

Kym Pine Is A Crook



PINE'S TIMELINE OF CORRUPTION

Rep. Kym Pine's Bribery & Extortion of City Councilman Tom Berg



presented to
**United States Attorney
Florence Nakakuni**



TIMELINE + EXHIBIT LIST

PART ONE: THE LEAD UP TO PINE'S CRIMINAL ACTS

24 August 2010 (8:00pm)

Pine's top political consultant and advisor Eric Ryan holds a meeting with Pine at Zippy's Ewa Beach to discuss her campaign and political future. Pine had just come from a meeting with real estate developer Jeff Stone and City Council Chair Todd Apo, who informed Pine that even though it was known that she wanted to run to take Apo's place on the City Council, Apo would NOT be able to wait until after the November 2nd General Election to announce Apo's intent to resign from City Hall to take a job with Disney. Pine's denied request for Apo's announcement to be postponed until after her re-election to State House meant that the issue of whether or not she would abandon her seat to run for higher office might nag her through November unless she publicly ruled out her long-awaited run for City Council. Ryan agreed with Pine's instinct that she may have to make the bitter announcement that she would not run for Apo's vacant seat once the news about Apo's resignation is released. The option for Pine to run for City Council in the post-November special election was kept open at this point, pending assessment of the eventual reaction from the public and the media to Apo's resignation.

EXHIBIT 001

31 August 2010 (2:49pm)

Pine was asked by fellow Republican candidate Marissa Capelouto if she heard the news about City Council Chair Todd Apo resigning from office.

EXHIBIT 002

31 August 2010 (4:06pm)

Pine acknowledges "Yes I am aware of this."

EXHIBIT 002

31 August 2010 (4:57pm)

Since Pine had yet to announce any decision publicly about running for City Council, Ryan e-mails Pine in order to soothe

Pine's irritation about possibly having to pass over her City Council dream for the time being by suggesting the launch of a Council campaign by Pine after the general election is over: "Sounds like another website might need to be ready pretty soon after Nov. 2nd. :-)"

EXHIBIT 002

31 August 2010 (5:18pm)

Pine e-mails Ryan about re-considering the idea of running for City Council (after tentatively ruling it out): "After my heart attack."

EXHIBIT 002

31 August 2010 (5:32pm)

Ryan's e-mails Pine that he "can't begin to imagine the rollercoaster ride you're on" in light of Apo's public announcement to vacate his council seat two years early.

EXHIBIT 002

31 August 2010 (6:24pm)

In response to Ryan, Pine exclaims "I'm pissed." Once again, Pine was forced to realize that she would look bad politically by announcing during the middle of her State House re-election campaign that she planned to resign on election night in order to seek higher office weeks later in a special election.

EXHIBIT 003

01 September 2010 (1:10pm)

The next day, with a run for City Council seemingly out of the question, and with Pine refocused on winning her State House seat, Pine e-mails Ryan the outline for Pine's and Save Ewa Beach's attack piece on her Democratic opponent Jason Bradshaw. Pine often referred to her secret 'independent' campaign as "dakine".

[EXHIBIT 003a: Pine's 1-page Word file attachment]

[EXHIBIT 003b: Ryan's final version of mailer layout]

EXHIBIT 004

11 September 2010 (1:38pm)

Berg e-mails Ryan and Pine in response to Save Ewa Beach's purchase of domain name www.RidaCabanilla.com, which might have been purchased instead by Berg's State House opponent Rep. Rida Cabanilla: "You are my earthly god – its ok to say that I hope – I mean, I have a God up there – and so who do I have down here looking out for me? ERIC – that's who!!!
DYNOMIIITTTTTEEEE"

EXHIBIT 005

12 September 2010 (12:50pm)

Pine agrees with Ryan's critique of Berg's campaign approach during Berg's 2010 run for State House against Berg's former employer, Rep. Rida Cabanilla.

EXHIBIT 005

12 September 2010 (11:05am)

Ryan e-mails Berg, Pine and Gollner with criticism to suggest how Berg should better spend his precious time on the campaign with just six weeks till election day, urging Berg to adopt the approach of building “the classic campaign team of volunteers, donors, inner circle . . . (the) campaign is not lacking in message, but needs more boots on the ground and more money.”

EXHIBIT 006

14 September 2010 (8:42am)

Pine criticizes Berg: “Eric (Ryan) and I will work on this together . . . Eric and I are close to giving up on you. You are your own worst enemy.”

EXHIBIT 007

19 September 2010 (9:58am)

Tom Berg, running for State House in 2010, expresses worries about his lack of fundraising prowess to Rep. Pine. Because Berg has not raised money for his race, and despite being a front-running GOP candidate two years earlier (losing by just a few votes), Berg is concerned that he is “going to have to take out a personal loan just to pay the bills – and if Edlynn (*Taira, Berg’s longtime, live-in girlfriend*) finds out she will REALLY kick me out of the house and my problems will be greater than any election in my world.”

EXHIBIT 008

20 September 2010 (3:52am)

Pine e-mails Berg, Ryan, and Gollner that “We are running out of time.” Pine repeats “do or die” instructions she has given Berg many times before; adding that “You need to do things that you hate or you will lose. We will help you but you must do some work too . . . I am trying to prove to the (Republican) party today that your (State House) race is still viable.”

EXHIBIT 009

30 September 2010

After inquiries continue to be received from the public and reporters, Pine declares to Derrick DePledge of the Honolulu Star-Bulletin that she “does not plan to run for the Honolulu City Council seat being vacated by council chairman Todd Apo in November. **Pine had earlier expressed some interest in the seat when Apo’s term expires in 2012.**”

<http://blogs.starbulletin.com/inpolitics/staying-put/>

EXHIBIT 010

30 September 2010 (11:37am)

Pine e-mails Gollner, Ryan and Berg with the message “I hope this clears things up” and a link to the Star-Advertiser blog article.

EXHIBIT 011

30 September 2010 (12:29pm)

Pine's campaign chairman and chief of staff Gollner responds with confusion about Pine's public announcement ruling out running for City Council in the 2010 special election to replace Todd Apo, as Gollner believed Pine would wait until after the November 2010 general election to decide: "I didn't know you had made the decision, and I thought you were waiting until after the election to do so." Gollner indicates that Pine was going to decide in favor of running: "I certainly thought that we had identified nothing but good reasons for you to run now, and only one factor that would prevent you from doing so, for which I thought we had two very good responses." Gollner had wanted to return to City Hall, where he worked simultaneously as deputy campaign manager and legislative aide for the late Councilman Duke Bainum.

02 November 2010

Berg loses his 2nd state house race against his former employer Rep. Rida Cabanilla by a larger margin in 2010 (42% to 54%) than in 2008 (46% to 48%), while Rep. Pine wins re-election with 66% of the vote (more than double her opponent).

EXHIBIT 012

16 November 2010 (7:52am)

With Duke Aiona not entering the special election, Berg relates his decision to run for City Council in an e-mail requesting support and guidance from Ryan, Pine, Gollner and 2010 State Senate candidate Montes.

EXHIBIT 013

16 November 2010 (8:06am)

Pine's legislative chief of staff and political campaign chairman John Gollner suggests that Berg wait for Pine's blessing before Berg throws his hat in the ring to start campaign for City Council.

EXHIBIT 014

16 November 2010 (8:50am)

Pine offers tough words to Berg about prospect of a race for City Council, warning that "If you are doing this as a protest campaign, I cannot support you and ask that you step aside." But, Pine offers that "You have my full support if you commit to fundraising and doing phone calls to id your voters. Without this commitment I will give my support to (Bob) McDermott who is willing to do all of this. I have been talking to (television reporter and 2010 Republican congressional candidate) Ramsay Wharton on this though because she has the name recognition. I need to call her."

