

**Hawaii State Bar Association
Young Lawyers Division
Presents
The Hawaii High School
Mock Trial Competition**

2021-2022

CASE MATERIALS & COMPETITION RULES

Hayden Brooks

v.

Da Scoops

Revised 01/25/2022

Thank you to the Young Lawyers' Division and the Mock Trial Case Subcommittee for their countless hours and dedication revising this Case for the competition. We also extend our gratitude to the Minnesota State Bar Association and the Missouri Bar Association, who originally authored this Case.

NOTE: All characters, names, events, places, and circumstances in this Mock Trial case are fictitious.

Each witness can be portrayed by a student of any gender. Instances where a witness is referred to as only "him" or "her" or only "he" or "she" are inadvertent.

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CASE OVERVIEW

This case is set in Paia, a town on the north shore of Maui. On September 22, 2017, Da Scoops, the town's paper, printed an article that accused retired County Commissioner Hayden Brooks of taking a bribe in connection with the routing of a pipeline through Paia. The article claimed that Commissioner Brooks took half a million dollars in exchange for voting in favor of the proposal to move the placement of a planned pipeline – a proposal supported by Morgan Ramsey, a prominent local businessperson. The article alleged that Commissioner Brooks agreed to this bribe but was unable to act on it because the County Board of Commissioners' vote was postponed until after Brooks's retirement due to a hurricane warning at the end of December 2016. According to the article, Commissioner Brooks kept the money anyway.

As a result of the article, Brooks has lost a number of lucrative speaking engagements and other business opportunities. In addition, her/his/their reputation within the Paia community has been damaged. As a result, Brooks has filed suit against Da Scoops for defamation of character, alleging that the story was completely false.

The witnesses for the plaintiff are:

- **Hayden Brooks.** Brooks is a recently-retired County Board Commissioner and a prominent figure within the community. Brooks is the subject of the article in dispute and is the plaintiff in the case.
- **Shay Christoff.** Christoff is an agent with the Hawaii Bureau of Criminal Apprehension (BCA) and lives in Honolulu and specializes in public corruption investigations. Christoff investigated the bribery allegations against Commissioner Brooks and found them to be without merit.
- **Blake Baker.** Baker is a professor of media ethics. Baker has reviewed the appropriate testimony and will testify that the Da Scoops' reporting and editorial decisions with regard to the article violated a number of ethical standards.

The witnesses for the defense are:

- **Morgan ("Mac") Ramsey.** Ramsey is a former Paia business leader who is currently serving a sentence in Halawa Federal Prison for bankruptcy fraud on unrelated legal issues. Ramsey will describe her/his/their attempts to bribe Commissioner Brooks to vote to have the pipeline located in an area that would not decrease the value of Ramsey's real estate holdings.
- **Ellis Strobel.** Strobel is the reporter for Da Scoops who wrote the article in dispute. Strobel will testify regarding the method and course of her/his/their reporting on the story.
- **Andy Diggins.** Diggins is the editor-in-chief of the Da Scoops. Diggins will describe the decision-making process used to publish the article, including its ethical considerations.
-

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT
STATE OF HAWAII

HAYDEN BROOKS,
Plaintiff,

vs.

Da Scoops,
Defendant.

Case No. 1CCV-17-00555522
(Other Civil Action)

COMPLAINT

COMPLAINT

Plaintiff Hayden Brooks, as and for his/her/their complaint against Defendant Da Scoops, states and alleges as follows:

Parties, Jurisdiction, and Venue

1. Plaintiff Hayden Brooks (“Brooks”) is an adult resident of the County of Maui, State of Hawaii.
2. Defendant Da Scoops is a Hawaii newspaper headquartered and published in Paia, Maui, State of Hawaii.
3. Venue is proper.
4. This court has jurisdiction over this action.

Factual Allegations

5. Paragraphs 1 through 4 above are incorporated herein by reference.
6. Brooks is a former Maui County Commissioner and well-respected member of the Paia community.
7. Da Scoops is the daily newspaper in general circulation in Paia and Maui in general.
8. On September 22, 2017, Da Scoops published an article entitled “A Dishonest Thief: Retired County Commissioner Accused of Taking Bribe to Change Pipeline Location” (the “Article”). A copy of the Article is attached as Exhibit 1.
9. The Article claimed that Brooks, while serving as a County Commissioner, accepted a bribe of five hundred thousand dollars (\$500,000.00) from an individual named Morgan Ramsey (“Ramsey”) in exchange for agreeing to vote for a proposal changing the future

placement of a pipeline that Ramsey needed for issues related to a real estate problem. (See Ex. 1).

10. The statements made in the Article and described above were false.
11. The Article was read by the public. In addition to on September 22, 2017, the Star Bulletin and the Pacific Business Weekly subsequently published it on September 23, 2017.

