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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

STATE OF HAWAII,

vs.

TOBI SOLIDUM, SYLVIA LUKE, RYAN
YAMANE, FORD FUCHIGAMI, and
LEODOLOFF ASUNCION, JR.,

Defendants.

CASE NO. 1CPC-26-0000936

COUNT 1:
CRIMINAL CONSPIRACY TO COMMIT
BRIBERY
(§§ 705-520 and 710-1040(1)(a), HRS)
(Rpt. No. SIPD260002-001)

COUNT 2:
BRIBERY
(§ 710-1040(1)(b), HRS)
(Rpt. No. SIPD260002-002)

COUNT 3:
BRIBERY
(§ 710-1040(1)(a), HRS)
(Rpt. No. SIPD260002-003)

COUNT 4:
BRIBERY
(§ 710-1040(1)(b), HRS)
(Rpt. No. SIPD260002-004)

) COUNT 5:
) BRIBERY
) (§ 710-1040(1)(a), HRS)
) (Rpt. No. SIPD260002-005)
)
) COUNT 6:
) BRIBERY
) (§ 710-1040(1)(b), HRS)
) (Rpt. No. SIPD260002-006)
)
) COUNT 7:
) BRIBERY
) (§ 710-1040(1)(a), HRS)
) (Rpt. No. SIPD260002-007)
)
) COUNT 8:
) USE OF FALSE STATEMENTS OR
) ENTRIES
) (§ 710-1080(1)(b), HRS)
) (Rpt. No. SIPD260002-008)
)
) COUNT 9:
) OBSTRUCTION OF JUSTICE
) (§ 710-1072.5(1)(b), HRS)
) (Rpt. No. SIPD260002-009)
)
) COUNT 10:
) FALSIFYING CANDIDATE
) COMMITTEE REPORTS
) (§§ 11-333 and 11-412(b), HRS)
) (Rpt. No. SIPD260002-010)
)
) COUNT 11:
) USE OF FALSE STATEMENTS OR
) ENTRIES
) (§ 710-1080(1)(b), HRS)
) (Rpt. No. SIPD260002-011)
)
) COUNT 12:
) OBSTRUCTION OF JUSTICE
) (§ 710-1072.5(1)(b), HRS)
) (Rpt. No. SIPD260002-012)
)
) INDICTMENT

INDICTMENT

The Grand Jury charges:

COUNT 1: From on or about February 18, 2020, to and including April 12, 2022, in the City and County of Honolulu, State of Hawai‘i, Tobi Solidum, Sylvia Luke, Ryan Yamane, and/or Ford Fuchigami, with the intent to promote or facilitate the commission of the crime Bribery, did agree with one or more persons that one or more of them would engage in the conduct and/or would cause the result specified by the definition of the offense of Bribery, thereby committing the offense of Conspiracy to Commit Bribery in violation of Sections 705-520 and 710-1040(1)(a) of the Hawai‘i Revised Statutes.

Under Section 710-1040(1)(a) of the Hawai‘i Revised Statutes, a person commits the offense of Bribery if the person confers, or offers or agrees to confer, directly or indirectly, any pecuniary benefit upon a public servant with the intent to influence the public servant's vote, opinion, judgment, exercise of discretion, or other action in the public servant's official capacity.

It was part of the conspiracy that Tobi Solidum would make an agreement with Sylvia Luke, Ryan Yamane, and/or Ford Fuchigami in which Tobi Solidum would confer, offer, or agree to confer, directly or indirectly, a pecuniary benefit upon Sylvia Luke, Ryan Yamane, and/or Ford Fuchigami, who were public servants, with the intent to influence Sylvia Luke’s, Ryan Yamane’s, and/or Ford Fuchigami’s vote, exercise of discretion, or other action in their official capacities.

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In furtherance of the conspiracy and to effect the objects thereof, the following overt acts, among others, were committed on or about February 18, 2020, to and including April 12, 2022, in the City and County of Honolulu, State of Hawai‘i:

OVERT ACTS RELATING TO SOLIDUM AND LUKE

1. As of January 18, 2022, Sylvia Luke (“Luke”) and Tobi Solidum (“Solidum”) had agreed to meet on January 20, 2022 at 5:30 p.m. at Morton’s The Steakhouse at Ala Moana Shopping Center (“Morton’s”). At the time, Luke was an elected Representative in the Hawai‘i State Legislature and the Chair of the House of Representatives (“House”) Committee on Finance. She had announced that she was running for Lieutenant Governor of the State of Hawai‘i. Solidum, meanwhile, had developed lucrative financial interests related to the State of Hawai‘i Department of Health’s (“DOH”) contract with the National Kidney Foundation of Hawai‘i to provide community testing for COVID-19 (“COVID”). The purpose of the January 20, 2022 meeting was for Solidum to confer, offer, or agree to confer campaign contributions to Luke with the intent to influence Luke’s vote, exercise of discretion, or other action in her official capacity as an elected Representative in the Hawai‘i State Legislature.
2. On January 18, 2022 at about noon, Solidum met with Ty Cullen (“Cullen”) at the Elks Lodge in Waikiki (“Elks Club”). At the time, Cullen was an elected Representative in the Hawai‘i State Legislature and the Vice Chair of the House Committee on Finance. Solidum told Cullen that the COVID pandemic was still an issue and that he had recently spoken with DOH Deputy Director Cathy Ross (“Ross”). Solidum told Cullen that DOH was running out of money for COVID