EXHIBIT 015

16 November 2010 (9:05am)

Gollner e-mails Pine, Ryan, and Berg to express strong opposition to Pine's support for on-again, off-again, on-again Republican Bob McDermott and urges Berg to run a serious 'Pine-like' campaign; warning Berg that he will "HAVE TO do some things (strategy-

wise) that you don't currently believe IN" such as "MAKING PHONE CALLS & ID'ING VOTERS TOM!!"

EXHIBIT 016

19 November 2010 (10:22am)

Berg e-mails Pine, Ryan and Gollner in hopes that Pine will approve an endorsement quotation attributed to Pine that Berg has drafted in a press release.

EXHIBIT 016

19 November 2010 (11:51am)

Pine refuses to support Berg until she sees "that he is a serious candidate. He knows what I mean by this."

EXHIBIT 016

19 November 2010 (12:21pm)

Berg e-mails Gollner and Ryan, upset with their employer Pine for refusing to endorse him, while considering supporting other candidates. Berg considers lashing out at Pine for being willing to abandon Tea Party principles for NON-Tea Party candidates and to challenge Pine to ask other candidates "how many phone calls they made each day to raise money."

EXHIBIT 016

19 November 2010 (12:56pm)

Ryan advises Berg to get over the "frustration" of Pine's non-supportiveness and to focus on raising enough money to "do a major mailer . . . Two mailers would be even better.

EXHIBIT 016

19 November 2010 (12:58pm)

Berg agrees and asks Ryan to contact Pine to assure her that he will focus on raising campaign money.

EXHIBIT 017

19 November 2010 (12:03pm)

In the absence of Pine's endorsement for Berg, Gollner offers his own endorsement, making the statement that he is "not trying to be contentious (in disagreeing with Pine's standoffishness), I just thought this was the page we were all on."

EXHIBIT 017

19 November 2010 (1:35pm)

Pine responds by declaring that she will be withholding her endorsement of Berg due to Pine's frustration with Berg's lack of seriousness in campaigning and adoption of an un-winnable strategy of signwaving only, with no fundraising to pay for mailings . . . surmising that Berg might only be running "because he didn't like the (other) candidates."

EXHIBIT 018

19 November 2010 (9:14pm)

Pine confirms to Ryan that she was the candidate of choice (and lone interviewee) for powerful real estate developer Jeff Stone and

outgoing council member Todd Apo. Now, after seeing the generally weak contenders on the final list of candidates for the special election, Pine laments not running for City Council, especially now that State Senator Willie Espero's young, inexperienced, carpetbagging (Aiea resident, not Ewa) son Jason is probably the front runner.

EXHIBIT 019

21 November 2010 (8:08am)

Berg e-mails Gollner and Ryan worrying about being fired by Pine for his disagreement with her over Pine's refusal to endorse Berg, and worrying about the negative influence on voters that Pine's threatened endorsement of another candidate would have on Berg's chances in the special election.

EXHIBIT 019

21 November 2010 (11:47am)

Gollner agrees "Roger All," adding that he has "clarified (with Pine) how I feel about Kym's lack of endorsement, and I have yet to see what price I will pay for it."

EXHIBIT 020

21 November 2010 (8:19am)

Pine e-mails Berg, Gollner and Ryan to warn Berg that "Not too many people know u outside ewa beach . . . You now must raise money to win or pull out now . . . In talking to people, no one sees you as a serious contender."

EXHIBIT 020

21 November 2010 (11:50am)

Pine instructs Berg to follow Ryan's fundraising approach and not veer from it: "stick to erics script do not veer off it and you will get the money you need. I will await your detailed plan tomorrow. I will not proceed further without it. This is a basic plan that all winning campaigns do. You cannot win without a plan."

EXHIBIT 021

28 November 2010 (7:25pm)

Ryan e-mails Berg with a critique for performing less fundraising activity and bringing in less money than Berg's graphic designer has (Ryan). Ryan also reminded Berg that Ryan has fronted a lot of valuable services while holding off on billing Pine, Berg and other candidates for 2010 state house campaign work, as well as Berg's 2010 city council campaign work in order to free up financial resources from Pine and others for Berg's benefit in the special election City Council campaign.

EXHIBIT 021

28 November 2010 (7:36pm)

Berg acknowledges non-payment of Ryan for either his State House campaign or City Council campaign when writing back: "If

money was coming in, there would be radio and mailers. I am broke- and cannot afford the up front out of pocket this time.”

EXHIBIT 022

11 December 2010 (7:54am)

After reviewing a proposed campaign postcard design from Ryan, Rep. Pine finally agrees to endorse Berg less than two weeks before final ballots are cast and counted. Pine also tells Berg to listen to Ryan’s (and Pine’s) advice: “I leave this to eric . . . you MUST listen to eric and I on this one.”

EXHIBIT 023

16 December 2010 (1:13pm)

Responding to Berg’s ill-informed concerns about Berg’s ‘e-blasting’ strategy during the City Council special election campaign, Ryan e-mails Pine, Berg and Gollner about Berg’s failure to spend time each day raising the money needed for the campaign, with Ryan including his 11-28-10 e-mail critique of Berg; reiterating that he held off on billing her and other candidates for 2010 state legislative campaign work, as well as Berg’s 2010 city council campaign work. Ryan listed most of the work performed for Berg’s city council campaign.

EXHIBIT 024

16 December 2010 (1:21pm)

Pine wrote back to Ryan, acknowledging without any dispute Ryan’s claim to not being paid for work by Ryan on Pine’s state house campaign; expressing her agreement with Ryan’s message and complimenting Ryan for telling it straight to Berg.

EXHIBIT 023

16 December 2010 (1:23pm)

Concerned about progress of the ‘e-blasting’ campaign, Berg acknowledges without any dispute Ryan’s claim to not being paid for work by Ryan on Berg’s state house campaign or city council campaign.

29 December 2010 (6pm)

Berg wins the 14 contestant City Council special election with just 18.5 percent (2,326 votes) of the 12,610 ballots cast; a very low number of votes considering Berg received only 4.3% of all registered voters in Council District One (Ewa, Kapolei, Waianae Coast).

EXHIBIT 025

29 December 2010 (7:19pm)

Councilman-elect Tom Berg e-mails his top political consultant Eric Ryan (also Rep. Kym Pine’s top political consultant): “You are my reason for winning---you won! Really – well done!”



TIMELINE + EXHIBIT LIST

PART TWO: KYM PINE'S EXTORTION AND BRIBERY

29 December 2010 (11:16pm) Upon returning to Hawaii the night of the special election, Pine calls Ryan to congratulate him for getting Berg elected. Pine regrets that it was not her name announced as winner today but that Pine was pleased for Berg and glad that Republicans in Hawaii could end the year on a good note. Pine said that she really needs to speak with Berg about some things including who Berg would hire for his team.

EXHIBIT 026

30 December 2010 (8:32am) Just hours after the election results are announced, Rep. Pine summons Councilman-elect Berg, Pine's legislative chief of staff and political campaign chairman John Gollner and Pine's political consultant Eric Ryan to meet with her at her State Capitol office later that same day. At this point, Berg and Gollner are on Pine's State payroll as full-time employees, while Ryan is in the process of being added to Pine's State payroll as a part-time employee.

30 December 2010 (10:16am) In the hours before the meeting at Pine's office, Ryan and Gollner speak by phone for more than 20 minutes. Ryan confirms that he will be at Pine's meeting. Gollner warns Ryan that Pine is going to pressure Berg and Ryan about staffing and other issues at City Hall. Gollner also expresses that he'd like to return to Honolulu Hale where Gollner used to work for the late Duke Bainum.

30 December 2010 (11:59am) Pine calls Ryan before the meeting at her office was scheduled to take place. During the 13 minute conversation, Pine wanted to know who Berg was thinking about hiring to work at City Hall and expressed that she thinks that John Gollner would like to work for Berg. Ryan told Pine that there was no rush to make decisions

since inauguration was three weeks away, but added that Berg wanted the right people to help him get re-elected in 2012.