Count I
Defamation

12. Paragraphs 1 through 11 above are incorporated herein by reference.
13. The statements made by Da Scoops in the Article about Plaintiff were false and defamatory.
14. In publishing the Article and making the defamatory statements, Da Scoops acted with knowledge that the statements were false or with reckless disregard for whether the statements were true or false at a time when the defendant had serious doubts about whether the statements were true.
15. The statements made by Da Scoops were read by the public. The statements tended to deprive Plaintiff of public confidence and damaged Plaintiff's reputation.
16. As a direct and proximate result of the Article, Plaintiff suffered damages in excess of \$50,000, in an amount ultimately to be proved at trial, as a result of the loss of reputation, public confidence and standing in the community, loss of paid speaking engagements, loss of a contract to publish a book on public official responsibility, and loss of a development deal with OC17.

WHEREFORE Plaintiff Hayden Brooks respectfully requests that the Court order the entry of judgment in her/his/their favor and against Defendant Da Scoops as follows:

1. Awarding to Plaintiff and against Defendant compensatory damages in excess of \$50,000, in an amount ultimately to be proved at trial;
2. Awarding to Plaintiff and against Defendant all of Plaintiff's fees, costs, and expenses incurred in this action; and
3. Granting such further relief as the Court deems just and appropriate.

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT
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**ANSWER AND AFFIRMATIVE
DEFENSES**

ANSWER AND AFFIRMATIVE DEFENSES

Defendant Da Scoops, as and for its answer and affirmative defenses to Plaintiff's Complaint, states and alleges as follows:

Answer

1. Defendant denies each and every allegation in the Complaint unless otherwise expressly admitted or admitted as modified herein.
2. Defendant admits the allegations in paragraphs 1, 2, 3, and 4 of Plaintiff's Complaint.
3. Defendant re-alleges paragraphs 1 and 2 above in answer to paragraph 5 of Plaintiff's Complaint.
4. Regarding paragraph 6 of Plaintiff's Complaint, Defendant admits that Brooks was a former Maui County Commissioner but denies the remaining allegations in that paragraph, including the allegation that Brooks was or is a well-respected member of the Paia community.
5. Defendant admits the allegations in paragraphs 7, 8, and 9 of Plaintiff's Complaint and admits that Exhibit 1 to Plaintiff's Complaint is a copy of the Article published by Defendant on September 22, 2017.
6. Defendant denies the allegations in paragraph 10 of Plaintiff's Complaint.
7. Defendant admits the allegations in paragraph 11 of Plaintiff's Complaint.
8. Defendant re-alleges paragraphs 1 and 7 above in answer to paragraph 12 of Plaintiff's Complaint.
9. Defendant denies the allegations in paragraph 13, 14, 15, and 16 of Plaintiff's Complaint, except admits, as to the allegations in paragraph 15, that the public read the Article.

Affirmative Defenses

Defendant Da Scoops asserts the following affirmative defenses to Plaintiff's Complaint:

1. The Complaint fails to state a claim for which relief can be granted.
2. The statements made in the Article were true.
3. Defendant did not act with reckless disregard nor did it have knowledge that the statements were probably untrue.
4. Defendant did not act with actual malice and is immune from suit.
5. Plaintiff did not suffer any damage and, to the extent s/he/they did suffer damage, such damage was caused, in whole or in part, by Plaintiff or by others over whom Defendant had no control.

WHEREFORE Defendant Da Scoops respectfully requests that the Court order the entry of judgment in its favor and against Plaintiff as follows:

1. Dismissing Plaintiff's Complaint in its entirety and with prejudice;
2. Awarding to Defendant and against Plaintiff all of Defendant's fees, costs, and expenses incurred in this action; and
3. Granting such further relief as the Court deems just and appropriate.

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT

STATE OF HAWAII

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PRETRIAL ORDER

PRETRIAL ORDER

At a hearing held October 22, 2021, the Court heard arguments on three issues presented by the parties. The first was a motion for partial summary judgment by Defendant Da Scoops. The second was a motion by Defendant to admit statements made to Ellis Strobel, an employee of Defendant and the reporter who authored the article in question. The third was a motion filed jointly by the parties to bifurcate the issues of liability and damages. For the reasons set forth below, the Court grants all three motions.

I. Defendant’s Motion for Partial Summary Judgment Regarding Plaintiff’s Status as a Public Figure.

Defendant Da Scoops made a motion for partial summary judgment. The question presented by Defendant’s motion is whether, as a matter of law, Plaintiff Hayden Brooks qualifies as a public figure for purposes of this trial. For the reasons set forth in this order, the Court finds that Plaintiff is a public figure as a matter of law. As a result, Defendant’s motion for partial summary judgment is granted.

Under Hawaii law, the elements of a defamation claim are: (1) The statement or communication at issue must be defamatory; (2) The statement or communication must be false; (3) The statement or communication must refer to the plaintiff; and (4) The statement or communication must be “published,” meaning that it must be communicated to someone other than the plaintiff. *See McKee v. State of Hawaii*, 825 P.2d 725, 729-30 (Haw. 2013).

