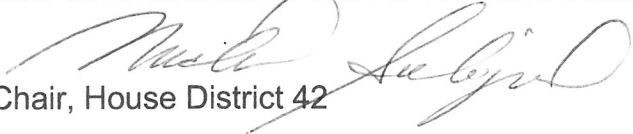


Michael Golojuch, Sr.
92-954 Makakilo Drive #71
Kapolei, HI 96707-1340
February 10, 2021

TO: Representative Della Au Belatti Chair, House Special Committee to Consider Miscellaneous Communications 1001 & 1002 and Committee Members

FROM: Mike Golojuch, Sr., Chair, House District 42 

SUBJECT: Statement and Documentation to the Special House Committee concerning Representative Sharon Har, Miscellaneous Communication 1001

I'm Mike Golojuch, Sr. from House District 42.

I saw the TV news on February 23, 2021, that Representative Har had been arrested for an alleged DUI. On February 25, 2021, I received a request from several precinct officers within House District 42 that they were concerned about Representative Har's behavior and asked if we should anything as concerned members of House District 42.

Although any action would be a House District 42 Council decision, we knew that a formal meeting needed to be noticed and open to all. Over the weekend of February 26, 2021, a request was sent to Dr. Puette to post the meeting and agenda to the Oahu County Democrat's calendar at their webpage. An email was sent to all Democrat members of House District 42 who had an email on file. It stated that a Zoom meeting would be held on Friday, March 5, 2021, at 6:30 pm. There would be a discussion of the situation and decide whether we should send a letter to the House Speaker asking for an investigation of Representative Har's behavior and any appropriate action.

Our District Council met via Zoom on Friday, March 5, 2021, at 6:30 pm. We spent almost 2 hours discussing whether or not to send a letter to the Speaker of the House. In the end, a motion was made and passed to send a letter to the Speaker of the House asking for an investigation from the concerned Democrats of House District 42. Everyone on the Zoom meeting were told that they could also submit separate individual letters/requests to the Speaker.

The reason we decided to send the request was the differences in Representative Har's statements after the incident and what was reported in various newspaper reports, TV reports, and the Honolulu Police Department body camera footage. She either, in her own recorded voice and written news reports, misspoke to the police or misspoke to the legislators and the Democrats in her District via a newsletter.

We believe that Representative Har conducted herself in a way that didn't benefit her office or provide public confidence in the House. Her stories differ in what she said to

legislators, her District, and the public in general from the police report and police body cameras concerning taking medication or not, only having one beer, and making a few statements that seemed out of place, like "Black lives matter", "do you know who I am", and comment about running for a higher office.

Although it was her right to refuse a breathalyzer test, we wondered why. Representative Har knew what the consequences would be since she helped champion Hawaii's ignition interlock law bill on behalf of Mothers Against Drunk Driving.

Although the judge in her DUI case, dismissed it, the video of Prosecutor Steve Alm's press conference states that she misspoke to the House of Representatives when she said that she only had one beer and she was driving the wrong direction on a one-way street.

I have two other attached documents that provide a variety of videos of police camera recordings, TV news reports, and Prosecutor Steve Alm's review of the incident. Additionally, there is another attachment of newspaper articles that covered the incident.

Based on all these different documents, we believe that there is sufficient evidence for the Committee to act and complies with Rule 5 of the Special Committee.

Thank you for letting me provide these comments.

2 Attachments

Video documents concerning Rep. Sharon Har's incident

Newspaper articles concerning Rep. Sharon Har's incident

Rep Sharon Har – Miscellaneous Communication No. 1001

The following video information is provided as documentation in support of the complaint that was filed on behalf of District 42. It is our opinion that these videos show that Representative Har's behavior was less than professional. We believe there conform to Rule 5 that the Special Committee shall consider evidence that is clear and convincing. This is said even with the court's dismissal of her criminal case.

Body camera video of Rep. Sharon Har's arrest shows her refusing to take sobriety test, <https://www.youtube.com/watch?v=aKZriayNhMk>

(RAW) Body camera footage of police arresting State Rep. Sharon Har on suspicion of drunken driving, https://www.youtube.com/watch?v=BN_5Nbbr1GY

Honolulu prosecutor expresses disappointment after judge dismisses Sharon Har's DUI case, <https://www.youtube.com/watch?v=eOQVgq4b9gs>

Honolulu prosecutor says judge's acquittal of Rep. Sharon Har's DUI case is a mistake, Prosecutor states and shows invoice that Rep Har had four beers and not the one she state to the House of Representatives, <https://www.youtube.com/watch?v=6WdLrZwVaHY>

Police report disputes Rep. Sharon Har's statement about DUI arrest, <https://www.youtube.com/watch?v=dM84P-e2B80&t=71s>

Also submitted are additional a variety of news stories concerning this incident.

There was an Administrative hearing in which Rep. Har's driver's license was suspended for two years for refusal to take a sobriety test.

Mike Golojuch, Sr.