testing because DOH never got money from the Federal Emergency Management Agency (“FEMA”). Solidum said that DOH was going to “cut us off by February.” Solidum brought up the prospect of using State of Hawai‘i resiliency funds to continue to fund COVID community testing sites. Solidum said that it cost \$54,000,000 to maintain 25 COVID community testing sites for one year and that did not include the cost of COVID tests and labor. Solidum said that he spoke to Luke about using a different formula to fund community testing and that they were supposed to meet. Solidum asked Cullen if he wanted to join Solidum and Luke for dinner and Cullen agreed. Solidum said that DOH should make a request to “you guys” or to the Governor for an emergency appropriation. Solidum said that it took a long time to build up community testing sites and that he was out “like \$11,000,000.” Solidum confirmed that Cullen would join Solidum, Luke, and Kristen Pae (“Pae”) at Morton’s on January 20, 2022 at 5:30 p.m. for dinner. Solidum told Cullen that Luke was “Running for LG now. All I gotta do is give her more money.”

3. On January 18, 2022 at about 2:55 p.m., Solidum texted Ross to set up a phone call between them. Ross asked Solidum if it was something they could discuss the next day. Solidum told Ross, “Ok I’ll be meeting with Sylvia on Thursday to request for additional funds to sustain statewide testing infrastructure[.]” Ross asked, “For post march 31st?” Solidum said, “Yes[.] We may change testing model to bill insurance or Feds but maintain statewide infrastructure[.]” Ross asked, “Does the insurance model work?” Solidum replied, “Just toying with it

now[.] I think it could as long as we can have infrastructure funding to maintain target sites[.]”

4. On January 19, 2022, in preparation for his meeting with Luke, Solidum arranged to meet Ross at the Elks Club on January 20, 2022 to discuss state funding for community testing for COVID.
5. On January 20, 2022 at 1:41 p.m., Solidum texted Pae and instructed her to write a \$5,000 check to Friends of Sylvia Luke and to bring the check to Morton’s.
6. On January 20, 2022 at about 4:00 p.m., in preparation for his meeting with Luke, Solidum met with Ross at the Elks Club to discuss state funding for community testing for COVID.
7. On January 20, 2022 at about 5:30 p.m., Luke, Solidum, Cullen, and Pae met in a private dining area at Morton’s. After Luke arrived, Solidum told her that Pae had a couple of checks to give her. Luke said, “Oh, thank you.” Pae placed an envelope on the table. Luke picked up the envelope and put it in her handbag. That envelope contained a \$5,000 check from Solidum and a \$5,000 check from Pae, both written out to Friends of Sylvia Luke. Solidum told Luke, “By next week we’ll have 35-so it will be halfway to our 70.” Luke responded, “Oh wow” and “That’s terrific.” Solidum said, “So I’ll get you your 70 but just gotta get to that point okay? It’s our fundraiser.” Luke said, “That’s like the last thing you should be . . .” Solidum said, “No, what you talking about? That was what we committed so we gonna follow through that commitment.”

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8. Later during the meeting on January 20, 2022, Solidum and Luke discussed the prospect of funding community testing for COVID.

Solidum: So on our side, the testing side—we're anticipating that DOH will run out of money by March.

Luke: Yeah, everybody is running out of money by March.

Solidum: So if they run out of money—

Luke: M-hmm.

Solidum: --by March uhm DOCD—

Luke: Yeah.

Solidum: --has funds.

Luke: M-hmm.

Solidum: That they can go ahead and release—

Luke: Yeah.

Solidum: --uhm and DOCD isn't giving the money to Cathy or Libby.

Luke: Yeah, so...

Solidum: Is there any way you can push DOCD to release those funds?

Luke: So, so they still have money and they still have a lot of CARES and ARPA money—

Solidum: So—

Luke: —that they have not spent.

Solidum: —Cathy calculated about 15 or 16 million.

Luke: M-hmm.

Solidum: Right? And the ask—cause I just met with Cathy before I even came here. The ask is—

Luke: Why would they not release it? I mean you still need uh—

Solidum: That's the boss right? But I was wondering, how come—this is an agency of the department—

Luke: Uh-huh. Yeah, yeah.

Solidum: —you would think the director or the deputy director could tell the [Laughs] the people in DOCD Sarah Kemble them. There's a need to go ahead—

Luke: What? That's so funny, so Sarah Kemble [Laughing] is not releasing? [Laughing]

Solidum: So Sarah Kemble isn't releasing the money. So we need the 15 to 16 million.

Luke: Yeah [unintelligible].

Solidum: To go beyond March.

Cullen: M-hmm.

Solidum: Right? Uh so that would help a lot, right? Now because we are the state testing partner, right? And I guess we do over half the tests across the state. We have to look at resilience or is there a need for resilience right to maintain infrastructure across the state. So as you know Sylvia, when we started this thing—we had to front between 6 and 7 million dollars right before we even said hello to anybody from—from the state. So anybody who wants to get into this game—to restart the machine right—gonna have to do the same thing that we did and try to go and get-get this infrastructure thing set up. Do you think it's necessary to carry the infrastructure on for at least end of the year or...

Luke: Yeah.

Solidum: [Unintelligible] to go beyond because if there, if there's a need then we have to look resi-resiliency monies. From what I understand, Luke Meyers through HIEMA...

Luke: Yeah.

Cullen: Luke Meyers.

Solidum: Has the capability of drawing down federal funds three to one uh based on whatever needs there are for the state. So if it's open for

discussion, we'd at least like to see what the possibility is to try to draw down those funds.

[Pause]

Luke: Yeah, I'll follow up.