30 December 2010 (1:00pm)

Before the scheduled lunch meeting, Councilman-elect Berg is instructed by Pine to meet privately with Rep. Pine (for 30-40 minutes) inside her private State Capitol office, while Ryan, Gollner and Jame Schaedel wait in Pine's outer offices. Berg reports later that Pine instructed Berg during this closed-door meeting that he must hire Gollner or Pine might run against him.

30 December 2010 (1:50pm)

Pine, Ryan, Berg, Gollner and Schaedel hold a stressful meeting over lunch to discuss political matters, mostly about Pine's insistence that Berg hire from within Pine's inner circle.

EXHIBIT 027

31 December 2010 (5:27am)

Berg offers Ryan a full-time job at City Hall in which Berg hopes Ryan would "be out of range of the scrutiny" and "under my thumb all day in my domain" providing communications services.

EXHIBIT 028

31 December 2010 (5:43am)

Berg offers Ryan full-time job at City Hall incorporating Berg's political and legislative needs, to which Berg states that he "absolutely must have you control my email account- website- both Council govt and Council campaign websites/we will have one for each." Berg asks Ryan: "can you master that for the team? Director of Communications? Director of Media Relations? You make the call/decide what ever title you want bro."

EXHIBIT 029

31 December 2010 (11:22am)

Sheryll Bonilla, an aide to Hawaii State Senator Willie Espero, inquires with Councilman-elect Berg if he will be hiring John Gollner and/or Jame Schaedel from Rep. Pine's office to join Berg at City Hall.

EXHIBIT 030

31 December 2010 (11:59pm)

To close out the year, according to the State Campaign Spending Commission (CSC), Berg's own campaign owes him \$29,356.46 in money (*plus thousands more that Berg didn't disclose to the CSC*) which Berg has personally loaned to fund his own political efforts during three campaigns (*State House 2008, State House 2010, City Council 2010*) in three years. Berg's only hope to pay himself back that \$30K+ is to raise a whole lot of money as a sitting City Councilmember running for re-election. Should a stronger candidate enter the race with a better chance of tapping donors, Berg stands to lose his chance to ever recoup that money, not to mention losing the City Council salary and benefits (*lower*

than Pine was paying Berg at her State Capitol office) which will be his only source of income after his swearing-in on 19 January 2010.

EXHIBIT 031

31 December 2010 (8:10am)

After Berg gave Pine the bad news the previous day that he has no plans to hire Gollner (*whom Pine wanted off her staff*), a hostile Pine e-mails Berg telling him that she has already promised her staff jobs at the State Capitol to others and that she wants Berg himself to inform Gollner that “you need to be the one to tell John that you do not want to hire him. I already offered your job to someone else yesterday morning.”

EXHIBIT 031

31 December 2010 (8:56am)

Berg e-mails Pine that he expected Gollner to stay on as Pine’s office manager, whether or not Berg won his election, since Gollner has a “lust to run” for Pine’s state house seat in 2012 when she runs for higher office. Berg also does not want Gollner on his staff because his injuries from military service in Iraq make Gollner less “mobile” and less dependable than Berg envisions for his campaign-oriented team at the City Council. Berg suggests that Gollner takeover Berg’s job at Pine’s office and tells Pine that he has already hired Eric Ryan.

EXHIBIT 031

31 December 2010 (9:47am)

Pine e-mails Berg in increasing exasperation that Berg’s “hiring people who did not help on your campaign is going to hurt you politically and says a lot about your loyalty to people who support you.” Pine added that she already “offered jobs to people for John’s job and your job based on John saying he is going to the city council with you.”

31 December 2010 (11:46am)

Pine hasn’t heard back from Berg since her last e-mail to him, so she calls Ryan to feel out the situation about Gollner. The 16 minute conversation results in Pine being troubled and uncertain about the employment status of the person she hopes to see transferred from her State Capitol staff to Berg’s City Council staff. Pine also mentions to Ryan that she is hiring him to work on her political and legislative websites, so Pine pushes Ryan to pass on the message to Berg and to pressure Berg to hire Gollner.

31 December 2010 (12:02pm)

After hanging up with Pine, Ryan calls Berg to let him know that Pine is getting really pushy about the Gollner situation, advising that Pine sounds really pissed off and frustrated.

31 December 2010 (2:43pm)

Ryan calls Berg to see how he wants to handle Pine, now that her positive mood about Berg's election has quickly deteriorated into an internecine battle over staffing.

EXHIBIT 031

31 December 2010 (2:49pm)

Berg e-mails Pine declaring "I am not hiring him" and denies that Berg ever discussed a City Hall job with Gollner. Berg asserts that he expected Pine to retain Gollner as her office manager since Gollner wanted to "take (Pine's) seat" when her longtime aide was expected to run for office to take her place in the State House 2012, once Pine moved on to higher office.

31 December 2010 (3:06pm)

During a 5 minute conversation, Pine calls Ryan to berate Ryan and criticize Berg about not agreeing to her very strong suggestion that we hire Gollner. Ryan tells Pine that she had never spoken during the campaign with either Ryan or Berg about this issue of giving Pine's campaign chairman Gollner a job at City Hall and that it seems pretty unfair for this issue to suddenly come up now.

31 December 2010 (3:10pm)

Berg calls Ryan and they speak for 2 hours and 32 minutes. During the conversation, primarily about the Pine-Gollner situation, Berg receives an explicit threat via e-mail from Pine which Berg reads aloud to Ryan: "Either you hire him or I run against you it that simple. Otherwise I am running in nestor garcia's seat which may require I move." Berg then states "That's exactly what she told me at her office yesterday." Ryan suggests that Pine's shocking e-mail (*sent to Berg at 3:54pm – Exhibit 031*) probably broke the law and should probably be reported to police or some agency and/or maybe they get a restraining order against Pine since she is now harassing both Berg and Ryan. Berg nervously agrees that Pine is "way out of line" but doesn't want to antagonize her any further because she might follow through on her threat to run against him and make life difficult for him. Berg says he hopes that by hiring Pine's chief political consultant (Ryan), Pine will get the clear message that he is serious about re-election and that she shouldn't threaten him because Berg expects to be a stronger, better organized, and better funded candidate by then. Ryan suggests that Berg should at least stand firm if Berg does not want Pine pushing him around in the months and years ahead. Several minutes later (*at 4:09pm – Exhibit 031*), while Ryan is still on the phone, Berg responds to Pine's threat by e-mailing Pine a short and clear message: "I cannot hire him." Berg and Ryan were on pins and needles waiting for Pine's response, which came less than 10 minutes later (*at 4:17pm – Exhibit 031*) with Pine writing unequivocally: "Then I am running against you. Good luck."

EXHIBIT 032

31 December 2010 (3:24pm)

Berg's fellow staffer at Pine's state capitol office, chief of staff John Gollner (also Pine's political campaign chairman), was actively angling for a job at City Hall. Gollner had begun 'volunteering' to help Berg with the transition to his new position as a city councilman in order to help secure a position for himself with Berg's office at City Hall. Gollner tells Berg that he needs "to talk to you, verbally, as soon as possible" about whether or not Gollner will get a job from Berg.

EXHIBIT 031

31 December 2010 (3:54pm)

Pine e-mails Berg and explicitly repeats the previous day's extortion (during Pine's closed-door meeting with Berg in her State Capitol office) by demanding that Berg give Gollner a full-time job at City Hall, or else she threatens to run against him. **"Either you hire him or I run against you it that simple. Otherwise I am running in nestor garcia's seat which may require I move."** If Berg accepts Pine's bribery to get Gollner hired, Pine implies that she will not run against him, but rather get herself on the City Council by running for Nestor Garcia's seat which will be open in 2012. *[This message was forwarded to Ryan by Berg on April 5, 2011, as Berg continued to be worried about Pine running against him.]*

EXHIBIT 031

31 December 2010 (4:09pm)

Berg e-mails Pine, telling her "I cannot hire him (Gollner)."