Miscellaneous Communication No. 1001

VIDEO COURTESY HPD

On the night of Feb. 22, Honolulu police arrested State Rep. Sharon Har (D, Kapolei-Makakilo) for suspicion of drunken driving. She was charged with operating a vehicle under the influence of an intoxicant, police said.

You Tube: https://www.youtube.com/watch?v=BN_5Nbr1GY

By Dan Nakaso, Star-Advertiser, March 3, 2021

State Rep. Sharon Har certainly knew the penalties and consequences of drinking and driving when she was arrested the night of Feb. 22 after Honolulu police found her alone in her 2019 Mercedes-Benz, pointed in the head-on direction of one-way traffic traveling on busy South Beretania Street at Piikoi Street.

In March 2007 — 14 years ago — Har survived a horrendous crash on Fort Barrette Road that totaled her Mercedes when a 23-year-old driver with two previous drunken driving cases slammed into her. The other driver was not allowed to be driving and faced a third drunken driving case for the crash.

The collision sent Har to The Queen's Medical Center and prompted her to lead the effort a year later to create Hawaii's interlock ignition requirements for drunken drivers — along with other, stiffer changes for drunken driving, technically known as operating a vehicle under the influence of an intoxicant, or OVUII.

Har helped shepherd through changes that she herself now faces, including a mandatory revocation of her driver's license for two years for refusing to take a breath or blood test following her arrest on South Beretania Street. — HDP video

If she had taken either test, Har would have faced only a one-year revocation of her license when she goes before the state's Administrative Driver's License Revocation Office, a civil procedure that's independent from her criminal court case. Har's next criminal court hearing is scheduled for April 20.

Har's attorney, Howard Luke, did not respond to a request for comment Tuesday.

The two-year license revocation for refusing to take a breath or blood test is now “set in stone,” largely due to Har's efforts, said attorney Patrick McPherson. “In essence, you're punished if you don't take the test.”

McPherson is a prominent OVUII defense attorney who represented the Hawaii Association of Criminal Defense Lawyers in 2008 when he began serving with Har in

creating the [interlock program](#) and other changes to drunken driving penalties in the years that followed.

Along with criminal and civil fees and expenses that combined could run more than \$10,000, Har — an attorney — also must report any pleas or convictions to the Hawaii Bar Association, McPherson said.

Har (D, Kapolei-Makakilo) is a 52-year-old mother of twin 3-year-old daughters who has had [several traffic violations going back to 1996, mostly for driving without insurance](#). It appears from court records that her February arrest was Har's first for suspicion of drunken driving.

She is an associate at the Honolulu law firm of Bays Lung Rose Voss, according to her profile on the firm's website.

Hawaii's courts are overwhelmed, partly because of the fallout from [COVID-19](#). And since Feb. 1 the Honolulu Prosecutor's Office has been allowing first-time drunken driving defendants — or those who have not had an OVUII arrest in the prior five years — to negotiate agreements to plead their OVUII charges down to reckless driving.

Out of more than 900 potential candidates, over 400 have negotiated reduced charges, according to Matt Dvonch, spokesman for the Prosecutor's Office. The program is set to expire April 2.

Even with a reckless-driving plea, defendants must pay a \$1,000 fine and either must not drive for a year or have an interlock system installed for a year at the driver's cost.

Dvonch emphasized that "just because somebody meets these qualifications does not mean they will get this deal."

While reckless driving might carry less stigma than drunken driving, both are petty misdemeanors that could lead to further punishment for lawyers such as Har.

Asked by the Honolulu Star-Advertiser whether disbarment is a possibility for a plea or conviction of a petty misdemeanor, Bradley R. Tamm, chief disciplinary counsel for the Hawaii Supreme Court's Office of Disciplinary Counsel, wrote in an email:

"My answer to that would be a qualified 'yes.' ... The conviction of a petty misdemeanor could trigger an investigation that may lead to the discovery of certain underlying facts, circumstances or matters in aggravation, that could snow ball. It is impossible to speculate. Discipline is imposed after a full review by the system established by the Hawai'i Supreme Court."

McPherson said Har was the clear force behind Hawaii's interlock program, its implementation and other efforts to strengthen drunken driving penalties, including mandating an interlock system for first-time offenders.

“She was the one that pushed it. She was the champion of it,” McPherson said. “She was the person who introduced the legislation into the Legislature. She was the sponsor of the bill to require interlock. At that point you were going to be revoked from driving or a first-time violation would require the use of the interlock.”

Har worked closely with the Hawaii chapter of Mothers Against Drunk Driving on the bill, and chapter founder Carol McNamee called Har’s arrest “painful.”

“Sharon Har helped us out,” McNamee said. “She knew what the rules were.”

At the same time, McNamee said that “MADD is relieved that Sharon Har’s choices that night did not result in anything terrible like injury or death or to any innocent people in the vicinity and that is thanks to the Honolulu Police Department. Representative Har must be held accountable for the choices that she did make that night.”