But when the plaintiff is a “public figure,” s/he/they must do more than establish the four elements listed above. For a public figure, proof of actual malice is also required to establish liability. *See New York Times Co. v. Sullivan*, 376 U.S. 254, 279-80 (1964). Actual malice means that the defendant knew the statements were false or made the statements with reckless disregard as to whether they were true or false. *Id.*

“General public figures” have “thrust themselves to the forefront of particular public controversies in order to influence the resolution of the issues involved.” *Jadwin v. Hawaii Star Bulletin*, 367 P.2d 476, 484 (Haw. 1985).

The facts presented by the parties demonstrate beyond dispute that Brooks qualifies as a general public figure. Brooks occupied a position of prominence during his/her/their twenty-three years as a County Commissioner. Brooks thrust her/him/themself into the public eye when Brooks initially ran for commissioner and during the many campaigns in which Brooks sought reelection. Not only was the Commissioner’s position influential, but s/he/they is also well-known throughout Paia for her/his/their previous employment as the Maui County Attorney. In that position, Brooks provided legal advice to the city and was prominent in crucial policy and political discussions in the County. Given these circumstances, the Court concludes as a matter of law that Brooks is a general public figure.

Because the Court is granting Defendant’s motion for partial summary judgment, Plaintiff may not argue at trial that s/her/they is a private figure or any type of public figure other than a general public figure. This order represents the final decision on this issue, and the jury will be instructed at trial that Plaintiff is a general public figure.

Accordingly, in addition to the four elements of defamation set forth above, Plaintiff must also prove that Defendant acted with actual malice. Put another way, Brooks must demonstrate that the Da Scoops published the Article with knowledge that statements contained therein were false or with reckless disregard as to whether they were false.

II. Joint Motion to Admit Out-of-Court Statements.

Several witnesses in this trial will testify to conversations they had with others during the course of law enforcement and/or reporting work. Namely, Agent Shay Christoff, reporter Ellis Strobel, and editor Andy Diggins, all had conversations with multiple people in investigating this case. Defendant and Plaintiff both argue that these statements are not hearsay, and this Court agrees.

Hearsay is defined by Rule of Evidence 801(c) as “a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.” Put another way, statement is hearsay if the statement is being used to show that the statement is true. If the statement is being used for some other reason, it is not hearsay.

The statements made by people to whom these witnesses spoke during the course of conducting their affairs are relevant even if they are not true. The fact that a witness talks to someone may vindicate their conduct or otherwise show that a witness acted properly.

For example, Da Scoops staff need to be able to explain what they were told by others as they investigated a possible story to show whether they acted with reckless disregard for the truth. A reporter who gets information that appears credible might not act with reckless disregard for the truth, even if the information the reporter obtains turns out to be false. Of course, reckless disregard is ultimately a question for the jury to decide.

Meanwhile, Agent Christoff of the Bureau of Criminal Apprehension has been offered by the Plaintiff to prove, in part, that there was avenues of investigation Da Scoops could have looked into but did not. Christoff would testify to multiple interviews of witnesses and reviewing of documents that Da Scoops may have neglected to investigate before publishing their story. This, the Plaintiff argues, serves as evidence of reckless disregard for the truth by the Defendant, even if the claims made to Christoff in these interviews are not true.

These statements are admissible, they are admissible only for a limited purpose. If witness testifies that a third party made a statement to that witness, that statement is only evidence that it was made, not that it was true. Attorneys making closing arguments in this trial should be particularly aware of this limitation. It is improper to argue that the statements made to Christoff, Strobel, and Diggins were true, unless the statements are admissible under an exception to the hearsay rule or the substance of the statements is proven with other admissible evidence.

III. Joint Motion to Bifurcate Trial.

The parties requested in a joint motion that the issues of liability and damages be bifurcated. This Court agrees. As a result, the Court hereby orders that the trial will litigate only liability. If a jury finds Defendant defamed Plaintiff, the amount of damages to be awarded to Plaintiff will be determined at a future trial.

DATED: October 22, 2021

/s/ Judge C. Sizzle
Judge of District Court

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT
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Defendant.

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(Other Civil Action)

STIPULATIONS

STIPULATIONS

The above-entitled matter came before the undersigned Judge of Second Circuit Court on October 23, 2021, for a pretrial conference. As part of that conference, the parties have stipulated as follows:

1. Each party may enlarge one exhibit to a size permitted by the rules. If desired by the offering party, the enlarged exhibit may be covered with a transparent coating or covering to allow erasable drawing on the exhibit by the witness. Without such a coating or covering, neither party may draw on the exhibit. If the offering party draws on the exhibit after being received into evidence to illustrate testimony, the opposing party may also draw on the exhibit if appropriate to illustrate testimony. Neither party may cover or erase the other party's markings during trial.
2. All statements taken from or given by witnesses were properly signed and sworn or affirmed under oath on the dates indicated at the places indicated. All statements were constitutionally obtained.
3. A severe hurricane threatened the islands of Hawaii on December 19, 2016. As a result of the hurricane warning, the meeting of the Maui County Board of Commissioners scheduled for December 19, 2016, was cancelled. The next meeting of the Maui County Board of Commissioners was held on January 9, 2017.
4. Exhibit 2 is a record that complies with the requirements of Rule of Evidence 803.6, the hearsay exception for records of regularly conducted activity. No additional foundation is required to establish that Exhibit 2 is admissible under Rule 803.6.
5. On October 30, 2016, KUTV News, a Hawaii television news station, recorded a speech given by Plaintiff Hayden Brooks at a conference in the town of Wailuku, Maui. The speech started at 6:00 p.m. and ended at 7:30 p.m. On November 2, 2016, KUTV News made the video of the speech available on their website with the title, "Brooks, HI Icon, Turns State Conference into Rousing Memorial to Public Service."
6. Hayden Brooks reported gambling earnings from a foreign country, in the amount of \$523,046.85, to the Hawaii Ethics Commission on October 17, 2016.
7. The actions of Ellis Strobel and Andy Diggins related to their reporting, writing, and publishing of Exhibit 1 were within the scope of their employment.