Solidum: Okay—

Luke: Cause they—they're supposed to have money. And you know uhm I went to two functions where I had to do rapid test before I went in—

Solidum: Uh-huh.

Luke: --the meeting and that's really good because I think that's how's it's gonna be now.

Solidum: Exactly.

9. During the meeting on January 20, 2022, Solidum discussed obtaining union support for Luke and providing Luke with additional campaign contributions. Towards the end of the meeting, Solidum told Luke, "We'll follow through the 70,000 at least." Solidum told Luke, ". . . we'll give you other checks . . . and like I said, we'll fulfill our commitment . . ." Luke said, "Yeah, no thank you." Solidum responded, "You're welcome Lieutenant Governor. [Laughs] And chair Cullen of whatever committee you want to be."
10. On January 21, 2022, Luke gave Solidum's and Pae's \$5,000 campaign contribution checks to a Friends of Sylvia Luke volunteer to be deposited. On January 21, 2022, Solidum's and Pae's \$5,000 campaign contribution checks were deposited into Friends of Sylvia Luke's bank account.
11. On January 21, 2022, Luke instructed Linda Ichiyama ("Ichiyama"), an elected Representative in the Hawai'i State Legislature and the Chair of the House

Committee on Pandemic and Disaster Preparedness, to arrange a meeting with government officials to discuss emergency appropriations to DOH.

12. On January 25, 2022, Luke attended a meeting with government officials to discuss emergency appropriations to DOH and DOH's ability to pay for COVID community testing.
13. On February 25, 2022, Luke chaired the House Committee on Finance and voted to pass H.B. No. 2392 H.D. 1 without amendment. The House Committee on Finance passed H.B. No. 2392 H.D. 1 without amendment.
14. On March 3, 2022, Luke signed Standing Committee Report No. 727-22 relating to H.B. No. 2392 H.D. 1.
15. On March 24, 2022, Luke informed DOH officials that she approved the funding amounts appropriated to DOH in H.B. No. 2392 H.D. 1 S.D. 1.
16. On March 30, 2022, Luke instructed Ichiyama to submit an agreement form for H.B. No. 2392 H.D. 1 S.D. 1 to the Speaker of the House.
17. On April 4, 2022, Luke instructed Ichiyama that the House could not agree to H.B. No. 2392 H.D. 1 S.D. 1 because the Governor's Message, a procedural mechanism, was wrong and needed to be corrected.
18. On April 12, 2022, Luke voted to pass H.B. No. 2392 H.D. 1 S.D. 1. The House passed H.B. No. 2392 H.D. 1 S.D. 1.

OVERT ACTS RELATING TO SOLIDUM AND YAMANE

1. As of February 2020, Ryan Yamane ("Yamane") was an elected Representative in the Hawai'i State Legislature. On February 18, 2020, Solidum and Yamane had the following text exchange:

Solidum: Hi Ryan let me know when you are done with Speaker

Solidum: I have 1 more check and should have more tomorrow

Yamane: I'm done

Yamane: I cashed yours this morning so I have \$2000

Solidum: Ok I'll be there in 20 mins

Yamane: In Henry's. Being stopped on bills so eating there

Solidum: Have a 2 p.m. meeting

Solidum: What time are you leaving

Yamane: 2:15

Yamane: Unless you like to do tomorrow morning but no time to go bank

Solidum: have 1500 and wanted to pick up another 1k here. Mel will leave cash in

Manila for you

Yamane: Cool

Solidum: Hi Ryan I'll meet you by your car at 215

Yamane: Ok. Gotta go vote at 2. Last minute JUD. So might be 2:20

Solidum: Ok

Solidum: I'm parked in spaces by exit near turnaround

Yamane: Ok will drive there

2. On February 18, 2020, Solidum met Yamane at the Capitol and gave Yamane a check and cash. Solidum also arranged for cash to be available for Yamane to pick up in another location.
3. On February 19, 2020, Solidum texted Yamane, "Hi Ryan I'll drop something to you before you leave the Capitol[.]"

4. On February 19, 2020, Solidum went to the Capitol and, at Yamane's direction, gave Yamane's secretary money to give to Yamane.
5. On March 25, 2021, Solidum texted Yamane, "Aldo [sic] need to give you something."
6. On April 15, 2021, Solidum texted Yamane, "Also need to give you something," "let's chat tonight and I'll drop something off to you tomorrow," and "[a]nd I'll drop something in the afternoon to you[.]"
7. On April 17, 2021, Solidum texted Yamane, "Ryan can I drop something off to u [sic] today[?]"
8. On April 18, 2021, Solidum and Yamane met and Solidum gave Yamane money.
9. During the 2021 Legislative Session, Yamane introduced H.B. No. 224. On April 27, 2021, Solidum and Yamane had the following text exchange:

Solidum: Just checking on any developments for 224

Yamane: Going get recommit by leadership

Yamane: Per them it's dead

Solidum: Got it thanks Ryan

Yamane: Let you know when it happens. Sorry couldn't deliver it

Yamane: To pass

Solidum: As long as it's dead we are ok

Solidum: Thanks for all your efforts

Yamane: It's dead

Solidum: Thanks Ryan

10. On May 20, 2021, Solidum texted Yamane, “I need to meet you and drop something off.”
11. On or about May 20, 2021, Solidum and Yamane met, and Solidum gave Yamane money.
12. On May 21, 2021, Yamane caused \$1,500 in cash to be deposited into his Hawai‘i State Federal Credit Union account.
13. On June 28, 2021, Solidum texted Yamane, “I need to meet you and drop something off[.]”
14. On June 30, 2021, Solidum and Yamane had the following text exchange:
- Yamane: Where do you want to meet after my meeting?
- Solidum: I have a lunch meeting near ala Moana ... will let uou [sic] know shortly
- Solidum: Hi Ryan still at bank will be there shortly
- Yamane: I’m here
- Solidum: Ok order some things for us
15. On or about June 30, 2021, Solidum went to the bank, Solidum and Yamane met, and Solidum gave Yamane money.
16. On July 7, 2021, Solidum and Yamane had the following text exchange:
- Yamane: Great news! I used my Laie connections and got tickets for the deputy counsel [sic] general. Their [sic] trying to get me the night tickets. Boy this was a pain to swing.
- Solidum: Good job...let’s meet on Friday so I can give you something