MADD had heard of the 2007 crash when Har was hit by a repeat drunken driver, and McNamee called that incident an “aha moment for her.”

Har had more recently gotten married and seemed happy with her twin daughters, “so something does not add up,” McNamee said. “It creates an uneasiness of concern. But it’s important that she be accountable for the choices she made that night. She does have a big (license) revocation ahead of her. We hope that she will accept that gracefully.”

McNamee also hopes that the publicity surrounding Har’s arrest leads “to something positive. ... Seeing what Representative Har has gone through and realizing what Representative Har could have caused has reached many people. This was something serious. Driving in the wrong direction could have caused serious problems. This is one of our lawmakers. What a serious problem this is.”

In a statement following her arrest, Har said that she had been taking prescription cough medication with codeine for an upper respiratory illness that had lasted several weeks.

“On Feb. 22, 2021, after a late evening at work, I had a beer with my dinner,” she wrote. “This, in conjunction with my medication, contributed to my impaired driving.

“I am extremely sorry for not anticipating the effect of this combination on my driving,” she said. “I deeply apologize to my constituents, friends, family and colleagues, and to the public for this failure on my part.”

Sharon Ellie Har was first spotted by HPD officers on South Beretania Street, prompting Sgt. Adam Lipka to direct her to pull her SUV to safety.

Har was arrested in the parking lot of Territorial Savings Bank, across from Queen Ka'ahumanu Elementary School, at 10:07 p.m. by third-watch officers after she refused to take a field sobriety test. Har told officers that she had just come from a restaurant.

Har also was cited for having no insurance and for violating a one-way street.

"I observed her eyes to be red and glassy in appearance and her speech seemed to be slightly slurred," Sgt. Lipka wrote. "While speaking with HAR at her driver's window with it fully down and about 3-4 feet from HAR when I briefly lowered my facemask I could smell the odor of alcoholic beverages emitting from her breath and the interior of the vehicle."

Other officers reported similar observations.

"Sharon spoke with a slow, slurred speech, and had red, glassy eyes," officer Christopher Morgado wrote. "I could smell a strong odor of a consumed alcoholic type beverage coming from within the vehicle, and would get stronger as she spoke."

Har listed her occupation as "Hawaii House District 42 Representative," according to one HPD arrest report, and also as "State House Representative" employed by the "State of Hawaii" in another.

In reports from multiple HPD officers, Har made no mention of using any medication.

"Sharon related that she is not currently taking prescription medication," officer Morgado wrote in his report.

Har did ask Morgado "if I knew who she is. Sharon then related that she was going to be the next Governor, but 'this' will mess up her plans."

She also "stated 'Black Lives Matter'" and asked officers "to hurry up because she needed to call people," Cpl. Clinton Ono wrote.

At one point, officer Dan Ting wrote, "HAR began to scream, yelling 'owe' and that officers were hurting her. HAR would then stop, and state 'black lives matter.'"

As she was being booked into HPD's main Alapai station on Beretania Street, Har was read the license revocation implications for refusing to take a breath or blood test but refused to sign or initial the documents, Morgado wrote.

Instead, Har interrupted Morgado to say "that she introduced the 'interlock' to Hawaii, and is responsible for it being implemented. Sharon was unsteady on her feet and would constantly readjust her footing, even though we were standing still while reading paperwork."

State Rep. John Mizuno, vice speaker of the House, calls Har a friend and believes that her constituents will forgive Har if she is sincere in taking responsibility for her actions.

“So long as Representative Har is honest and owns up to the DUI charge and goes door to door and does her due diligence,” Mizuno said, “my understanding is that the people of Hawaii are very forgiving.”

State Rep. Gene Ward (R, Hawaii Kai-Kalama Valley) called Har a hard worker who does her homework “and is one of the best floor debaters in the history of the Hawaii House of Representatives” in a text to the Star- Advertiser. “But like all of us, she too is flawed and needs forgiveness especially after her public apology to the media and to every member in the House of Representatives. Sharon is now contrite but still a fighter for her constituents and has fessed up to her faults and I suspect she will rebound from this as even a stronger and better representative.”

Star-Advertiser Hawaii News Volcanic Ash, Sunday, March 7, 2021

David Shapiro: State legislator Sharon Har takes intoxication with power to new level.

Whenever an elected official acts stupid in an incident involving public drunkenness, we're left to wonder if it was the liquor talking or if that's just how they are.

The latest instance involves Kapolei-Makakilo Rep. Sharon Har, arrested the night of Feb. 22 for drunken driving while steering her late-model Mercedes the wrong way on busy one-way South Beretania Street.

Her initial public explanation — that a beer she had with dinner interacted with a prescription cough medicine — didn't stand up to her unruly behavior described by police or her refusal to take a breath or blood test.

Arresting officer Christopher Morgado reported that Har, 52 and the mother of 3-year-old twins, “spoke with a slow, slurred speech, and had red, glassy eyes ... I could smell a strong odor of a consumed alcoholic type beverage coming from within the vehicle, and would get stronger as she spoke.”