DATED: October 23, 2021

/s/ Judge C. Sizzle

IN THE CIRCUIT COURT OF THE SECOND CIRCUIT
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Defendant.

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JURY INSTRUCTIONS

JURY INSTRUCTIONS

I will give you your instructions. The order in which I give the instructions is not important. Consider all the instructions together. You must apply the law in these instructions whether you agree with it or not.

You must follow all of the instructions. Do not single out some and ignore others—all of them are equally important. I will give you a copy of these instructions to take into the jury room. You do not need to take notes as I read the instructions to you.

Duties of the jury and the judge

You must decide what the facts are from the evidence you have heard and seen. You must apply the law to these facts. I will explain which laws apply.

Do not take anything I do or say as a sign of what the answers should be.

Deciding the facts

Decide the case on the evidence. Base your decision only on the evidence you have seen or heard in this courtroom. You must not let events outside the courtroom influence you.

Impartiality

You cannot take sides based on personal likes, dislikes, or prejudices.

You must not be concerned that a particular answer on the verdict form is favorable to one party or the other.

Duties of the attorneys

The attorneys have professional duties:

1. They represent their clients.
2. They introduce evidence to support or defend their clients.
3. They make objections.
4. They argue their clients' cases.

Statements of the attorneys and judge

Nothing the attorneys say during the trial, including opening statement and closing argument, is evidence. The attorneys' questions are not evidence. The witnesses' answers are evidence. What I say or what the attorneys say about the evidence may be different from what you remember. If that happens, rely on your own memory.

What the attorneys say about the law may be different from what I say. If this happens, you must rely on what I say about the law.

Rulings on evidence

The law has rules about the evidence allowed in a case. It is my duty to make sure the rules are followed.

Objections

Attorneys objected if they thought a question or answer was against the rules. Keep the following in mind about objections:

1. If I sustained the objection, ignore that question or answer.
2. If I overruled the objection, that answer is evidence like anything else.
3. Remember that objections by themselves are not evidence.
4. The fact that evidence has been objected to should not affect your view of the evidence.

Evidence that is not allowed

I have told you when other types of evidence are against the rules and have to be ignored or stricken from the record.

Deliberation and Return of Verdict

Here are some instructions about your deliberations and return of the verdict.

Items that will be in the jury room

During your deliberations you will have the following items in the jury room:

1. Any exhibits received in evidence;
2. The notes you took during the trial;
3. The written final instructions; and
4. The verdict form.

Selection of a foreperson

When you return to the jury room to discuss this case, you must select a jury member to be foreperson. That person will lead your deliberations.

The jurors' duty to discuss the case

The goal of jury deliberations is to talk among yourselves in order to reach an agreement about the verdict. This agreement must be consistent with your own judgment. Each of you must decide the case for yourself, but do so only after you have fully considered the views of your fellow jurors. Re-examine your own view and do not be afraid to change your mind if you decide your original view was mistaken. But do not change your mind just because other jurors disagree or simply because of pressure to return a verdict.

Return of the verdict

When you agree on a verdict, notify the jury attendant. You will return to the courtroom where your verdict will be received and read out loud in your presence.

Secrecy of the jury deliberations

Your deliberations must be secret and confidential. You must not communicate with anyone except other jury members about the case during your deliberations. During your deliberations, you may have questions about things unrelated to the case itself such as supplies or the physical facilities. If so, ask the jury attendant.

Juror's responsibility

You must not allow sympathy, prejudice, or emotion to influence your verdict.

The quality of your service will be reflected in the verdict you return to this court.

A just and proper verdict contributes to the administration of justice.

Direct and circumstantial evidence

A fact is proved either by direct evidence or circumstantial evidence or both. The law does not prefer one form of evidence over the other:

1. A fact is proved by direct evidence when, for example, it is proved by a witness who testifies to what s/he/they saw, heard, or experienced, or by physical evidence of the fact itself.
2. A fact is proved by circumstantial evidence when its existence can be reasonably inferred from other facts proved in the case.

For example, the fact that "a person walked in the snow" could be proved:

1. By an eyewitness who testified directly that s/he/they saw a person walking in the snow, or
2. By circumstantial evidence of footprints in the snow, from which it can be indirectly inferred that a person had walked in the snow.

