Defendant, Michael Golojuch, Jr., entered a response denying in whole the allegations set forth in the complaint.

The investigation was initiated on January 26, 2019, and concluded on February 23, 2019.

Interviews with the Complainant, Mary Hackney, and the Defendant, Michael Golojuch, Jr., were conducted electronically via Google Forms as agreed upon by the interviewees due to scheduling conflicts rendering in-person interviews impossible. No witnesses were named by the Complainant, nor the Defendant. The questions were devised by the Investigative Committee in a collaborative effort, and the questionnaires were designed to be individually unique, yet conceptually consistent. Mr. Golojuch, Jr.'s questions are included with this report as an addendum; consent for inclusion was sought from the interviewees as part of the questionnaire. The answers are incorporated in the Findings of Fact.

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PARTIES TO THE COMPLAINT

- Complainant, Member Mary Hackney
- Defendant, Member Michael Golojuch, Jr.
- Endorsing Member Jeff McKnight, member of the LGBT Caucus of the Democratic Party of Hawai'i
- Endorsing Member Suzanne K. Young, member of the LGBT [____]¹ of the Democratic Party of Hawai'i
- Endorsing Member Rollie J. Litteral, member of the Democratic Party of Hawai'i
- Endorsing Member Shannon Rudolph, member of the LGBT Caucus of the Democratic Party of Hawai'i
- Endorsing Member Phillip Eric Schrager, member of the LGBT Caucus of the Democratic Party of Hawai'i
- Endorsing Member Kylie E. Wilson, member of the LGBT Caucus of the Democratic Party of Hawai'i
- Endorsing Member C. Kasak, member of the LGBT Caucus of the Democratic Party of Hawai'i

¹ There's a blank space on the endorsement form.

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DOCUMENTS CONSIDERED

- Complaint, as submitted, endorsed, and received on September 21, 2018
- Defendant's response
- Two attachments to the Defendant's response: One evidence that an e-mail notice was sent on July 22, 2018 regarding the upcoming election meeting, and one evidence of content of said e-mail
- LGBT Caucus Bylaws
- Democratic Party of Hawai'i Bylaws
- Roberts Rules of Order Newly Revised
- Minutes from all meetings of the LGBT Caucus since January of 2018
- Democratic Party of Hawai'i website: <https://hawaiidemocrats.org/>
- Democratic Party of Hawai'i calendar: <https://hawaiidemocrats.org/calendar/>
- LGBT Caucus Website: <http://lgbtcaucushawaii.com/>
- LGBT Caucus Facebook Page: <https://www.facebook.com/pg/glbtdemcaucushawaii/about/>
- O'ahu County Democrats Website: <https://www.oahudemocrats.org/agenda>
- OCC Chair Richard Halverson's YouTube Channel: <https://www.youtube.com/channel/UCaQ2zLJU09PIYk-mvXk2sAA>

(This is where the videos of past OCC meetings are uploaded.)

TIMELINE OF EVENTS

- August 21, 2018: LGBT Caucus Election Meeting
- September 21, 2018: Complaint received.
- September 22, 2018: OCC regular meeting. Complaint posted to the OCC website; receipt is announced at the meeting in the Secretary's Report.
- November 1, 2018: Absolute deadline for Defendant's response; response as disbursed to the Investigative Committee is not dated, but this is inconsequential as the next regular meeting of the OCC isn't until late November.

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- November 24, 2018: OCC regular meeting. Motion to request judgment from the SCC Rules Committee regarding the validity of the complaint due to the alleged violation of Caucus bylaws passed. Complaint referred to SCC Rules committee; OCC Investigative Committee appointment postponed.
- January 26, 2019: OCC regular meeting. Investigative Committee members appointed: Jeanine Jones, Katherine Kogl, Martha Randolph.
- February 25, 2019: Deadline for Investigative Committee Report.

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STATEMENT OF CASE

According to DPH Bylaws Article 1 Section 8B(2) each allegation in a complaint shall be numbered. The Investigation Committee, in concurrence with answers given by the Complainant, have identified one, and only one, allegation set forth in this complaint:

The intent of the complaint is the allegation that (1) The lack of teleconferencing at the LGBT Caucus meeting on August 21, 2018, at which elections were held, is a violation of the following bylaws:

1. DPH Bylaws [Article V Section 7A(2)] Page 22 Lines 5-8 state: “The (Caucus) Bylaws shall provide for democratic selection of officers and representatives to the State Central Committee, defined terms of office, membership that is open to all Party members who belong to the defined constituency, public notice of meetings, and quorum.”
2. LGBT Caucus Article Five, Section 3 states: “Members of The LGBT Caucus of The Democratic Party of Hawai‘i shall have the same voting rights and privileges as bestowed upon them by the Bylaws of The Democratic Party of Hawaii. These voting rights and privileges may be exercised in person, by telephonic/electronic appearance.”

The complaint requests discipline in the form of the following:

1. “...the State Central Committee has not given advice and oconsent to the Caucus representatives taking office, per DPH Bylaws Article V Section 7B...We urge the SCC **NOT** to accept the results fo the August 21, 2018 LGBT Caucus elections.”
2. Complaint requests that the accused, Michael Golojuch, Jr., be “reprimanded for this egregious behavior.”

The Defendant entered a response of denial in whole.