Police said Har, unsteady on her feet, cried “Black Lives Matter,” asked if they knew who she was and said they were ruining her plans “to be the next governor.” (To which one politically astute reader commented, “Har, Har, Har.”)

Police said she told them she hadn't taken prescription medications.

Unfortunately, it's a situation we've seen before. I'm not going to list previous transgressors; they've paid their legal and political penalties and it's unfair to dredge them up again every time there's a new member of the club.

Let's just say the club is getting big.

We've seen politicians under the influence arrested on multiple DUIs, rant incoherently at cops, side-swipe another car and leave the scene, get busted for wild partying in New Orleans, blow public funds at strip clubs, and like Har, take goofy mug shots that outdo Webster at defining the term "s**t-faced."

Har, more than most, should have known better.

She was a victim of a drunken driver herself in a 2007 collision that totaled her Mercedes and left her hospitalized and fearful she wouldn't survive.

It led her to sponsor Hawaii's ignition interlock law to prevent drunken driving and help pass a law that will now likely do her in — mandating a two-year license suspension for refusing a breath or blood test.

But like the others, she could count on fellow pols rallying to her side.

All House Speaker Scott Saiki could muster was that the incident was "unfortunate," and Vice Speaker John Mizuno assured her that constituents will forgive (usually, they actually don't).

Republican Rep. Gene Ward lavishly praised his Democratic colleague's fight and debate skills and predicted she'll rebound now that she's "fessed up to her faults," which is suspect after police cast so much doubt on her one beer and cough medicine story.

If Har worries more about escaping political consequences for this breach of trust than dealing with the demons that caused it, it'll be more foolish than her reported behavior at the arrest scene.

By San Nakaso, March 18, 2021

House Majority Leader Della Au Bellati to lead investigation of colleague Rep. Sharon Har

House Majority Leader Della Au Belatti will chair a special House Committee tasked with investigating state Rep. Sharon Har following her arrest on suspicion of drunken driving on Feb. 22.

The committee will consider whether Har violated Rule 62 of the House Code of Legislative Conduct — essentially whether Har's behavior benefited her office or provided public confidence in the House, House Speaker Scott Saiki previously told the Honolulu Star-Advertiser.

The other members of the special committee appointed by Saiki are:

>> Rep. Mark Nakashima, (D, Kukuihaele-Laupahoehoe-North Hilo), who will serve as the committee's vice chairman;

>> Rep. Linda Ichiyama, (D, Salt Lake-Moanalua Valley);

>> Rep. Scot Matayoshi, (D, Kaneohe-Maunawili-Kailua);

>> Rep. Lauren Matsumoto, (R, Mililani-Schofield-Kunia);

>> Rep. Amy Perruso, (D, Wahiawa-Whitmore-Poamoho).

Har (D, Kapolei-Makakilo), was arrested by Honolulu police after they found her alone in her 2019 Mercedes-Benz, pointed in the wrong direction on one-way South Beretania Street at Piikoi Street.

[She either, in her own recorded voice and written newsletter, misspoke to the police or the legislators and her District. I'm just happy that the incident was not more serious.](#)

Committee to investigate Rep. Sharon Har in DUI case

By Dan Nakaso, March 18, 2021

The state House will consider sanctions against one of its own after House Speaker Scott Saiki on Wednesday ordered the creation of a special committee to investigate state Rep. Sharon Har's arrest on suspicion of drunken driving last month.

The special committee was unsuccessfully challenged by state Rep. James Tokioka, (D, Wailua-Hanamaulu-Lihue).

Without naming her, Tokioka said on the House floor Wednesday that Har "has a court date and that court date will happen and at that point then I think this body should consider what we do from that point forward. But to send it to the committee with no clear guidelines to us of what this committee's going to do, then I don't think it's fair to the process."

Har is scheduled to appear today for a civil hearing before the state's Administrative Driver's License Revocation Office, where she faces a two-year revocation of her driver's license for refusing to take either a blood or breath test, which would have determined her blood alcohol content the night of Feb. 22. Taking either test would potentially have reduced her license revocation to one year. Har, an attorney working with Mothers Against Drunk Driving, had helped shepherd through the tougher rules.

Har, a 52-year-old mother of twin 3-year-old girls, is scheduled to appear in criminal court April 20 on suspicion of operating a vehicle under the influence of an intoxicant and for a citation for driving without insurance, which she's been repeatedly cited for, according to court records.

Saiki expects to announce the members of the special committee by the end of the week, followed by an initial meeting next week. The committee could consider meeting again after the session ends.

“I don’t foresee a lot of meetings occurring during the session,” Saiki told the Honolulu Star-Advertiser. “It is not to find guilt or innocence with the DUI charge. The scope of the committee is to determine whether Rep. Har’s conduct violates the House standard of conduct policy.”

The key questions will boil down to whether Har conducted herself in a way that benefited her office or provided public confidence in the House, Saiki said.