EXHIBIT 031

31 December 2010 (4:17pm)

Pine responds to Berg's refusal to give in to Pine's threat in what Berg aptly described in the subject line (*which Berg added when forwarding Ryan the e-mails from Pine on 05 April 2011*) -- "THE CLOSURE/KICKER/THREAT": "Then I am running against you. Good luck."

EXHIBIT 033

31 December 2010 (6:19pm)

But later that day Gollner realizes after speaking with Pine that Berg obviously does not wish to hire Gollner: "I know where I stand with you now" despite believing earlier that Pine and Berg had "worked something out" regarding Gollner being hired away from Pine at the State Capitol and moving to City Hall with Berg.

31 December 2010 (7:01pm)

Pine calls Ryan, not knowing that Berg told Ryan about Pine's explicit threats and inducements during the previous day's meeting and during the e-mails just hours earlier. Pine tells Ryan that she's disappointed with Berg and hopes that Berg and Ryan will reconsider hiring Gollner because she's already offered Berg and

Gollner's staff jobs at her State Capitol office to others. The phone call ended quickly since Ryan couldn't continue to speak while driving to a New Year's Party, but Ryan promises to speak with Berg and raise the issue about the Gollner job situation.

EXHIBIT 034

01 January 2011 (9:40am)

Ryan e-mails Berg asking him to share more about the Pine-Gollner "drama" in light of Ryan's plan to speak again with Pine about the staffing issue at City Hall later that day.

01 January 2011 (12:33pm)

Ryan calls Pine and has a 26-minute conversation with her, in part about her threatened run for office against Berg unless Berg were give in to her demand that Berg hire Gollner. The issues of Pine's nearly \$10,000 campaign surplus, her superior volunteer operation, her better known name and reputation in the district, and her ability to secure endorsements all came up in the conversation. In the hope of getting Pine to back away from her explicit threats to Berg and Ryan, Pine was encouraged by Ryan to run for higher office by running instead against State Senator Willie Espero. But Pine kept bringing up her long-held desire to run for the nonpartisan City Council; a move which would her distance herself from the declining and poorly regarded Republican Party of Hawaii. In the meantime, GOP state legislators were being pressured to make room on their staffs for Lingle campaign loyalists and Lingle administration veterans, as Lingle was preparing to run for U.S. Senate in 2012. Pine hinted at the financial and political advantages of being part of a new Lingle wave during an election year, since Lingle was instrumental to Pine's own election to State House in 2004. Ultimately, Pine did not back off her threats, as she felt that Berg owed it to her and "to the West Oahu team". Ryan asked Pine to sit tight and not do anything rash while Ryan spoke again to Berg. Pine solicited Ryan to encourage Berg to take Pine's threat seriously and instructed Ryan not to share with anyone else about what was being discussed. Pine implied that Ryan's newly-obtained position at City Hall would be short-lived if Berg lost his re-election in 2012, which Ryan took to mean that (like Berg) Ryan would surely lose his job too after the 2012 election if Pine ran against Berg and presumably won.

EXHIBIT 035

01 January 2011 (1:23pm)

Ryan e-mails Berg: "Had a 20-minute chat with Kym, who called me around lunchtime. I'll fill you in when you get a chance to gimme a buzz. Hope you're enjoying 2011 thus far . . . :-)"

EXHIBIT 035

01 January 2011 (2:49pm)

Berg e-mails Ryan requesting: "Fill me in."

- 01 January 2011 (3:51pm) During a short call, Ryan informs Berg by telephone about Ryan's New Year's Day conversation with Pine. Ryan tells Berg that Pine was just as insistent on Berg hiring Gollner at City Hall as Pine was the day before when she pulled Berg into her office and said Berg needed to "do this for the West Oahu team" . . . really just her code for demanding that we hire Gollner, who both Berg and Pine complained had post-war health problems which they say kept him from working at 100%. Berg told Ryan that Pine clearly instructed him to "keep this conversation just between us". Ryan told Berg that is precisely how Pine put it to him as well. Berg exclaims to Ryan: "She's holding a fucking gun to my head right now. What am I supposed to do, Eric?"
- 01 January 2011 (7:12pm) Ryan calls Berg later that day to compare notes about the resumes for staffers which have started to arrive via e-mail and to see if Pine had been in touch again.
- 01 January 2011 (7:22pm) In a 14 minute call, Berg calls Ryan to talk more about the Pine situation which was making Berg increasingly nervous. Berg was interrupted and needed to call back Ryan a short time later.
- 01 January 2011 (7:51pm) In a 38 minute call, Berg calls Ryan to discuss a variety of options for making the most of 2011 and 2012 at City Hall in order to fend off a political challenge from Pine. At Berg's direction, Ryan develops these options into a marketing plan for Berg over the weeks ahead.
- EXHIBIT 036**
- 01 January 2011 (8:49pm) Berg was always having trouble keeping his phone charged and was very hard to reach, except by e-mail (when he wasn't busy editing videos for upload to YouTube). So after Council Chair Nestor Garcia had been unable to reach Berg to extend his congratulations since the election three days earlier and invite Berg to the upcoming City Council inauguration ceremony, Garcia's top aide Darryl Young e-mailed Berg to invite Councilman-elect Tom Berg to the official City Council Inauguration Ceremony scheduled for Monday, 03 January 2011 (just two days later).
- EXHIBIT 037**
- 02 January 2011 (6:51am) Concerned about Pine's threats and the perceived need to mitigate any fallout from resisting her extortion and bribery, Berg hopes to defuse the rapidly deteriorating and highly frustrating 'Gollner situation' and about Berg's resistance to Pine's pressure to hire Gollner by drafting a written message to his soon-to-be-former employer and political patron Kym Pine. Berg sends his draft to

Ryan for his review and approval. Berg cites his doubts about Gollner, his expectation that Gollner will run for office in 2012 to replace Pine in the State House, and especially Berg's desire for his new City staff to work full-time on his re-election efforts: "I will need all 4 staffers in my office focused on BERG's reelection efforts. I do not have the network/support base yet like you do . . . I need all staff committed to the BERG front." In addition to refusing to hire Gollner, Berg indicated wanting to hire Linda Lingle's longtime aide Ms. Kauai Alapa. Berg and Ryan were pretty sure that Alapa would have an impressive contact list which could be useful come election time, even though the actual job description for Alapa at City Hall was still unclear. However, Berg and Ryan felt that if she lasted that long working for Lingle, she must be pretty good at what she does.

EXHIBIT 038

02 January 2011 (12:48pm)

Ryan sends Berg a proposed, fine-tuned re-write of Berg's written message to Pine about the 'unreasonable' Gollner hiring issue which led Pine to threaten Berg with electoral defeat at Pine's hands. Berg pledges that he has "every intention of winning re-election" and encourages Pine "to take out Will (Espero)." Berg elaborates that "John (Gollner) by definition cannot meet these criteria . . . I am determined to find people . . . who have campaign experience." Berg reminds Pine that "It makes sense for John to take over my job at your office, just like you planned in case I won" and that "I never promised to hire Gollner, nor did I lead you, him or anyone else to believe that he'd be joining my team if I won the council seat."

EXHIBIT 038

02 January 2011 (1:05pm)

Berg approves Ryan's re-write of Berg's message to Pine (*which Berg sends to Pine later that same evening*), which attempts to diplomatically ward off Pine's explicit political and financial threats regarding the demand of employing Gollner and the inducement of Pine running for City Council from a different district if Berg complies with her demand.

02 January 2011 (5:25pm)

Berg calls Ryan for a 24 minute conversation about the Pine-Gollner situation. Berg told Ryan he would soon be sending the message to Pine co-written by Berg and Ryan, so naturally no response had come yet. Both surmised that Pine was extremely upset that her own staffer leapfrogged over her well-known ambition to become a Honolulu City Councilmember. It was determined that Berg's re-election campaigning had to start right away and Berg decided that Ryan would have to lead the effort from City Hall as chief of staff while preparing the campaign,

since Pine had probably already been getting in touch with key donors, endorsers, volunteers, decision-makers and media types about the 2012 race.