17. On or about July 9, 2021, Solidum and Yamane met and Solidum gave Yamane money.
18. On July 20, 2021, Yamane caused \$2,000 in cash to be deposited into his Hawai'i State Federal Credit Union account.
19. On August 16, 2021, Yamane texted Solidum about a small private event.
- Solidum and Yamane then had the following text exchange:
- Solidum: Ryan I don't know if I can make it but let me please help cover it
- Yamane: . . .Nah no need, but up to you. If you like I'll let her know you help sponsor
- Solidum: I'll give it to you as usual
20. On or about August 16, 2021, Solidum agreed to give money to Yamane to pay for an event that Yamane hosted.
21. On November 17, 2021, Solidum texted Yamane in an effort to get a rival COVID testing company fined. Yamane furthered that effort by sending information that Solidum provided about the rival COVID testing company to DOH.
22. On January 17, 2022, Solidum and Yamane met to discuss funding for DOH.
23. On January 17, 2022, Yamane texted Ichiyama about DOH potentially running out of money for COVID testing and asked Ichiyama if that was true. Ichiyama said that she could ask Ross and asked Yamane who told him. Yamane texted, "Can't say but Ross Would know[.]" Ichiyama asked if Yamane wanted to ask Ross or if she should ask Ross. Yamane texted, "You should since your [sic] chair. But would like to know if true and what plan is." At the time, Ichiyama was the Chair of the House Committee on Pandemic and Disaster Preparedness.

24. On January 19, 2022, Yamane texted Solidum and said, “Following up. Any bills you need, also when you like meet before Friday? Also any updates regarding testing [. . .]” Solidum responded and said, “Leg still the same. Thanks for following up. I’ll let you know tomorrow after I meet Sylvia[.] Also let’s meet Friday[.]”
25. On January 25, 2022, Yamane attended a meeting with government officials to discuss emergency appropriations to DOH and DOH’s ability to pay for COVID testing.
26. On January 25, 2022, Solidum and Yamane met to discuss an emergency appropriation to DOH.
27. On January 26, 2022, Yamane introduced H.B. No. 2392 in the State of Hawai‘i Legislature.
28. On January 29, 2022, Solidum texted Yamane to set up a meeting with Solidum, Yamane, and Ford Fuchigami (“Fuchigami”) to discuss an emergency appropriation to DOH. On or about January 19, 2022, Fuchigami had been hired by the Hawai‘i State Senate Committee on Ways and Means.
29. On January 31, 2022, Ichiyama asked Yamane if H.B. No. 2392 was the emergency appropriation bill that he worked on for COVID and Yamane confirmed that it was.
30. On February 1, 2022, Solidum texted Yamane and arranged a meeting with Solidum, Yamane, and Fuchigami on February 2, 2022 to discuss the emergency appropriation to DOH.

31. On February 2, 2022, Solidum, Yamane, and Fuchigami met to discuss the emergency appropriation to DOH.
32. On February 3, 2022, at Yamane's request, the House Committee Pandemic and Disaster Preparedness, chaired by Ichiyama, heard H.B. No. 2392. The committee amended H.B. No. 2392 to be an emergency appropriation for "coronavirus disease 2019 pandemic mitigation, including vaccinations, distribution of supplies, testing, monitoring, reporting, and related staffing." The amended bill became H.B. No. 2392 H.D. 1. The House Committee on Pandemic and Disaster Preparedness voted to pass H.B. No. 2392 H.D. 1.
33. On February 8, 2022, Solidum and Yamane texted back and forth about Cullen and Kalani English being charged with federal crimes. Yamane texted Solidum, "Might not be good to been [sic] seen with me" and Solidum texted, "Ok[.]"
34. On February 14, 2022, Yamane caused \$1,000 in cash to be deposited into a Hawai'i State Federal Credit Union account that Yamane controlled.
35. On February 15, 2022, the House Committee on Health, Human Services, & Homelessness, chaired by Yamane, heard H.B. No. 2392 H.D. 1. Yamane voted to pass H.B. No. 2392 H.D. 1 without amendment. The House Committee on Health, Human Services, & Homelessness passed H.B. No. 2392 H.D. 1 without amendment.
36. On February 17, 2022, Yamane signed Standing Committee Report No. 533-22 regarding H.B. No. 2392 H.D. 1. In Standing Committee Report No. 533-22 regarding H.B. No. 2392 H.D. 1, Yamane wrote:

Your Committee finds that the SARS-CoV-2 virus, which causes the coronavirus disease 2019 (COVID-19), continues to evolve

with time, manifesting new variant strains. Each new variant poses a potential threat of increased transmissibility, increased severity, or decreased ability of available vaccines and therapeutic agents to effectively combat the virus. Your Committee believes that high vaccination coverage throughout the State is the best available tool to mitigate any impact new variants may cause. However, your Committee notes that in order to achieve this, the Department of Health requires logistical support for its continued efforts to prevent the spread of COVID-19. This measure is intended to continue the Department of Health's efforts at addressing the COVID-19 pandemic by providing funds to ensure the safety of Hawaii's residents.