Har faces potential punishments including: removal of her committee assignments; censure, which would require a majority vote of House members; suspension, requiring a two-thirds vote of House members; or expulsion, which also requires a two-thirds vote of House members.

Even if the committee recommends Har’s removal from her committee assignments, which is within Saiki’s powers to control as speaker, Saiki said he would likely put the question up for a House vote.

Saiki’s decision to create a special committee came after a second request to investigate Har’s arrest from another member of the Golojuch family, Carolyn Martinez Golojuch.

Har (D, Kapolei-Makakilo) represents House District 42. Saiki received an initial request to investigate Har’s arrest sent by 11 members of the Democratic Party’s District 42 Council, said Mike Golojuch Sr., the party’s District 42 chairman.

Golojuch’s son, Michael Golojuch Jr., ran unsuccessfully against Har for the seat she now holds.

Golojuch Sr. previously told the Star-Advertiser that the request for the House to investigate Har was not politically motivated.

Honolulu Police Department officers found Har alone in her 2019 Mercedes-Benz, pointed in the wrong direction on one-way South Beretania Street at Piikoi Street.

She refused to take a field sobriety test and was arrested at 10:07 p.m. in the parking lot of Territorial Savings Bank, across from Queen Ka’ahumanu Elementary School.

In two public statements, Har insisted that said had one beer with dinner after taking prescription cough medication with codeine for an upper respiratory illness that had lasted several weeks.

But in one HPD report, officer Christopher Morgado wrote, “Sharon related that she is not currently taking prescription medication. ... Sharon spoke with a slow, slurred speech, and had red, glassy eyes. I could smell a strong odor of a consumed alcoholic type beverage coming from within the vehicle, and would get stronger as she spoke.”

Thanks to Har’s efforts, she also faces the possibility of having to pay for an interlock ignition system in order to drive as a potential first-time offender.

Har conducted herself in a way that didn’t benefit her office or provide public confidence in the House. Her stories differ in what she said to legislators, her District and public in general from the police report and police body cameras concerning taking medication and making a few statements that seemed out of place. (Black lives matter, do you know who I am, & comment about running for Governor.). Also, not have current car insurance and that this had occurred previously. Refusing a breathalyzer test, when Rep Har knew what the consequences would be since she helped champion the bill for Mothers Against Drunk Driving.

By Leila Fujimori, Star-Advertiser, February 23, 2021

Hawaii state Rep. Sharon Har arrested for suspicion of drunken driving

Rep. Sharon Har was arrested for suspicion of drunken driving at 10:20 p.m. Monday (02/22/21) near Piikoi and South Beretania streets.

A state legislator, arrested for suspicion of drunken driving Monday night near Piikoi and South Beretania streets, after being seen driving in the wrong direction on a one-way street, blames cough medication and beer.

Rep. Sharon Har (D, Kapolei-Makakilo) was arrested at 10:20 p.m., and charged with operating a vehicle under the influence of an intoxicant, police said. She posted \$500 bail and was released.

Har said in a written statement that she has had an upper respiratory illness for several weeks now, and has been taking prescription cough medication with codeine to control the symptoms.

“On Feb. 22, 2021, after a late evening at work, I had a beer with my dinner,” she writes. “This, in conjunction with my medication, contributed to my impaired driving.

“I am extremely sorry for not anticipating the effect of this combination on my driving,” she said. “I deeply apologize to my constituents, friends, family and colleagues, and to the public for this failure on my part.”

The Honolulu Police Department issued a statement that a 52-year-old woman, arrested for driving under the influence of an intoxicant, was observed driving in the wrong direction on a one-way street prior to the arrest.

Her court appearance is set for April 20, HPD said.

From a review of online state court records and judging from her bail amount, it appears this was Har's first drunken driving charge.

Har further said in her statement: "I would like to express my gratitude to the officers of the Honolulu Police Department for the professional manner in which they conducted their duty in effecting my arrest.

"Above all, I am grateful that no one was hurt."

House Speaker Scott Saiki said in a written statement: "This is an unfortunate incident. We are wishing Representative Har and her family the best right now."

Har is an honorary member of Mothers Against Drunk Driving, according to her profile on the web site of Bays Lung Rose Voss, a law firm where she is an associate.

On her Hawaii State Legislature page, she wrote on Dec. 27, 2011 that she introduced the ignition interlock law after becoming the victim of a drunk driver in 2007.

She said she "was very pleased when it was finally implemented on Jan. 1, 2011. She wrote at that time that the devices have stopped drivers with a blood alcohol content of more than .02 from driving on more than 3,200 occasions.

-

Hawaii state Rep. Sharon Har apologizes after being charged with driving under the influence

By Leila Fujimori, Star-Advertiser, February 24, 2021

Honolulu Prosecutor Steve Alm criticizes judge in lawmaker's drunken driving acquittal

- By [Leila Fujimori](#), Jan. 12, 2022



CRAIG T. KOJIMA / CKOJIMA@ STARADVERTISER.COM

Prosecuting Attorney Steve Alm points out where state Rep. Sharon Har was stopped by HPD. Alm held a news conference Tuesday regarding her case dismissal.