EXHIBIT 039

02 January 2011 (7:55pm)

Later that night, Pine e-mails Ryan, Berg and Gollner concerning Pine's desire to share Ryan part-time at her office while Ryan works full-time at Berg's office. Pine and Berg each want to hire Ryan, so Pine suggests "38 hours a week (at Berg's office) so we can have him for 2 hours a week. Tom let me know."

EXHIBIT 040

02 January 2011 (10:15pm)

That same night, presumably responding to Berg's e-mail refusing Pine's demands, Pine calls Ryan and leaves angry voicemail message: "Eric, what the hell? This is Kym Pine. Call me back." Believing that Pine was probably upset about the e-mail she received from Berg, Ryan decides to ignore Pine's message in hopes that the memo Ryan co-wrote with Berg and sent to Pine earlier that evening would have more time to sink in and cause Pine to retreat from her threats.

EXHIBIT 039

03 January 2011 (6:15am)

Concerning the sharing of Ryan between their two offices, Berg informs Pine that he "will work with you for resolve asap. Strengthening the team with Eric is huge in my opinion. Because John (Gollner) is running in 2012 for House, Eric can work closely with you and John as I also will help John. If Eric does the websites for all of us – we are blessed! We will look into the hour thing so all of us can use Eric since I am hiring Eric full-time. So whatever efforts we can work out to get John in, your website polished, and my 2012 run successful, we should be on the same team reading from the same playbook."

EXHIBIT 039

03 January 2011 (6:30am)

Pine wants closure on part-time hiring of Ryan for her office: "Let's resolve this today as I need to turn in my staffing forms asap. We really need him just to tweak things here and there from time to time as staff will be doing most of the work."

EXHIBIT 042

03 January 2011 (6:35am)

After reading Berg's e-mail, Pine was so upset with Berg at this point for not having hired Gollner that Pine fired Berg and ordered him to clear out his desk the very morning of the City Council's inauguration. Only hours after Berg e-mailed the Ryan-drafted message to Pine responding to her threats, and just five short days after Berg's surprising electoral victory, Pine reacted shockingly to

Berg's rejection of her demand to hire Gollner by ordering Berg to clean out his desk that same morning, causing Berg to cancel (on Pine's order) a scheduled ceremonial meeting with City Council Chairman Nestor Garcia, and causing Berg to arrive at City Hall for a swearing-in ceremony all sweaty from cleaning out boxes of accumulated years of papers and equipment from his desk area in Pine's office, loading up his car with all those boxes of stuff, and running on foot in the hot midday sun wearing a business suit from the State Capitol to City Hall just in time for the ceremony. Upon arriving at City Hall, Berg recounted the just completed eviction by Pine while Ryan stood there holding Berg's suit jacket and handing Berg paper towels as a sweat-soaked Berg dried himself off in the crowded public restroom on the 3rd floor of City Hall next to the council chamber, while Mayor Carlisle's communications guy Jim Fulton looked on in amusement. Fulton was nice enough to walk over and introduce himself to Berg and Ryan on their arrival at City Hall, before laughing to himself on the way out the restroom to the inauguration ceremony just a few feet away. Pine's written reaction to Berg's refusal to hire Gollner: "If you need to be gone all day today we will need to end your position with me today. Please clear out your things by today." Pine will spend the next two weeks badgering Berg to come back to her office for free to train his replacement(s) on her staff.

EXHIBIT 042

03 January 2011 (6:40am)

After being fired and thrown out by Pine, Berg e-mails Ryan asking him to cancel Berg's scheduled meeting with City Council chairman Nestor Garcia due to Berg unexpectedly having to finish up his last day at Pine's office.

03 January 2011 (7:23am)

Ryan called Berg, speaking for 12 minutes about various issues, including Ryan's working for Pine while working for Berg. Berg is still okay with the idea but tells Ryan that things have obviously gotten much, much worse with Pine. Berg hopes that if Ryan is on Pine's staff in 2011, Ryan can use his time to encourage Pine not to run against Berg, even if Gollner is not given a job at City Hall.

EXHIBIT 041

03 January 2011 (7:53am)

Ryan e-mails Pine, Berg and Gollner to share relevant information from a KITV news story about Michelle Kidani, who served simultaneously as a City Council staffer and as a State Senator. To be sure that the sharing of Ryan by Pine and Berg is ethically okay, Ryan offers to contact ethics officials to get their feedback about Ryan's proposed dual-use situation.

EXHIBIT 043

03 January 2011 (7:57am)

In response, Pine asked Ryan to double-check with the State and City Ethics Commissions regarding propriety of Ryan working simultaneously for Pine and Berg.

EXHIBIT 041

03 January 2011 (8:46am)

Pine and Gollner work on an arrangement with Berg to hire Berg's full-timer Ryan part-time at the State Capitol, providing that Ryan gets the go-ahead (*which he does by telephone before 10am this same day*) from the City and State Ethics Commissions plus the chief clerk of the State House of Representatives concerning a potential though minor issue of splitting Ryan's services in order to work for Berg's staff at City Hall full-time and for Pine's staff at the State Capitol part-time.

EXHIBIT 044

03 January 2011 (8:36am)

Now that I had begun interviewing candidates to hire for the Berg's City Hall staff, Berg and I were determined to hire Gov. Linda Lingle's longtime aide Kauai Alapa. With Berg's encouragement, Ryan called to speak with Alapa about hiring her for Berg's staff, which seemed plausible now that the Lingle administration had come to an end. The 12 minute phone call resulted in an understanding by which Alapa would send Ryan her resume and then speak with Ryan later in the day to work out the details about coming to work at City Hall on Berg's staff.

03 January 2011 (9:39am)

In a 23 minute conversation, Ryan calls Pine to let her know that the Ethics Commissions for both the State and the City as well as the Chief Clerk of the State House have all given the green light to Ryan's working for both Pine and Berg. Ryan renewed his offer to work part-time for Pine's office for \$1,000 per month. Pine still wants Berg and Ryan to hire Gollner, but Ryan lets Pine know that Gollner is not on the short list of people that Berg wants to hire, largely because Berg considers Gollner unable to work reliably due to his injuries and medical condition resulting from Gollner's military service which Berg (and Pine) have repeatedly acknowledged render Gollner unable to function on most days (*especially due to declining eyesight*), and frequently absent. Ryan also shared with Pine that he had just made a job offer to Lingle administration veteran Kauai Alapa. Ryan didn't expect Pine to try and poach the newest addition to Berg's staff.

EXHIBIT 045

03 January 2011 (10:08am)

Kym Pine wasn't done sticking to her fired subordinate Tom Berg just yet. Only 90 minutes after tentatively agreeing to hire Alapa, Ryan received an e-mail from Alapa telling Ryan that she had

accepted a job with Pine's office.

After Pine got wind of our trying to land this individual in Berg's e-mail the day before, Pine swooped in (HERE) and hired her right out from under us by phone with no interview.

EXHIBITS 045a + 045b

03 January 2011 (11:29am)

Later that same morning, while Berg and Ryan were at the City Council inauguration ceremony at Honolulu Hale, Gollner tendered his strongly-worded, 2-part resignation letter to Pine. Gollner indicates that he is quitting due to Pine's "unreasonable work environment" ("I am resigning from your employ because of a pattern of unprecedented treatment in which it is obvious to me that no matter how diligently, resourcefully and faithfully I support you, the situation continues to become more divisive, even as I continue to become more contrite and attempt to mitigate what has become an increasingly unreasonable work environment. I am a 12 year Marine Corps Veteran, and I've served you for over 6 years. I have never endured such treatment from a superior, not even as a junior enlisted Marine."). Further, Gollner truthfully denies having being offered a position with Berg's office.