FINDINGS OF FACT

In the matter of the allegation set forth in the complaint:

- There is no bylaw, neither DPH nor LGBT Caucus, that explicitly states that teleconferencing capabilities *must* be made available at any meeting.
 1. To the allegation of the violation of DPH Bylaws Article V Section 7A(2), the Committee enters the following:

This section of the DPH Bylaws pertains to the certification of new caucuses by the State Central Committee (SCC), and as the LGBT Caucus is a certified caucus it must be assumed that their bylaws adhere to the standards set forth in the DPH Bylaws. The complaint asserts an equivocation between 'public notice' and 'teleconferencing availability' that the Committee finds unsubstantiated. 'Public notice' was given in the e-mail sent on July 22, 2018, that announced the new date and time for the August LGBT Caucus meeting at which elections were to be held.

Both parties to the complaint were asked the exact same question in the interview regarding the notice of the location of the meeting, which was not provided in the July 22 e-mail. The Defendant asserted that an e-mail was sent five (5) days prior to the meeting in which this detail was provided. Such notice is upheld as valid, and proper, per DPH Bylaws Article V, Section 5E: "Notice of special meetings shall be given not less than five (5) calendar days before the meeting and may be delivered by mail, fax, or electronic mail."

2. To the allegation of the violation of LGBT Caucus Bylaws Article V, Section 3, the Committee enters the following:

Although this section indicates that members may exercise their voting rights via "telephonic/electronic appearance", this is not in itself sufficient to demand the availability of teleconferencing.

In the matter of the request for disciplinary action:

- The SCC Representatives from the LGBT Caucus were elected by acclamation, not election, and therefore their nomination to the SCC was not subject to any formal voting at the August 21, 2018 meeting. This fact is evidenced in the complaint:

"On August 12, 2018, I received an email from LGBT Caucus with the 2 nominations submitted for LGBT SCC Representatives."

Insofar as the clause stated in the complaint, DPH Bylaws Article V Section 7B, is concerned, the Committee finds no reason to invalidate their nomination to the SCC based on the allegation stated in the complaint.

- The requested disciplinary action, reprimand, carries with it the specific action of "[taking] all reasonable action to prevent such member from holding an office in the Party for up to three (3) years" per DPH Bylaws Article 1 Section 8C(3).

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RECOMMENDATION

- In light of the facts stated above, the Investigation Committee has determined that no violation of the DPH Bylaws, nor of the LGBT Caucus Bylaws, was committed. Therefore, the Committee recommends that this complaint be dismissed in whole.

Date: February 23, 2019

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2/18/2019
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[Signature: Investigation Committee Member 1]

DocuSigned by:

2/18/2019
276BC9282064495...
[Signature: Investigation Committee Member 2]

[Signature: Investigation Committee Member 3]

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ADDENDUM 1

INTERVIEW QUESTIONS: MICHAEL GOLOJUCH, JR.

Consent: I, Michael Golojuch, Jr., consent to being interviewed via this electronic questionnaire. I understand that I have the right to decline to answer any question contained herein.

- 1. Are you willing to allow this questionnaire (not including your answers) to be published publicly as part of the Fact Finding section of the committee report?**
- 2. What is the process for receiving and processing applications to the LGBT? Are all applications approved for membership? How are new members notified of their membership, and how long does a decision usually take?**
- 3. Approximately how many new members were admitted in 2018?**
- 4. You mention in your response that parking was a major influence in the decision to hold the election meeting on Tuesday, August 21, 2018 at 4:30 pm at the ILWU facility. Were there any other circumstances that influenced the meeting date, time, and location for the LGBT election? If so, please elaborate.**
- 5. The complaint, and the response both cite e-mails that informed members of the change in date and time of the LGBT election meeting, but neither party has provided evidence of the notice of location change. When, and how, was notice of the location change given?**
- 6. Per LGBT Caucus bylaws Article 3 Section 3 'Election and Term of Office': "The actual meeting date and time shall be determined by the Steering Committee". Was the Steering Committee involved in the decision to change the meeting date, time, and subsequently the location, regardless of the reason or subsequent circumstances thereof?**
- 7. Did the complainant Mary Hackney exercise her voting rights in the election? Do you recall any details such as abstaining from voting, or voting in favor of or against any candidate for office?**
- 8. Ms. Hackney claims that she expressed concern for the lack of teleconferencing available at the election, but this is not mentioned in the minutes of the August 21, 2018 election meeting. Do you recall Ms. Hackney voicing this concern at the meeting? If so, do you know why this is not noted in the minutes?**
- 9. How were the LGBT neighbor island representatives nominated, and subsequently elected at the August 21, 2018 election meeting?**
- 10. DPH Bylaws Article 1 Section 8B(2) states that each allegation in a complaint must be numbered, and similarly Article 1 Section 8B(4) states that the response of the accused "must respond to each allegation: admitted, denied, or denied in part". We acknowledge that the complaint's allegations were not numbered. Your response seems to clearly deny all allegations of wrongdoing in whole. Is this correct?**
- 11. Why was tele- or videoconferencing not available at the meeting on August 21, 2018 at the ILWU facility?**

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- 12. There are several posts from people on the LB BTC Facebook Page requesting information about teleconferencing for the election meeting, but there are no responses to those queries on Facebook. Additionally, the complaint alleges that e-mails requesting this information did not receive a response. How were these concerns addressed, and if they were not, why not?**
- 13. Please elaborate on your interpretation of the DPH Bylaws Article V Section 7A(2), which pertains to the certification of new caucuses, and the LB BTC Bylaws Article V Section 3 (Member Voting Rights); specifically, how do they relate to each other?**
- 14. Why was the LB BTC election meeting not held at the regular date, time, and location of Saturday, August 18, 2018 at 10 am at DPH HQ? Please explain the selection of a weekday, late afternoon date and time.**

END OF INTERVIEW