Honolulu Prosecutor Steve Alm on Tuesday publicly criticized a judge for acquitting state Rep. Sharon Har in a drunken driving case in which she was stopped Feb. 22 while driving in the wrong direction on a one-way street after leaving a Moiliili bar and failed to take a field sobriety test.

At a news conference Tuesday at the Prosecutor's Office, he criticized Judge Steven Hartley, saying he erred by allowing a motion to dismiss the case during the trial, which violates Hawaii Rules of Penal Procedure, and granted the case against Har to be dismissed with prejudice, meaning prosecutors could not charge her again for the same crime.

He said the motion could have been raised prior to trial, but Har's attorney, Howard Luke, countered, saying trial in Har's case began Dec. 6 and concluded Monday, so it was impossible to have raised that Dec. 10 Supreme Court decision before the trial began.

ADVERTISING

The Supreme Court opinion asserts criminal complaints are defective if they do not follow a procedural law requiring a signed affidavit or official declaration from the complaining party. The decision has been cited in at least 34 misdemeanor cases on Oahu that were dismissed after motions were filed citing it.

Alm said Hartley granted a motion for judgment of acquittal, which is “raised in every case” but is rare for a judge to grant, and in 15 years on the bench, he said he never did.

Alm also shared with the media evidence and testimony presented at trial, including testimony from a server at AnyPlace Cocktail Lounge that Har ordered four 12-ounce bottles of Miller Lite.

He said the evidence clearly showed she was “under the influence of alcohol in an amount sufficient to impair her normal faculties or ability to care for person and guard against casualty.” She was found going the wrong way on a one-way street, tried to turn down another, nearly hit a moped, and other vehicles had to move out of the way. She struggled to drive into a bank parking lot and had a strong odor of alcohol.

But Luke held his own news conference, saying the defense never got an opportunity to present its case to counter some of what Alm presented to the media Tuesday, which Luke said was inaccurate in part, and that the judge was unfairly criticized.

Luke said the server confirmed Har drank only a small amount from three of the four bottles, and Luke estimated it amounted to half a bottle.

Police stopped Har driving alone down Beretania Street in her Mercedes-Benz in the wrong direction, but Luke said she was not trying to turn onto Piikoi Street. Instead, the officer signaled her to go to the right, but she did not turn. And she had to reverse to turn into a bank parking lot since she had just passed it.

There was no mention of a moped in police reports, and it only came up at trial, Luke said. The officer in closest proximity to her did not mention an odor of alcohol in her report.

So Luke said the judge was right to notice the inconsistencies in the evidence.

“I’m sure he (Alm) made those statements in good faith,” Luke said. “He’s talking about police reports and what occurred. The judge has taken a lot of criticism from some sectors, but lawyers from both sides seem to believe he’s a fair judge.”

On the judgment of acquittal, Luke said Alm failed to say whether Hartley “could find proof of guilt beyond a reasonable doubt.”

Luke said Har did not appear drunk in videos, but instead was able to get in and out of the police car without assistance while handcuffed and wearing heels.

Shortly after the arrest and misdemeanor charge of driving under the influence of an intoxicant, Har admitted to taking a prescription cough medication with codeine for an upper respiratory ailment with beer.

When asked why she failed to take a field sobriety test, Luke said he would have advised her to take it, but many are under the impression that one should not do so.

Alm would not speculate why Hartley would make such mistakes, but said there’s nothing that can be done to change the outcome of the case. He vowed to continue working with police to stop drunken driving.

Luke said, “Because of Har’s position and the public outcry against her ... the big fear is she would get special treatment,” but he added that it took courage to make an unpopular decision.

Hartley has served as a per diem or part-time judge of the District Court of the 1st Circuit since 2015. His current term runs through Sept. 30, 2024.



COURTESY PHOTO

The state lawmaker blames a combination of beer and medication.

A 52-year-old state legislator, who was allegedly driving in the wrong direction on a one-way street, attributes her impaired driving Monday night to a combination of prescription cough medication and a beer.

Rep. Sharon Har (D, Kapolei-Makakilo) released a written statement Tuesday afternoon that she has had an upper respiratory illness for several weeks, and had been taking prescription cough medication with codeine to control the symptoms.

“On Feb. 22, 2021, after a late evening at work, I had a beer with my dinner,” she writes. “This, in conjunction with my medication, contributed to my impaired driving.

“I am extremely sorry for not anticipating the effect of this combination on my driving,” she said. “I deeply apologize to my constituents, friends, family and colleagues, and to the public for this failure on my part.”

Police arrested Har at 10:20 p.m. on suspicion of drunken driving near the intersection of Piikoi and South Beretania streets after she was spotted driving in the wrong direction.

She was charged with operating a vehicle under the influence of an intoxicant, which is a petty misdemeanor. She posted \$500 bail and was released at 12:01 a.m. Tuesday.