03 January 2011 (6:04pm)

During a 68 minute conversation, Ryan calls Berg to talk about Gollner's abrupt and messy resignation from Pine's office and also about how Pine had poached Kauai Alapa out from under Berg and Ryan because Pine was obviously still very upset about Gollner not being hired. Berg feared that Gollner's resignation might be a ploy by Pine to force Berg's hand to hire the now unemployed Gollner. Even if Gollner's resignation and critique of Pine were genuine, his new status only served to increase the pressure on Berg to hire Gollner, which Berg still steadfastly opposed. Both Berg and Ryan agree that Ryan's political marketing plan for Berg needed to be robust, as they concluded Pine was definitely out to get Berg as she was probably even more pissed off now.

04 January 2011 (9:55am)

The next morning, Berg calls Ryan and they speak for 26 minutes to discuss Ryan's idea for Berg to go on a "listening tour" of the district as a first step on Berg's 2011-2012 marketing plan.

04 January 2011 (11:10am)

Ryan calls to thank Gollner for the volunteer work he'd been doing for Berg over the past week and explained that no final decisions had been made about staffing.

EXHIBIT 046

04 January 2011 (11:40am)

Having resigned in disgust from Pine's office, and despite Berg's opposition to hiring his former co-worker at Pine's office, Gollner

continues 'volunteering' for Berg via e-mail in hopes of being hired at City Hall by providing Berg and Ryan with resources and information which Gollner believes to be useful.

04 January 2011 (6:32pm)

Ryan calls Pine for a tense 12 minute discussion about the part-time job she offered him at the State Capitol. Pine made it clear that she expected that if Ryan were to take the \$1,000 per month job on the State payroll at her office, Ryan would be expected to 'forgive' the invoices he sent Pine after the election for extensive work on her 2010 campaign. In addition, Pine indicated that she suggested the same idea to Berg several days earlier, so that Berg should expect Ryan to tear up the invoices that Ryan sent to Berg following Berg's state house and city council campaigns. With this understanding, Ryan politely and firmly declined the job offer from Pine, telling Pine that his City salary was for the work in 2011-12 at City Hall and any State salary would be for work at the Legislature in 2011, not for campaign work in 2010. Also, Ryan set the record straight with Pine that hiring Gollner was completely out of the question, and that her threats to Berg needed to end. Ryan explained that Berg's criteria of mobility (including having a car and a drivers license) definitely ruled out Gollner and that Berg's decision was final. Ryan also told Pine that he would expect payment for his work on her 2010 campaign very soon and that he knew Pine had enough of a campaign surplus to take care of his billings right away. This phone call did not end pleasantly.

05 January 2011 (9:51am)

The following morning, in a very testy phone conversation, Pine called Ryan about her insistence that Berg help with a transition from him to Pine's new staffers to happen a.s.a.p. before the new legislative session begins. Pine said that Berg has not returned her phone calls. Ryan told Pine that she probably fired Berg too soon.

EXHIBIT 047

05 January 2011 (10:00am)

Ryan sends a sarcastic e-mail to Berg about his just-ended conversation with Pine: "She thanked you for the move out, but really wants your help in handing off to your replacement(s). When asked who you need to meet with, she said 'anyone'."

05 January 2011 (11:55am)

Ryan calls Berg for an hour-long conversation about how Ryan left things with Pine and that "war has probably begun." In addition, Ryan told Berg that Pine wants his help with a transition at her office a.s.a.p.

05 January 2011 (4:20pm)

In a 23 minute conversation, Ryan called Berg to continue discussing what blowback could be expected and about what should be prepared for with Pine not getting her way.

06 January 2011 (8:20am)

In a 16 minute phone call from Berg to Ryan, more time is spent brainstorming the political marketing plan for Berg in 2011-2012.

EXHIBIT 048

08 January 2011 (10:08am)

In response to Ryan e-mailing Republican candidates in West Oahu about getting together (which Ryan did to test Pine's reaction), Rep. Pine tries to initiate a meeting of West Oahu Republican political candidates, including Berg and others, along with chief consultant Eric Ryan. Pine indicates that reapportionment will change all district boundaries for the GOP candidates in this group, including her own district. Pine uses her contacts with key Republicans to promulgate suggestions that Berg and Pine switch places in 2012, with Pine running for Council and Berg running for State House. Normally, Gollner is included in these meetings, but his name and e-mail are noticeably missing from the invitation since he resigned in disgust from Pine's office.

EXHIBIT 049

10 January 2011 (4:50pm)

Two days later, Berg receives an e-mail from Gollner, who appears to have re-secured his job at Pine's office following Pine's bribery and extortion, following Berg's being fired and thrown out, and following Gollner's angry resignation from Pine's office. Reinstated Pine aide Gollner was at that point creating a certificate of appreciation which Pine to present to Berg at an upcoming meeting of the Ewa Neighborhood Board for Berg's service on the board.

EXHIBIT 051

12 January 2011 (7:52am)

Responding to complaints from Pine shared secondhand with Berg, Berg attempts to show Pine and Gollner via e-mail that he has already done much to aid in the transition to Pine's new staffers; a transition which Pine continues to claim has not happened since she fired him and since she told him to clean out his desk nearly ten days earlier, just hours after Berg refused Pine's demands.

EXHIBIT 052

16 January 2011 (1:07pm)

In the wake of Berg's rebuffing Pine's attempt to bribe and extort him, a sour and accusatory Pine e-mails Berg about her extreme displeasure with him and Ryan. Pine invents a new and fantastical story in which she pretends that Berg was not fired without notice and that he could have stayed on staff as long as he wanted. Then, Pine makes up a story (*which Gollner later debunks*) about Pine's new staffers racking up "excessive overtime" because they cannot find anything since Berg 'bailed for City Hall' without training his replacements. Naturally, while Pine might regretted firing Berg

for his having to attend the City Council's inauguration ceremony in the middle of a workday (as a result of Berg's surprise election), it was Pine's own decision to stumble through the succeeding two weeks with inexperienced staff when Berg only needed a few hours off that day. Earlier at 9:05am, Pine expanded on her already exaggerated claims by writing that "staff members have had to work late nights and on weekends" because 'looking for folders and through e-mails' is really hard and is tantamount to 'inexcusable treatment' of the people of District 43. From Berg's and Ryan's point of view, Pine kicked Berg to the curb, poached a potential staffer, made life miserable in more than a few ways, was creating a climate of fear with her threats, and is now 'setting the stage' to run against Berg.

EXHIBIT 053

19 January 2011 (8:20pm)

On the evening of the very day Berg is sworn in by the City Clerk as a new City Councilman, reinstated Pine aide Gollner sends an e-mail to Berg to arrange a meeting between Pine and Berg and Gollner so Berg can go to the State Capitol and show Pine's new staffers where everything is located. Gollner makes a point that Pine does not want Ryan to attend this meeting.

21 January 2011 (~2:30pm)

Though it was billed as a very important 'transition' meeting with Pine, Gollner and Pine's new staffers, Berg later complained to Ryan (*during a 16 minute phone call the following day at 12:55pm*) that "it took less than ten damn minutes" for Berg to show Pine's new staffers where everything was located and filed, making him realize even more that Pine was just getting back at him for the Gollner situation by being difficult. After those 10 minutes of over-hyped 'transition', the rest of Berg's time at Pine's office was nothing but sitting around and engaging in political talk and issues discussion with Pine.

EXHIBIT 054

10 February 2011 (11:11am)

Following two weeks of Councilman Berg and his new staff dealing intensively with the landfill spill disaster at Waimanalo Gulch, Berg complains to Ryan that his own political "involvement (*in campaigning alongside fellow Republicans in West Oahu*) is contingent on Pine not running against me – by Pine announcing she is my opponent throws a major cog in the wheel that trickles down – I heard last night from a confidant that Pine IS RUNNING AGAINST ME no ifs ands or buts."

EXHIBIT 055

10 February 2011 (12:25pm)

Just one hour after Berg communicates his fear about Pine's ever-present threat to run against him, reinforced by the information

Berg heard the night before, Berg orders Ryan to use \$500 per meeting in City funds to hire Pine's staffer John Gollner as consultant for organizing town hall meetings . . . *even though Berg has repeatedly told Ryan and Pine and others that Gollner isn't fit to work on the City payroll.* Berg apparently hoped to placate and assuage Pine through hiring of Gollner after all, though just occasionally for special events.