Using direct and circumstantial evidence

You should consider both kinds of evidence. The law makes no distinction between the weight given to either direct or circumstantial evidence.

It is up to you to decide how much weight to give any kind of evidence.

Guidelines for evaluating testimony

You must decide what testimony to believe and how much weight to give it. Here are some guidelines:

1. Will a witness gain or lose if this case is decided a certain way?
2. What is the witness's relationship to the parties?
3. How did a witness learn the facts? How did s/he/they remember and tell the facts?
4. What was her/his/their manner?
5. What was her/his/their age and experience?
6. Did the witness seem honest and sincere?
7. Was the witness frank and direct?
8. Is the testimony reasonable compared with other evidence?
9. Are there any other factors that bear on believability and weight?

10. In addition, you should rely upon your own experience, good judgment, and common sense.

Guidelines for impeachment

You have heard evidence challenging witnesses' credibility. This is called "impeachment evidence."

1. Past inconsistent statements

You may consider what the witness did or said in the past, if it is not consistent with what s/he/they is saying now. This is called a "past inconsistent statement."

If the witness who made the past inconsistent statement is a party (or a party's employee/agent) then you may use the past statement to decide the issues in this case as well as to decide the truth and weight of what the witness is saying now.

If the witness who made the past inconsistent statement is not a party and the past statement was not under oath, use it only to decide the truth or weight of what the witness is saying now.

If the past statement was under oath, then you may use the past statement to decide the issues in this case as well as to decide the truth and weight of what the witness is saying now.

2. Conviction

You may consider whether the witness has been convicted of a crime. You may consider whether the kind of crime makes it more likely that s/he/they is not telling the truth.

3. Reputation

You may consider a witness's reputation for truthfulness.

It is up to you whether you accept all, part, or none of witness's testimony.

Opinion testimony

Most witnesses are allowed to testify only about what they saw, heard, or experienced. Usually, they are not allowed to give their opinions. Some witnesses, called expert witnesses, are allowed to give their opinions, because they have special training, education, and experience. When you evaluate an expert witness's opinion, you should consider the following guidelines:

1. The education, training, experience, knowledge, and ability of the witness;
2. The reasons given for the opinion;
3. The sources of the information relied upon; and
4. The other guidelines already given to you for any testimony.

You need not give this opinion testimony any more importance than other evidence.

Deciding the issues in a case

For the Plaintiff to prevail, they must meet a burden of proof. Specifically, the Plaintiff must prove the Defendant is liable by a preponderance of the evidence. This means that all of the evidence, regardless of which party produced it, must lead you to believe that the claim is more likely true than not true. If the preponderance does not support the Plaintiff's case on each and every element of the claim, then you must find the Defendant not liable.

Preponderance of the evidence does not necessarily mean the greater number of witnesses or the greater volume of evidence.

Any believable evidence may be enough to prove that a claim is more likely true than not.

Elements of Defamation—Plaintiff a Public Official or Public Figure

Your verdict must be for plaintiff if you believe:

First, defendant published the newspaper article containing statements that Plaintiff Hayden Brooks accepted a bribe in exchange for agreeing to improperly affect or influence the outcome of the County Board's decision on Morgan Ramsey's pipeline application in Ramsey's favor;

Second, such statements were false;

Third, Defendant Da Scoops published such statements either:

- (a) with knowledge that they were false; or
- (b) with reckless disregard for whether they were true or false

Fourth, such article was read by the public; and

Fifth, Plaintiff Hayden Brooks's reputation was damaged.

Publication

A defamatory statement or communication is published if it is communicated to, and understood by, at least one person other than Plaintiff Hayden Brooks.

For purposes of the publication element, it does not matter if a publication is simply republishing the defamatory, false claims of another person with attribution. If the defamatory, false statements of another are republished in a manner that intentionally or recklessly implies the statements are true, then the republication itself is defamation.

Intentional publication

A publication is intentional if:

1. It is made for the purpose of communicating the defamatory matter to a person other than Plaintiff Hayden Brooks; or
2. With knowledge that the defamatory matter is substantially certain to be communicated.

Vicarious Liability – Employer Liable for Acts of Employees

An employer is liable for the acts of its employees if the employees are acting within the scope of their employment.

You are instructed that the actions of Ellis Strobel and Andy Diggins related to their reporting, writing, and publishing of Exhibit 1 were within the scope of their employment. As a result, if Strobel and/or Diggins, acting in combination or individually, defamed Plaintiff Hayden Brooks, then Defendant Da Scoops is liable for defamation.