Har is scheduled to appear at 8:30 a.m. April 20 for an initial appearance in Honolulu District Court.

The Honolulu Police Department issued a statement that a 52-year-old woman, arrested for driving under the influence of an intoxicant, was observed driving in the wrong direction on a one-way street prior to the arrest.

The U.S. Food and Drug Administration lists products containing codeine as among medications that can affect one’s ability to drive.

From a review of online state court records and judging from her bail amount, it appears this was Har’s first drunken driving charge.

Har further said in her statement: “I would like to express my gratitude to the officers of the Honolulu Police Department for the professional manner in which they conducted their duty in effecting my arrest.

“Above all, I am grateful that no one was hurt.”

House Speaker Scott Saiki said in a written statement, “This is an unfortunate incident. We are wishing Representative Har and her family the best right now.”

Har is an honorary member of Mothers Against Drunk Driving, according to her profile on the website of Bays Lung Rose Voss, a law firm where she is an associate.

On her state Legislature page, she wrote on Dec. 27, 2011, that she introduced the ignition interlock law after becoming the victim of a drunken driver in 2007.

She said she “was very pleased” when it was finally implemented on Jan. 1, 2011. She wrote at that time that the devices have stopped drivers with a blood alcohol content of more than .02 from driving on more than 3,200 occasions.

- An OVUII (operating a vehicle under the influence of alcohol and/or intoxicant).
- **Har should resign over DUI incident (Letter to Editor, 02/25/21)**

Ridiculously, state Rep. Sharon Har blamed cough medication and a beer for driving the wrong direction on a one-way street ("[Legislator charged with operating vehicle under the influence](#)," Star-Advertiser, Feb. 24).

She is a hypocrite for telling us not to drink and drive when doing so herself. She threatened public health by going out for drinks and dinner when she admits to having an upper-respiratory illness (during the COVID pandemic), exposing members of the public to her illness.

Har should resign.

David Kimo Frankel, *Wilhelmina Rise*

Letter to Editor, March 2, 2021

Har's behavior could have led to tragedy

I disagree with Marie J. Scott ("[Hitting a good person when she's down](#)," [Star-Advertiser, Letters, March 1](#)). State Rep. Sharon Har was caught, allegedly intoxicated, at night, driving the wrong way on a one-way street ("[Hawaii state Rep. Sharon Har apologizes after being charged with driving under the influence](#)," [Star-Advertiser, Feb. 24](#)).

Fortunately the police stopped her before anything disastrous happened. What if an innocent was killed because of her recklessness? Would folks tend to show her "more kindness and understanding"?

My brother was hit and killed by a drunken driver going the wrong way on a one-way street. I still remember the night and that horrible phone call. It was so unfortunate and so preventable.

When the police stop a drunken driver, it's almost a sure thing that the driver has been on the road many times before, impaired by alcohol. She knew better but she must have thought that she wouldn't get caught. Play the game (commit the crime), pay the piper. No, she will not be governor.

Ted Kanemori, *Kaneohe*

<https://www.staradvertiser.com/2022/02/02/hawaii-news/house-committee-unlikely-to-pursue-penalty-tied-to-lawmakers-dui-arrest/> By [Dan Nakaso](#), Feb. 2, 2022

It includes: “Her driver’s license was revoked for two years March 25, and the revocation was affirmed last week by the Administrative Driver’s License Revocation Office, which is separate from criminal court proceedings.”

Editorial: Protesting state Rep. Sharon Har’s acquittal

- Star-Advertiser, Jan. 15, 2022



COURTESY HPD

On the night of Feb. 22, Honolulu police arrested State Rep. Sharon Har (D, Kapolei-Makakilo) for suspicion of drunken driving. She was charged with operating a vehicle under the influence of an intoxicant, police said.

The highly publicized drunken driving trial of state Rep. Sharon Har landed with an unsatisfying thud this week.

After hearing the prosecution’s case, Judge Steven L. Hartley on Monday [dismissed the case](#) on procedural grounds and granted a motion for judgment of acquittal.

The dismissal stemmed from a Dec. 10 state Supreme Court ruling on the proper filing of criminal complaints. The acquittal, however, raised a few eyebrows — and understandably so. The public is left to wonder whether, absent the benefit of hearing both sides of the case in court, the judge got it right.

[Honolulu Prosecutor Steve Alm](#) didn't think so. In an unusual move, he took his argument to the court of public opinion at a press conference the following day.

Alm, himself a former judge, criticized Hartley for concluding that the prosecution hadn't made its case beyond a reasonable doubt, even when viewing the evidence in a light most favorable to the prosecution.

He used PowerPoint slides and large maps to highlight the prosecution's evidence: Har had been stopped while driving the wrong way on one-way Beretania Street on the night of Feb. 22, shortly after she left a Moiliili bar. She appeared to be under the influence of alcohol "sufficient to impair her normal faculties." She struggled to pull into a parking lot and couldn't provide proof of insurance at the scene. She refused to take a field sobriety test.