37. On April 12, 2022, the House of Representatives conducted the final reading of

H.B. No. 2392 H.D. 1 S.D. 1. During the final reading, Yamane spoke in favor of the bill and said:

Thank you, Mr. Speaker. Standing in strong support. Mr. Speaker, the state faced a huge health crisis two years ago and we are continuing to address that. Mr. Speaker, the measure before you is an emergency appropriation. I would like to take this opportunity to thank my Co-Chairs in PDP and the Finance Chair working together. Mr. Speaker, we became aware of the concerns about addressing the needs of the people of Hawai'i, especially our *keiki* and our *kūpuna*. At that point, we worked with BNF and the Department of Health to make sure that one, we took care of the services for the people of Hawai'i. That required money to be addressed and to continue the services to address this pandemic.

Mr. Speaker, the measure before you has \$171 million in emergency funds. I do want the members to know that the goal is to use state money for this measure now. However, we are going to be seeking FEMA reimbursement for its totality. Mr. Speaker, I do have a brief statement from our director of health. "The Department of Health is grateful to Speaker Saiki; Chairs Ichiyama, Yamane, and Luke for the collaboration and assistance in introducing and shepherding Representative Yamane's H.B. 2392 through the legislative process. This bill will enable the Department of Health to recoup funds expended for COVID-19 actions that resulted in Hawai'i *keiki* and *kūpuna* experiencing the lowest case rate and the second lowest mortality rate in the United States. Respectfully, Director Dr. Elizabeth Char." So, Mr. Speaker, thank you for the leadership getting this measure forward,

as well as the collaboration with this administration. Thank you, Mr. Speaker.

38. On April 12, 2022, Yamane voted to pass H.B. No. 2392 H.D. 1 S.D. 1. The House passed H.B. No. 2392 H.D. 1 S.D. 1.

OVERT ACTS RELATING TO SOLIDUM AND FUCHIGAMI

1. On or about January 30, 2022, Solidum wrote a \$7,000 check to Fuchigami. The check was issued from a Central Pacific Bank account belonging to Geopolicy Development Group, LLC, a company Solidum controlled. At that time, Fuchigami was employed by the Hawai‘i State Senate Committee on Ways and Means.
2. On January 31, 2022, Fuchigami deposited the \$7,000 check from Solidum into Fuchigami’s American Savings Bank account.
3. On February 2, 2022, Solidum, Yamane, and Fuchigami met to discuss the emergency appropriation to DOH.

Solidum, Luke, Yamane, and/or Fuchigami engaged in the foregoing “Overt Acts” as part of a single scheme and continuing course of conduct with the intent to commit the offense of Bribery.

Pursuant to Section 701-108(6)(a) of the Hawai‘i Revised Statutes, from at least the end of the 2024 calendar year to present, Tobi Solidum has been continuously absent from the State of Hawai‘i and/or has had no reasonably ascertainable place of abode or work within the State of Hawai‘i.

Pursuant to Section 701-108(3)(b) of the Hawai‘i Revised Statutes, the offense alleged herein is based on misconduct committed by Sylvia Luke when she was a public officer, to wit,

an elected Representative in the Hawai‘i State Legislature, and Sylvia Luke is currently in public office, to wit, the elected Lieutenant Governor of the State of Hawai‘i.

Pursuant to Section 701-108(3)(b) of the Hawai‘i Revised Statutes, the offense alleged herein is based on misconduct committed by Ryan Yamane when he was a public officer, to wit, an elected Representative in the Hawai‘i State Legislature, and Ryan Yamane remained in public office and/or employment until on or about May 19, 2026.

Pursuant to Section 701-108(3)(b) of the Hawai‘i Revised Statutes, the offense alleged herein is based on misconduct committed by Ford Fuchigami when he was a public employee, to wit, an employee with the Hawai‘i State Senate Committee on Ways and Means, and Ford Fuchigami is currently a public officer and/or employee, to wit, the Hawai‘i State Department of Transportation Airports Division Administrator.

COUNT 2: On or about January 20, 2022, in the City and County of Honolulu, State of Hawai‘i, Sylvia Luke, while a public servant and knowing that she was such a person, did intentionally or knowingly accept and/or agree to accept, directly or indirectly, from Tobi Solidum, a pecuniary benefit with the intent that her vote, exercise of discretion, or other action as a public servant would thereby be influenced, thereby committing the offense of Bribery, in violation of Section 710-1040(1)(b) of Hawai‘i Revised Statutes.

Counts 2 relates to campaign contributions that Sylvia Luke accepted and/or agreed to accept from Tobi Solidum on January 20, 2022. At that time, Sylvia Luke was an elected Representative in the Hawai‘i State Legislature and the Chair of the House Committee on Finance. She accepted the campaign contributions from Tobi Solidum with the intent that her vote, exercise of discretion, or other action in her official capacity as an elected Representative and the Chair of the House Committee on Finance would be influenced. Specifically, Sylvia

Luke accepted \$10,000 in campaign contributions from Tobi Solidum and/or agreed to accept a total of \$70,000 in campaign contributions from Tobi Solidum with the intent to use the power of her elected position to provide funding to DOH for community testing for COVID-19.