EXHIBIT 056

10 February 2011 (12:36pm)

After feeling slighted, Berg directs his staff to 'scold Longs Drugs' for inviting Pine but not Berg to its grand opening ceremony of a new store in Ewa Beach: "we were not invited . . . let them know who has jurisdiction . . . shame on them to embarrass Dist One this way – shame."

10 February 2011 (1:01pm)

Berg calls Ryan and instructs him to find time to talk to Pine about the planned occasional hiring of Gollner in hopes that Pine will back down from her threat of challenging Berg in 2012.

EXHIBIT 057

10 February 2011 (7:02pm)

Pine sends a text message to Eric Ryan asking "R you at nb", meaning 'Are you at the Ewa Neighborhood Board meeting?' which was just getting underway at that moment.

10 February 2011 (8:37pm)

Berg calls Ryan to alert him that Pine is at the Ewa Neighborhood Board meeting and that Ryan still needs to speak to her about the Gollner job situation.

10 February 2011 (~8:55pm)

Ryan and Pine meet briefly in the parking lot of the Ewa Library while the Ewa Neighborhood Board meeting was still underway. Unsure if Pine knew about Berg's order that Ryan hire Gollner part-time, Ryan shared that news with Pine in order to placate her threat to run against Berg. A visibly unhappy Pine told Ryan "That's not good enough. Too little, too late. Enjoy it while it lasts." This was one of the last times Ryan ever spoke to Pine.

10 February 2011 (~9:00pm)

Following the Ewa Board meeting, Ryan repeatedly called Berg for ten minutes to let him know that the conversation with Pine did not go well.



TIMELINE + EXHIBIT LIST

PART THREE: THE AFTERMATH OF KYM PINE'S CRIMINAL ACTS

EXHIBIT 058

09 March 2011

Berg e-mails fellow Republican leaders in West Oahu, expressing his concern about attending a political meeting also attended by Pine if she still plans to run against him, as she explicitly threatened multiple times just two months earlier: "I am in-a go for me- assuming friends there are not running against me to take me down."

EXHIBIT 059

10 March 2011 (7:21am)

For political reasons, Berg instructs his City Hall staff to take steps to "trump" Pine's meeting.

EXHIBIT 060

16 March 2011 (8:56pm)

Berg hopes that as the result of his political use of his legislative website and his association with the Tea Party, "hopefully Pine will get the message not to take us out as a force to be reckoned with."

EXHIBIT 061

17 March 2011 (11:48am)

Acknowledging that "We are in battle," Berg approves a plan to ignore Pine's community meeting while promoting attendance at meetings other than Pine's.

EXHIBIT 062

17 March 2011 (5:39pm)

Upon reading a 'help wanted' ad from Civil Beat, Berg wants Ryan to convince Pine to give up give up politics and return to journalism and start a family, as "she was planning on this (*being a reporter*) for a long time (*longer than planning to run for council*)."

EXHIBIT 063

17 March 2011 (6:54pm)

Berg e-mails Ryan in hopes that Ryan can produce a flyer for promoting Berg's upcoming community meeting by attracting attendees at Pine's community meeting, stating "We are at war." There can be no question about the connection in Berg's mind between his legislative staff and his political uses for them.

18 March 2011 (9:39am)

Berg calls Ryan to boast about how "awesome" his new video editing project is turning out. In the forthcoming video, which was shot nine days earlier, Berg was extremely happy to have captured Pine on videotape speaking in opposition to letting Oahu residents take another vote on the rail project now that rail's pricetag is higher and the projected traffic reduction from rail is lower than in when voters cast ballots on rail in 2008. Berg enthusiastically took the opposite view, calling for another vote.

EXHIBIT 064

20 March 2011 (9:38am)

Berg e-mails his City Hall staff his just completed video of Berg, Rep. Pine and Panos Prevedouros speaking to Ewa Makai Middle School students about the rail transit project on 09 March 2011.

EXHIBIT 065

23 March 2011 (5:06am)

Berg e-mails his City Hall staff and obsesses over competition with Kym Pine: "Pine's mtg got on the news – 400 people showed up – riding it out as a huge success...the only difference is – she is not acting on improving the system...just taking complaints and unable to act on them."

25 March 2011 (9:00am)

During a 44 minute conversation, Berg calls Ryan to instruct him to "take down Pine" and to "do whatever you have to" to make her a "non-player going into 2012." The two discuss how Pine has still been refusing to pay Ryan for campaign services in 2010 and how "the folks in Ewa Beach" won't like her "ripping off a hardworking Ewa Beach resident." Ryan tells Berg that he has already thought up a signwaving and website campaign called "Pay Your Bills, Kym Pine." Berg urged Ryan to finish up the concept and execute it soon, saying: "Good, let's start there." Ryan thought it best to start promoting the positive message of Berg's website first and then attack Pine later. Berg recited a few issues which could be used against Pine in the 2012 campaign, such as how she mistakenly voted against using highway funds for Ewa Beach improvements because she was late to a meeting, how Pine didn't even live in Ewa Beach when she first ran for State House as she actually lived with an abusive boyfriend in Mokuleia whom she had a restraining order against, how Pine is a publicity hound who never actually gets any bills passed, how Pine votes the "wrong way" on many issues, among other things.

EXHIBIT 066

27 March 2011 (5:07pm)

Berg e-mails his agreement to Ryan that Pine is still a major threat politically: "I get your message loud and clear...roger that" in response to Ryan's declaration that "Team Pine's goal is to undermine you. It won't be long until Kym begins publicly going after you. We already know that she has started doing so through her private channels."

EXHIBIT 067

02 April 2011 (3:17pm)

Berg anticipates a challenge from Pine, thus considers using the theatrical possibility of 'ripping up his GOP card' at the 2011 Tea Party event and leaving GOP to differentiate himself from Pine.

EXHIBIT 068

04 April 2011 (12:20pm)

Berg complains to Ryan about Pine's endless self-promotion on 'emergency preparedness' issue, this time a posting on Facebook: "It just doesn't stop," Berg laments.

EXHIBIT 069

08 April 2011 (5:02am)

Berg tells Pine's chief of staff Gollner that his boss Kym Pine has "really lost her way and gone mad."

EXHIBIT 070

10 April 2011 (10:40pm)

Berg removes Pine's e-mail from the Oahu Tea Party leadership's distribution list out of a *fully-capitalized* concern that she'll steal his idea and take credit for it: "I TOOK OUT PINE'S E-MAIL TO NOT HAVE HER SCHEME ME TOO."

EXHIBIT 071

10 April 2011 (12:45pm)

Berg plots a 2012 political "smoking gun" strategy against Pine: "this is our victory message against you know who in 2012 . . . a message we will frame after April 14th!!!! The ball will be in HER court to act!!!!"

EXHIBIT 071

10 April 2011 (12:47pm)

Ryan tries to keep Berg out of trouble with a reminder about which e-mails accounts to use based on the matters being written about: "With regard to CONFIDENTIALITY (as well as efficiency): We really, really to stick with the office policy -- official business through City e-mail addresses only + political stuff through personal e-mails only. There's WAY too much going to both and/or to the wrong addresses. Everyone can check both addresses (city and personal) from wherever they are. We undermine confidentiality when all stuff goes to both."

EXHIBIT 072

17 April 2011 (4:33pm)

Berg leaves an angry voicemail for Ryan about Pine and her Republican colleagues (*excerpted here*): “Rep. Ward and the GOP piece of shitheads . . . I’m livid, I should have gotten GOP backing . . . here was this huge possibility for a victory and the GOP says, ‘Well, we’re gonna have to coddle Rep. Kym Pine, cause Rep. Kym Pine doesn’t wanna see Tom Berg be successful, Kym Pine who’s a failure doesn’t want to see Tom Berg in three months at the Council have 76 legislators bend over backwards and do what’s right. Kym Pine, rather is to be coddled by the GOP.’ I’m going to give them hell, holy hell.”