STATEMENT OF HAYDEN BROOKS

1 My name is Hayden Brooks. I am sixty-six years old and I reside in Paia, Hawaii. I am a retired County
2 Commissioner here. I received a Master's Degree in Public Policy from the Lillehaug University and
3 went on to law school at Trebek University where I finished near the top of my class. My community
4 service career started when I was twenty-eight years old, taking a job with the Office of the County
5 Attorney. I worked in the County Attorney's Office for 15 years, and during that time I became familiar
6 with all of the local attorneys, police officers, city council members, and county commissioners. After
7 working as an Assistant County Attorney for ten years, the Maui County Council appointed me the Maui
8 County Attorney. When I was fifty-eight, after serving as the County Attorney for twenty years, I
9 was elected to the position of County Commissioner. Of course, after being elected to the county
10 board, I resigned my position as Maui County Attorney. I served the people of Paia as a County
11 Commissioner for the last eight years of my career. For the last five years I was the Chairperson (or
12 President) of the Commission. I also serve on a number of boards of directors, including the board of
13 my church and the local chamber of commerce. I have been very active in the Maui Charitable
14 Foundation and have helped organize the Red Cross blood drive each of the last sixteen years. In
15 2012 I received the Carl Bartowski Award for Service to the Community given out by the Society of
16 the Sons and Daughters of Maui. I stepped down from the County Board at the end of 2016 because I
17 decided it was time to enjoy my golden years with my spouse.

18
19 I spent years serving my community and my state, and I never imagined that someone as sinister and evil
20 as Ellis Strobel and that criminal Mac Ramsey would come along and ruin everything that I worked for. I
21 have given my entire life to the people of Paia and Maui, only to have that donation repaid by being
22 dragged through the mud. I never engaged in any illegal activity, and I certainly did not accept a bribe of
23 any kind from Mac Ramsey.

24
25 In the spirit of full disclosure, I have known Ramsey for a number of years. In fact, anybody who is
26 anybody around Paia knows Ramsey. For many years s/he/they was the richest person in Paia and was
27 invited to all the parties thrown by community leaders. I played in a few poker games with Ramsey as
28 well, but they were always just for fun. There was never any money on the line. We just played so one of
29 us could brag that they were the best poker player in town.

30
31 I remember the day that the pipeline issue came before the County Commissioners. Noble Norwegian Oil
32 Syndicate (NNOS) made an application to the Board to build an oil pipeline that would run through Paia.
33 Higher levels of government had already approved the pipeline being built and going through Paia. The
34 only say Paia had in the construction of the pipeline was where it would be built – the Corridor or
35 somewhere else.

36
37 Ramsey was vehemently against NNOS's proposal to build the pipeline in the Corridor and testified
38 before the County Board on several occasions. It may be that s/he/they saw the pipeline as decreasing the
39 value of some of her/his/their many properties, or maybe, as the rumors go, Ramsey was planning on
40 putting up some high-priced private homes. Maybe Ramsey was concerned that the pipeline jobs would
41 pay more than s/he/they pays her/his/their employees, which could then reveal that Ramsey had stolen
42 her/his/their employees' pension money. The story of how Ramsey had stolen all of her/his/their
43 employees' money had been in the news for some time; it came as no surprise to anyone that Ramsey was
44 convicted and sent to Halawa Federal Prison for the crimes.

45
46 It was merely chance that the pipeline issue came before the County Board of Commissioners in March of
47 2016. It was also simply a coincidence that Ramsey hired a former County Board Accounting Specialist,
48 my next-door neighbor, Johannes Weaving, to serve as her/his/their accountant. I have known Johannes

49 well for a number of years and he has appeared before the County Board – as employee and as outside
50 accounting advisor – for a number of years.

51
52 Even though I knew Ramsey I decided not to recuse myself from voting on the pipeline issue. Somebody
53 had to make sure that the best interests of the residents of Paia and Maui were looked after. I saw the case
54 as a great career opportunity for me – being the senior County Commissioner leading the County Board
55 on an issue of county, state, and even national and international importance. It would be like the building
56 of America’s railroad system all over again. I was sure the issue would get plenty of press, and
57 afterwards I thought maybe I could go on a speaking tour about the issue and the building of the pipeline,
58 maybe even write a book about it – who knows, but the opportunities were endless.

59
60 I had been considering retirement for a long time, and I made up my mind to not run again for County
61 Commissioner after the pipeline issue was first put before the County Board. I knew this one, last, high-
62 profile issue would be long, involve reading a lot of technical reports and listening to a lot of political and
63 emotional testimony. I also knew it would create a lot of tension in the community. I knew the matter
64 would take a lot out of me and that I wouldn’t want to work anymore. However, I decided not to
65 announce my retirement right away. Instead, I announced my retirement near the end of the year in order
66 to ensure the focus of the County Commissioners was on the pipeline issue and not on me. I was also
67 somewhat concerned that the vote on the pipeline would be delayed until after my retirement if I
68 announced my retirement too early. As I recall, I issued a press release announcing my retirement on
69 November 2, 2016, while I was attending the state’s County Commissioners’ conference.

70
71 I know Ramsey claims that Weaving had a secret meeting in the middle of the night where I allegedly
72 agreed to vote against placing the pipeline through the Corridor. That couldn’t be farther from the truth.
73 Ramsey apparently said that this secret meeting happened the night before Halloween, but that just
74 couldn’t be possible – that whole week I was at the County Commissioners’ conference in Kapalua. In
75 fact, on October 30, 2016, I gave the keynote dinner speech on the ethical responsibilities of county
76 commissioners at 6:00 p.m. You can check out my speech on my website! The speech lasted about
77 ninety minutes, and afterward I had drinks with colleagues. I think I may have had a few too many that
78 night because for the life of me I cannot remember exactly who I was with. There are so many
79 commissioners at that event it is hard to keep track of all of them. All I know is that I ended up back at
80 my room at the Kapalua Resort that evening – to assert that I drove from Kapalua to Hana is ridiculous!
81 That’s over a three hour drive!