Pursuant to Section 701-108(3)(b) of the Hawai'i Revised Statutes, the offense alleged herein is based on misconduct committed by Sylvia Luke when she was a public officer, to wit, an elected Representative in the Hawai'i State Legislature, and Sylvia Luke is currently in public office, to wit, the elected Lieutenant Governor of the State of Hawai'i.

COUNT 3: On or about January 20, 2022, in the City and County of Honolulu, State of Hawai'i, Tobi Solidum did intentionally or knowingly confer and/or agree to confer and/or offer, directly or indirectly, a pecuniary benefit upon Sylvia Luke, a public servant, with the intent to influence Sylvia Luke's vote, exercise of discretion, or other action in her official capacity, thereby committing the offense of Bribery, in violation of Section 710-1040(1)(a) of the Hawai'i Revised Statutes.

Count 3 relates to campaign contributions that Tobi Solidum conferred and/or agreed to confer and/or offered to Sylvia Luke on January 20, 2022. At that time, Sylvia Luke was an elected Representative in the Hawai'i State Legislature and the Chair of the House Committee on Finance. Tobi Solidum conferred \$10,000 in campaign contributions and/or agreed to confer and/or offered a total of \$70,000 in campaign contributions to Sylvia Luke with the intent to influence Sylvia Luke to use the power of her elected position to provide funding to DOH for community testing for COVID-19.

Pursuant to Section 701-108(6)(a) of the Hawai'i Revised Statutes, from at least the end of the 2024 calendar year to present, Tobi Solidum has been continuously absent from the State

of Hawai‘i and/or has had no reasonably ascertainable place of abode or work within the State of Hawai‘i.

COUNT 4: On or about February 18, 2020, to and including April 12, 2022, in the City and County of Honolulu, State of Hawai‘i, Ryan Yamane while a public servant and knowing that he was such a person, did intentionally or knowingly accept, directly or indirectly, from Tobi Solidum, a pecuniary benefit with the intent that his vote, exercise of discretion, or other action as a public servant would thereby be influenced, thereby committing the offense of Bribery, in violation of Section 710-1040(1)(b) of Hawai‘i Revised Statutes.

Count 4 relates to a single scheme and continuing course of conduct committed from February 18, 2020 to April 12, 2022 in which Ryan Yamane accepted money from Tobi Solidum on one or more occasions with the intent that Ryan Yamane’s vote, exercise of discretion, or other action as an elected Representative in the Hawai‘i State Legislature would be influenced.

Pursuant to Section 701-108(3)(b) of the Hawai‘i Revised Statutes, the offense alleged herein is based on misconduct committed by Ryan Yamane when he was a public officer, to wit, an elected Representative in the Hawai‘i State Legislature, and Ryan Yamane remained in public office and/or employment until on or about May 19, 2026.

COUNT 5: On or about February 18, 2020, to and including April 12, 2022, in the City and County of Honolulu, State of Hawai‘i, Tobi Solidum did intentionally or knowingly confer, directly or indirectly, a pecuniary benefit upon Ryan Yamane, a public servant, with the intent to influence Ryan Yamane’s vote, exercise of discretion, or other action in his official capacity, thereby committing the offense of Bribery, in violation of Section 710-1040(1)(a) of the Hawai‘i Revised Statutes.

Count 5 relates to a single scheme and continuing course of conduct committed from February 18, 2020 to April 12, 2022 in which Tobi Solidum conferred money to Ryan Yamane on one or more occasions. At the time, Ryan Yamane was an elected Representative in the Hawai'i State Legislature. Tobi Solidum provided money to Ryan Yamane with the intent to influence Ryan Yamane's vote, exercise of discretion, or other action as an elected Representative in the Hawai'i State Legislature.

Pursuant to Section 701-108(6)(a) of the Hawai'i Revised Statutes, from at least the end of the 2024 calendar year to present, Tobi Solidum has been continuously absent from the State of Hawai'i and/or has had no reasonably ascertainable place of abode or work within the State of Hawai'i.

COUNT 6: On or about January 30, 2022, to and including January 31, 2022, in the City and County of Honolulu, State of Hawai'i, Ford Fuchigami, while a public servant and knowing that he was such a person, did intentionally or knowingly accept, directly or indirectly, from Tobi Solidum, a pecuniary benefit with the intent that his exercise of discretion or other action as a public servant would thereby be influenced, thereby committing the offense of Bribery, in violation of Section 710-1040(1)(b) of Hawai'i Revised Statutes.

Count 6 relates to a \$7,000 check that Ford Fuchigami accepted from Tobi Solidum on or about January 30, 2022. The \$7,000 check was issued from a bank account belonging to Geopolicy Development Group, LLC, a company that Tobi Solidum controlled. Ford Fuchigami deposited the \$7,000 check into his American Savings Bank account on January 31, 2022. At that time, Ford Fuchigami was employed by the Hawai'i State Senate Committee on Ways and Means. He accepted the \$7,000 check from Tobi Solidum with the intent that his exercise of

discretion or other action as a public servant with the Hawai'i State Senate Committee on Ways and Means would be influenced.

Pursuant to Section 701-108(3)(b) of the Hawai'i Revised Statutes, the offense alleged herein is based on misconduct committed by Ford Fuchigami when he was a public employee, to wit, an employee with the Hawai'i State Senate Committee on Ways and Means, and Ford Fuchigami is currently a public officer and/or employee, to wit, the Hawai'i State Department of Transportation Airports Division Administrator.