EXHIBIT 073

18 April 2011 (4:36am)

For purposes of opposition research against Berg’s likely political opponent Pine, Berg apprises his City Hall staff that Pine is “getting reamed by bloggers” over the proposal for the State to take over a failing slaughterhouse.

EXHIBIT 074

21 April 2011 (2:22pm)

Pine shows up at Ryan’s City Hall office without appointment to speak with Ryan about monies owed to Ryan by Pine’s campaign and about her intent to run against Berg. Ryan was at a DHHL event in Waianae followed by a meeting with a radio advertising salesman (for Berg’s tea party radio commercials), so Berg staffer Celeste Lacuesta had to notify Ryan via e-mail that Pine was there.

EXHIBIT 075

22 April 2011 (1:32pm)

Berg concerned about Republican supporters of Kym Pine not liking him, Berg informs his City Hall staff that a Pine-supporting Republican had just unsubscribed from the Berg mailing list.

EXHIBIT 076

22 April 2011 (3:25pm)

Expecting that Pine will run against him, Berg wants Ryan to design the Berg legislative website (www.CouncilmanBerg.com) to have a section which shows how Pine was on the wrong side of major issues: “we have a section of Kym Pine voting to raid our TAT, voting to get into the slaughterhouse business, and voting for that instant runoff voting scheme repealed in four states - under legal challenge everywhere else, and deemed un-American...and of course, her wanting to make certain all monies and scams needed to make rail work are to flow like water and under no circumstances, should you be able to vote again on it when you cry UNCLE!!!”

EXHIBIT 077

22 April 2011 (4:16pm)

Berg comments on Pine's refusal to pay Ryan by talking about his own relationship with her: "When I see Pine, Pine is the opposite, proclaiming to be your friend all the while trying to take you out...Garcia, Celeste (Lacuesta, Berg staffer and former Berg opponent for Council), and others know Pine is trying to take me out and she has no conscience to be a team player..."

EXHIBIT 078

22 April 2011 (6:42pm)

Berg supports (and claims that Gollner supports) Ryan's proposed campaign to educate voters about Pine's refusal to pay her bills from an Ewa Beach small businessman (Ryan), with Berg referring to Pine as a "Bitch" who 'favors a TAT raid'.

EXHIBIT 079

25 April 2011 (12:51pm)

Berg instructs Ryan to organize a political meeting of West Oahu Republican candidates at which "all future candidates should know KYM pine is about Kym Pine . . . end of story. Pls execute a mtg date and hour and invite all . . . this must be known."

EXHIBIT 080

24 May 2011 (8:45pm)

Gollner leaves voicemail for Ryan after winning the most votes among all candidates for Ewa Neighborhood Board with Ryan's help (creating Gollner's website – www.johnkanegollner.com): "Hey, Mr. Ryan. You got a very satisfied, happy client giving you a call. The results just came out, so this guy John Kane Gollner just won the Ewa Neighborhood Board election – yes, that's right, WON – the election; first place. So, hey, great work, considering that that (your website for me) is the only thing that I did on my campaign. It certainly paid off. Good stuff. Good stuff from here. I wanted to talk to you about doing a 'mahalo' message and stuff like that. So, sometime, whenever, I guess I'll have to catch up with you tomorrow. If you could give me a call. Thank you sir and thank you. I'm loving it. Bye." NOTE: Interestingly, this message came toward the end of a long series of calls, e-mails, and meetings between Pine's campaign chairman Gollner and Pine's campaign consultant Ryan which were more often than not about negotiating a solution to remedy Pine's refusal to pay Ryan for campaign work in 2010.

EXHIBIT 081

27 May 2011 (3:38pm)

Berg instructs Ryan to create press release and create video for posting on Berg website which will "counter (Kym) Pine" over 'anti-Berg' IRV voting reform bill.

27 May 2011 (3:54pm)

Berg calls Ryan to briefly discuss the idea of signwaving to promote upcoming June 15th anti-rail meeting at Ewa Makai

Middle School. Berg says he wants to make sure that the community sees him positioned differently on the rail issue than Pine, who has become pro-rail and who has taken the position of being against a new vote on rail.

EXHIBIT 082

01 June 2011 (7:16pm)

Berg instructs staff to wear campaign “Team Berg” shirts and to signwave for the next 10 days to promote Berg’s anti-rail community meeting, sponsored by the City not by his campaign.

EXHIBIT 083

14 June 2011 (9:05pm)

Berg event staffer John Gollner helps to coordinate Councilman Berg’s City-funded anti-rail meeting to be held the following day by ensuring that the video produced by Ryan will play properly on the City projector.

EXHIBIT 084

08 July 2011 (11:58am)

Berg instructs Ryan to add videos of Berg to website which showcase him in opposition to policy advanced by Pine.

EXHIBIT 085

08 July 2011 (5:44pm)

Berg informed by deputy chief of staff Philmund Lee that a staff meeting concluded that there “is a general consensus that a major change needs to take place as we are heading for a train wreck.” Lee requests urgent meeting with Berg “to talk one-on-one about some very serious issues affecting the office and staff . . . this request is considered highly urgent as we are in a crisis situation.”

EXHIBIT 086

15 July 2011 (12:05am)

Just five minutes past midnight on 15 July 2011, just hours before Eric Ryan was scheduled to blow the whistle on corruption by State Representative Kymberly “Kym Pine” Ryglowski (*with the highly-publicized website: www.KymPineIsACrook.com*), and despite Ryan’s exemplary performance record on the job, Ryan was suddenly and without warning fired as chief of staff for Council District One by Pine’s close political ally and protégé Honolulu City Councilman Tom Berg via e-mail -- specifically and solely for blowing the whistle on overt waste, fraud and abuse taking place right under his nose, in his own office, with Tom Berg’s full knowledge and consent (*e.g. Berg staffer Philmund Lee sleeping at his desk at City Hall each day*). In another illegal move, Berg fires staffer Celeste Lacuesta for not using her position as an independently elected member of the Ewa Neighborhood Board to do exactly what Councilman Berg would have wanted her to do.

EXHIBIT 087

17 July 2011 (10:59am)

After the firing of Ryan and Lacuesta, Berg deputy Philmund Lee attempts to ‘un-fire’ Ryan, writing in an urgent e-mail to Ryan (along with half a dozen phone calls from Lee to Ryan): “There is a chance I can get Tom to change his mind.” Referring to Pine and the battle between Pine and Ryan which became public in the weeks before Ryan’s firing and which caused Lee to warn Ryan four days earlier (two days before the firing) that Berg “is at the end of his patience,” Lee writes “The bitch is a nobody and not worth the focus of your great talents.”

EXHIBIT 088

17 July 2011 (9:27pm)

Given the politically-focused nature of Berg’s City Hall office, once Ryan and Lacuesta were fired by Berg, the remaining City staff were very concerned about Berg’s websites NOT remaining up and running . . . especially with Kym Pine thought by Berg’s staff to be close to announcing her candidacy for City Council.

EXHIBIT 089

17 July 2011 (10:03pm)

Berg’s staff was on high alert for Kym Pine to switch parties, from Republican to Democrat, and to announce her run for City Council against Berg in 2012. Berg staffer Evelyn Souza wrote to Berg and Lee: “Channel 8 will be featuring Kym Pine with her announcement for changing party NOW.”

EXHIBIT 088

17 July 2011 (10:48pm)

With fired staffer Celeste Lacuesta being confident in getting her job back from Berg, since he was probably drunk when he fired Lacuesta and Ryan, Lacuesta joined in the chorus of Berg staffers concerned about Berg’s political viability and wanting Ryan to keep Berg’s campaign website up and running . . . which (*like all of Berg’s and Pine’s sites*) were actually owned by Eric Ryan.

(rev. 10 September 2011)