82
83 I relished the fact that the last issue that would come before a vote of “my” County Board was going to be
84 the pipeline issue. Everyone knew Ramsey did some terrible things to her/his/their employees. Voting
85 for the pipeline would be my small way of punishing Ramsey. The final hearing and vote were scheduled
86 for the third week in December. The week before the vote, the County Board heard a final round of
87 testimony from supporters and opponents of the pipeline. This much is true – I did allow more opponents
88 to present arguments against the pipeline and allowed Ramsey to testify more times than any other
89 person. Contrary to what Ramsey claims, my rulings weren’t based on any secret agreement. I just
90 wanted to be sure there was no chance that Ramsey would win if s/he/they turned around and sued the
91 County Board of Commissioners.

92
93 When a massive hurricane threatened to hit Hawaii, the County Commissioners’ offices shut down for a
94 week. The last votes of the year were supposed to take place on December 19, but once the County
95 Board’s last meeting of the year was delayed, no further County Board meetings were held until the next
96 year. This upset me deeply and profoundly because I had invested a lot of time, energy, and taxpayer
97 funds in learning everything I could about the pipeline and its potential impact on Paia and the
98 community. I wrote the Hawaii Supreme Court and every member of the Maui County Board of
99 Commissioners a letter requesting permission to remain as a Special Commissioner to vote on the

100 pipeline issue even after my retirement. Alas, it was simply not meant to be because County
101 Commissioner was an elected position, the answer was a resounding “no.”
102

103 After my retirement began everything was terrific. I had booked a number of lucrative speaking
104 engagements around the country, I was also in negotiations with Random House to get my first book on
105 county commissioners’ ethical responsibilities published, and I was even in line for a lucrative gig on TV.
106 But everything came to a screeching halt in September 2017 when Strobel’s article hit the papers. Every
107 word of that article is a lie, but shortly after it was published in Da Scoops it was picked up by other
108 major newspapers and became a big story. Everyone thought I was corrupt and all of my speaking
109 engagements were cancelled. My book deal fell through. TruTV called to say they weren’t interested
110 anymore. My reputation in the community is ruined – I don’t even feel comfortable going out in public
111 any more. My spouse became terribly depressed because of all of the terrible things that were said about
112 me in the press. Everything was a disaster, just dreadful. Now I am stuck paying huge legal fees when
113 this was supposed to be the time when I could finally cash in on everything I had done in my career.
114 Ramsey defrauded her/his/their creditors and has (their!) money to burn – this was my chance to finally
115 see the benefit of all my years of public service.
116

117 The head prosecutor of County Prosecutor is an old and dear friend of mine, Tim Kaminsky, and he
118 assured everyone that they would do a thorough investigation before any charges were filed. In fact, they
119 even contacted the Hawaii Attorney General’s Office to have a Special Agent from the Bureau of
120 Criminal Apprehension review the matter. Of course s/he/they found that Ramsey’s story was simply not
121 true. Yes, I am very close with the local and county law enforcement officers and attorneys who
122 investigated my case and I know the State’s Attorney General. But I also know that none of them would
123 ever cut me a break simply because I was a County Commissioner and we’ve known and/or worked
124 together for years. When the County Attorney, BCA, and Attorney General jointly announced that they
125 weren’t going to file any charges, I was relieved.
126

127 A lot has been made of the large amount of cash, about \$500,000, that I disclosed to the Hawaii Ethics
128 Commission, which collects and maintains financial information about state, county, and local public
129 officials, and investigates questions of financial irregularities. Now, to describe where that money came
130 from, I have to admit to you that, from time to time, I do like to tickle the felt. Which is to say I enjoy
131 gambling. I only gamble legally, of course: casinos, the track, trips to Atlantic City and Las Vegas.
132 Contrary to what anyone else might say, I have never had any connections with organized crime or owed
133 anyone any money related to gambling.
134

135 In mid-September of 2016, I went on a five-day cruise in the Caribbean and was fortunate enough to
136 spend some time at a casino in the Bahamas. I had a great run and, next thing I know, I am up a half
137 million dollars. Great luck, huh? As soon as I got back to the States I deposited the money in my bank
138 account for safekeeping. I don’t have any receipts or anything. That money didn’t come from Mac
139 Ramsey. If s/he/they bribed me with cash to fix her/his/their case, why on earth would I put that money
140 in my personal bank account and declare it as income for tax purposes?
141

142 I did make a number of large cash purchases at the end of 2016 and the beginning of 2017 with the money
143 I made gambling. But the articles in the paper make it sound like I spent money on lavish
144 accommodations. I didn’t buy a “mansion,” it’s really more of a fishing cabin. And I didn’t buy a
145 “yacht,” I would describe it more accurately as a speedboat. I love my Hummer H3, though. It has
146 in-dash navigation and satellite radio.
147