In Har's defense, attorney Howard Luke said his client consumed, at most, only about half a bottle of beer, although there were four bottles on the table. Body cam footage appeared to show her entering and exiting a police car with no sign of impairment, even though she was wearing high heels. She followed the instructions of a police officer in entering the parking lot. And although she was unable to immediately find her insurance card, she did have up-to-date insurance.

Regardless, the legal case has been settled. But even in light of evidence most favorable to Har, she is not off the hook.

After all, she was driving the wrong way on a major city thoroughfare, which is always dangerous.

She refused to take a sobriety test even though she should have known better: She helped pass a law to increase the original one-year license revocation for refusing a breath or blood test to two years.

At the time of the incident, Har acknowledged her "impaired driving," blaming it on consuming a combination of beer and prescription medication containing codeine — an obvious no-no for anyone who reads the warnings on drug labels.

She must make amends, to the Legislature and the public she serves. And assuming she seeks reelection this year, her constituents in Kapolei and Makakilo will have to decide whether her actions constitute a fireable offense.

Lee Cataluna: The One Mistake That is Never Forgotten Remember that other lawmaker who got arrested for DUI? Of course you do. By Lee Cataluna, February 28, 2021

There are some amazing perks that come with being an elected official in Hawaii:

Being presented with orchid lei at every event you deign to attend.

Special reserved parking in front of the elementary school when you show up to speak at career day.

The thrill of seeing your face flapping on a vinyl banner tied to somebody's fence in Kalihi.

The honor of turning over dirt with a gold-painted shovel at wastewater improvement projects.

Oh the glamour. Oh the royal treatment.

There's a downside, of course. There's often a steep cliff at such dizzying heights.

Getting arrested on suspicion of driving under the influence will dump a politician right off that precipice.

One of the hard truths that maybe no one ever tells wannabe candidates at politician training school is what always happens should they ever be arrested for drunken driving. More likely, they know darn well the cost of such reckless behavior, but fall into the "that'll never happen to me" trap while they order drinks with dinner, go out with the gang to hoist a few after work, or take shots of cough syrup with a beer chaser.

A DUI arrest may be politically survivable, but it is indelible. No other brush with scandal taints a political career in Hawaii the same way. With or without a conviction, it is never forgotten.

One reason for that is that every time a politician is arrested for impaired driving, it triggers everyone in town to call to mind all the other lawmakers who have been arrested in the past. Reciting that list is like going through the 12 Days of Christmas. Nobody can just do the "10 Lords a Leaping" and leave it at that.

Impossible. You have to sing through all the others, too. And boy must [Jon Riki Karamatsu](#), [Ron Menor](#), Jon Yoshimura and the rest of the DUI club hate being reminded of the one time (OK, twice for Jon and Jon Riki) they torpedoed their own hopes for higher office.

There's always lively debate about whose case was the most shameful. Is leaving the scene worse than having your kids in the car? Is admitting to driving without one contact lens a good excuse? So many ways to parse this out.

Contrast that with legendary Hawaii Board of Education member Chuck Norwood, who served from 1984 to 1993. Norwood served time in prison for murder after he was convicted of shooting a man in a Kona bar. He did his time, changed his life, got a bunch of college degrees and was elected to the school board over and over again. He'd go to site visits at elementary schools and teachers and students were excited to meet him and shake his hand.

So now we have [state Rep. Sharon Har and her beer-with-cold-medicine excuse for driving the wrong way on Beretania Street](#), which is a stunning blunder in and of itself regardless of the substances that may have contributed to it.

If you live on Oahu, you know which way Beretania goes and all the landmarks along the way. You could be asleep in the back seat of a car going the wrong way and you would know just by the feel of the road. It's that familiar.

Her limp excuse and tearful apology do nothing to tamp down the question of her judgment. Those folks in the legislature sit there and talk about Hawaii residents like we can't handle our business without their benevolence and paternalism.

House Speaker Scott Saiki calling Har's arrest an "unfortunate incident" is so off. "Unfortunate" is when something bad beyond one's control happens. This was not beyond her control. She didn't get unlucky. She made bad choices.

All the other stuff — the orchid leis, the coned-off parking, the glossy campaign photographs — elevates politicians above the average folks who have to stand in the back of community meetings when all the seats are taken, park on a side street when all the stalls are full during school events, and never get envelopes of comp tickets to concerts or fancy dinners.

A DUI arrest is low, lower than the average Joe, lower than the usual kinds of mistakes most people make. People who have a lot to lose plan contingencies. They call an Uber. They phone a friend. They do their drinking at home. It is a big error in judgment that most people try hard to avoid to protect their own lives and reputation.

Is there room for redemption? Sure. Chuck Norwood is still the shining example. But it shouldn't be because time passed and people forgot, because people won't forget. Redemption comes when the person's work on behalf of the public is so effective and selfless that the shameful moment pales in comparison. It is earned.