COUNT 7: On or about January 30, 2022, to and including January 31, 2022, in the City and County of Honolulu, State of Hawai'i, Tobi Solidum did intentionally or knowingly confer, directly or indirectly, a pecuniary benefit upon Ford Fuchigami, a public servant, with the intent to influence Ford Fuchigami's exercise of discretion or other action in his official capacity, thereby committing the offense of Bribery, in violation of Section 710-1040(1)(a) of the Hawai'i Revised Statutes.

Count 7 relates to a \$7,000 check that Tobi Solidum conferred to Ford Fuchigami on or about January 30, 2022. The \$7,000 check was issued from a bank account belonging to Geopolicy Development Group, LLC, a company that Tobi Solidum controlled. At that time, Ford Fuchigami was employed by the Hawai'i State Senate Committee on Ways and Means. Tobi Solidum provided the \$7,000 check to Ford Fuchigami with the intent to influence Ford Fuchigami's exercise of discretion or other action in his official capacity an employee with the Hawai'i State Senate Committee on Ways and Means.

Pursuant to Section 701-108(6)(a) of the Hawai'i Revised Statutes, from at least the end of the 2024 calendar year to present, Tobi Solidum has been continuously absent from the State

of Hawai‘i and/or has had no reasonably ascertainable place of abode or work within the State of Hawai‘i.

COUNT 8: On or about May 28, 2026, in the City and County of Honolulu, State of Hawai‘i, Ford Fuchigami did intentionally or knowingly make a materially false statement or representation in a matter within the jurisdiction of the executive branch of the State of Hawai‘i, thereby committing the offense of Use of False Statements or Entries in violation of Section 710-1080(1)(b) of the Hawai‘i Revised Statutes.

COUNT 9: On or about May 28, 2026, in the City and County of Honolulu, State of Hawai‘i, Ford Fuchigami, did intentionally influence, obstruct, or impede, and/or endeavor to influence, obstruct, or impede, the due administration of justice by means of fraud or deception, thereby committing the offense of Obstruction of Justice, in violation of Section 710-1072.5(1)(b) of the Hawai‘i Revised Statutes.

Counts 8 and 9 relate to statements or representations that Ford Fuchigami made to members of the Department of the Attorney General’s Special Investigation and Prosecution Division (“SIPD”). During an interview with SIPD, Ford Fuchigami falsely stated that he never received money from Tobi Solidum and/or Geopolicy Development Group, LLC. Ford Fuchigami made those false statements to influence, obstruct, or impede, and/or endeavor to influence, obstruct, or impede SIPD’s criminal investigation by means of fraud or deception.

COUNT 10: On or about January 20, 2022, to and including July 14, 2022, in the City and County of Honolulu, State of Hawai‘i, Sylvia Luke and Leodoloff Asuncion, Jr. did intentionally or knowingly falsify a report required by Section 11-333 of the Hawai‘i Revised Statutes with the intent to circumvent the law or deceive the Campaign Spending Commission,

thereby committing the offense of Falsifying Candidate Committee Reports, in violation of Sections 11-412(b) and 11-333 of the Hawai‘i Revised Statutes.

Count 10 relates to a single scheme and continuing course of conduct committed from January 20, 2022 to July 14, 2022 in which Sylvia Luke and Leodoloff Asuncion, Jr. intentionally or knowingly filed a report with the Campaign Spending Commission titled 2020-2022 1B Preliminary Primary (NPs Filed After 4/25/22) January 1 - June 30, 2022 that failed to include Tobi Solidum’s \$5,000 and Kristen Pae’s \$5,000 campaign contributions to Friends of Sylvia Luke.

COUNT 11: On or about March 5, 2026, in the City and County of Honolulu, State of Hawai‘i, Leodoloff Asuncion, Jr. did intentionally or knowingly make a materially false statement or representation in a matter within the jurisdiction of the executive branch of the State of Hawai‘i, thereby committing the offense of Use of False Statements or Entries in violation of Section 710-1080(1)(b) of the Hawai‘i Revised Statutes.

COUNT 12: On or about March 5, 2026, in the City and County of Honolulu, State of Hawai‘i, Leodoloff Asuncion, Jr., did intentionally influence, obstruct, or impede, and/or endeavor to influence, obstruct, or impede, the due administration of justice by means of fraud or deception, thereby committing the offense of Obstruction of Justice, in violation of Section 710-1072.5(1)(b) of the Hawai‘i Revised Statutes.

Counts 11 and 12 relate to statements or representations that Leodoloff Asuncion, Jr. made to members of the Department of the Attorney General’s Special Investigation and Prosecution Division (“SIPD”). During an interview with SIPD, Leodoloff Asuncion, Jr. falsely stated that someone other than him wrote “checks returned” in Friends of Sylvia Luke’s internal electronic ledger next to Tobi Solidum’s and Kristen Pae’s \$5,000 campaign contributions. He

falsely stated that he saw the “checks returned” notations in the electronic ledger within seven days of Friends of Sylvia Luke receiving Tobi Solidum’s and Kristen Pae’s campaign contributions. He falsely stated that because he saw the “checks returned” notations in the internal electronic ledger, he believed that Tobi Solidum’s and Kristen Pae’s campaign contributions had never been deposited into Friends of Sylvia Luke’s bank account and that he did not need to record them in Friends of Sylvia Luke’s report to the Campaign Spending Commission. Leodoloff Asuncion, Jr. made those false statements or representations to influence, obstruct, or impede, or to endeavor to influence, obstruct, or impede SIPD’s criminal investigation by means of fraud or deception.

DEFINITIONS: The following definitions apply to this Indictment.

“Benefit” means gain or advantage, or anything regarded by the beneficiary as gain or advantage, including benefit to any other person or entity in whose welfare the beneficiary is interested.

“Campaign funds” means contributions, interest, rebates, refunds, loans, or advances received by a candidate committee or noncandidate committee.

“Candidate” means an individual who seeks nomination for election or seeks election to office. An individual remains a candidate until the individual's candidate committee terminates registration with the commission. An individual is a candidate if the individual does any of the following:

- (1) Files nomination papers for an office for the individual with the county clerk's office or with the chief election officer's office, whichever is applicable;
- (2) Receives contributions, makes expenditures, or incurs financial obligations of more than \$100 to bring about the individual's nomination for election, or to bring about the individual's election to office;

(3) Gives consent for any other person to receive contributions, make expenditures, or incur financial obligations to aid the individual's nomination for election, or the individual's election, to office; or

(4) Is certified to be a candidate by the chief election officer or county clerk.

“Candidate committee” means an organization, association, or individual that receives campaign funds, makes expenditures, or incurs financial obligations on behalf of a candidate with the candidate's authorization.

“Contribution” means:

(1) A gift, subscription, deposit of money or anything of value, or cancellation of a debt or legal obligation and includes the purchase of tickets to fundraisers, for the purpose of influencing the nomination for election, or the election, of any person to office; or

(2) The payment, by any person or party other than a candidate, candidate committee, or noncandidate committee, of compensation for the services of another person that are rendered to the candidate, candidate committee, or noncandidate committee without charge or at an unreasonably low charge for a purpose listed in paragraph (1); or

(3) A contract, promise, or agreement to make a contribution.

“Election” means any election for office or for determining a question or issue provided by law or ordinance.

“Expenditure” means:

(1) Any purchase or transfer of money or anything of value, or promise or agreement to purchase or transfer money or anything of value, or payment incurred or made, or the use or consumption of a nonmonetary contribution for the purpose of influencing the nomination for election, or the election, of any person seeking nomination for election or election to office, whether or not the person has filed the person's nomination papers; or

(2) Any payment, by any person other than a candidate, candidate committee, or noncandidate committee, of compensation for the services of another person that are rendered to the candidate, candidate committee, or noncandidate committee for any of the purposes mentioned in paragraph (1); provided that payment under this paragraph shall include provision of services without charge; or

(3) The expenditure by a candidate of the candidate's own funds for the purposes set out in paragraph (1).

“Government” includes any branch, subdivision, or agency of the government of this State or any locality within it.

“Governmental function” includes any activity which a public servant is legally authorized to undertake on behalf of the government.

“Materially false statement” means any false statement, regardless of its admissibility under the rules of evidence, which could have affected the course or outcome of the proceeding; whether a falsification is material in a given factual situation is a question of law.

“Pecuniary benefit” is benefit in the form of money, property, commercial interests, or anything else the primary significance of which is economic gain.

“Public servant” means any officer or employee of any branch of government, whether elected, appointed, or otherwise employed, and any person participating as advisor, consultant, or otherwise, in performing a governmental function, but the term does not include jurors or witnesses.

Pursuant to Section 11-324(a) of the Hawai‘i Revised Statutes, every candidate committee or noncandidate committee shall appoint a treasurer on or before the day it files an organizational report.

Pursuant to Sections 11-331, 11-333(a), and 11-334(1)(C) of the Hawai‘i Revised Statutes, a candidate and treasurer are required to file a preliminary report with the Campaign Spending Commission thirty calendar days before a primary election.

Pursuant to Section 11-333(b)(2) of the Hawai‘i Revised Statutes, a schedule filed with a preliminary report shall include the amount and date of deposit of each contribution and the name, address, occupation, and employer of each contributor who makes contributions

aggregating \$1,000 or more during an election period; provided that if all the information is not on file, the contribution shall be returned to the contributor within thirty days of deposit.

Pursuant to Section 26-4(3) of the Hawai‘i Revised Statutes, under the supervision of the governor, all executive and administrative offices, departments, and instrumentalities of the state government and their respective functions, powers, and duties shall be allocated among and within the following principal departments that are hereby established: Department of the attorney general (Section 26-7).

Pursuant to Section 26-7 of the Hawai‘i Revised Statutes, the department of the attorney general shall be headed by a single executive to be known as the attorney general.

“Statement” means any representation, but includes a representation of opinion, belief, or other state of mind only if the representation clearly relates to state of mind apart from or in addition to any facts which are the subject of the representation.

“Treasurer” means a person appointed under section 11-324 and unless expressly indicated otherwise, includes deputy treasurers.

A person acts “intentionally” with respect to his/her conduct when it is his/her conscious object to engage in such conduct. A person acts “intentionally” with respect to attendant circumstances when he/she is aware of the existence of such circumstances or believes or hopes that they exist. A person acts “intentionally” with respect to a result of his/her conduct when it is his/her conscious object to cause such a result.

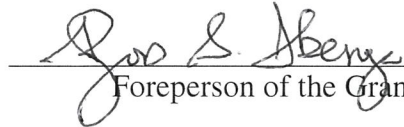
A person acts “knowingly” with respect to his/her conduct when he/she is aware that his/her conduct is of that nature. A person acts “knowingly” with respect to attendant circumstances when he/she is aware that such circumstances exist. A person acts “knowingly”

with respect to a result of his/her conduct when he/she is aware that it is practically certain that his/her conduct will cause such a result.

A True Bill found this day: July 24, 2024



David Van Acker
Supervising Deputy Attorney General
State of Hawai'i



Foreperson of the Grand Jury