148 Sure, I remember Shay Christoff. S/He/They is an agent with the Bureau of Criminal Apprehension and
149 conducted the investigation. Christoff was a great basketball player when s/he/they was at the Lillehaug

STATEMENT OF SHAY CHRISTOFF

1 My name is Shay Christoff and I am an Agent with the Hawaii Bureau of Criminal Apprehension (BCA),
2 and I am stationed in Honolulu, HI. Prior to my employment with the BCA I worked as a deputy in the
3 Honolulu County Sheriff's Office in the computer crimes unit. I am currently assigned as a Special Agent
4 in the white collar crimes unit with the BCA where I have been for the past nine years. I have been a
5 licensed police officer for twenty-two years.
6

7 I grew up in Paia and attended Lillehaug University on a basketball scholarship. I was named an all-
8 conference point guard twice and never lost a Maui Classic against our rival Vandelist College. For the
9 students, fans, and alumni, that game is easily the most important game of our season. There are stories
10 of fights, divorces, and even a murder over that game. Even though I live in Honolulu now, I haven't
11 missed a Maui Classic since I graduated. Winning the Classic four years in a row certainly made
12 members of my team very popular among the alumni. We were frequently invited to alumni receptions
13 hosted by some of Paia's rich and successful people. Since they donated significant money to the school,
14 our coaches expected us to make an appearance. But the parties were stuffy and forced us to miss all the
15 good parties on campus. Most of the time, the team would show up for the free food, shake some hands,
16 and then take off.
17

18 I do remember attending a number of dinners at Hayden Brooks's house. S/He/They was the Maui
19 County Attorney at the time and was a major donor for the university athletic department. When I
20 became a senior, I started seeing Hayden's parties as an opportunity to make some good connections for
21 after graduation. I remember attending the Brooks New Year's Party and having a long talk with Hayden.
22 We talked about my future and Brooks even invited me to play in her/his/their big poker game later that
23 night. During the poker game, Brooks invited me to do a joint internship with the County Attorneys'
24 Offices that final semester of school. I saw this as a great opportunity to learn more about local
25 government and interact with the police.
26

27 I started the internship in January that year but never worked directly with Brooks. I would see Brooks in
28 the halls, but I mainly worked with Tim Kaminsky, the Assistant County Attorney at the time. I learned a
29 lot about prosecution and the investigation process. Tim showed me around and introduced me to many
30 important people, including the Sheriff of Maui County, Gary Waller. Sheriff Waller said he owed a lot
31 of his success from the breaks and tips that Hayden Brooks provided him. Sheriff Waller introduced me
32 to the Honolulu County Sheriff, Pat McGowan. Sheriff McGowan and I hit it off and he told me to look
33 him up after I graduated. I certainly used that opportunity to help me get into the law enforcement field.
34 Anything you can do to get your foot in the door, you know? I applied for an entry level position with the
35 Honolulu County Sheriff's Office twenty-two years ago. My grades were average, and I had the
36 internship on my resume, but I wasn't confident I would get an interview. So I asked Hayden Brooks for
37 a recommendation. While it was the first time I talked to Brooks the entire semester, s/he/they said
38 s/he/they would send a letter. Sure enough, the letter did the job and I was accepted into the Honolulu
39 County Sheriff's Office.
40

41 I graduated from the Police Academy ranked second in my class of eighty-seven new officers. I started
42 my work with the sheriff's office doing patrol and a lot of paperwork, but soon I was promoted to the
43 computer crimes unit. My work in Honolulu helped me get into the BCA in Honolulu. I do think I am
44 lucky to have met Hayden Brooks at the time. I doubt Brooks realized the impact s/he/they had in my
45 career.
46

47 For the past six years, I have been focusing on corporate and political corruption. I made the national
48 news about four years ago when three city councilmen took bribes from a company, EightyFour, Inc.,
49 which wanted to set up red light cameras in town. The councilmen called the bribes “campaign
50 contributions” and awarded the company the contract without any competing bids. I was appointed
51 special investigator to avoid any conflicts and to look into the entire situation. My investigation exposed
52 the conspiracy and the councilmen resigned. The investigation also led to the federal prosecution of
53 EightyFour, Inc. and its CEO B. Roth Erbig. Since that company had similar deals throughout the
54 country, I was suddenly on national news and became a consultant for other investigations. I hadn’t felt
55 that important since my basketball days. So I enjoyed my time in the spotlight appearing on CNN,
56 TruTV, and even a special appearance on Maury. Since that case, I have started writing a book on
57 corruption investigations and municipal politics. I have also taught numerous seminars and academy
58 classes on that subject. I don’t consider myself an expert in the area, but I do feel I have some unique
59 experiences to draw upon during similar investigations.

60
61 I would be done with the book by now, but other police departments have been calling and asking me to
62 do investigations on individuals within their respective city or county governments. Naturally, a local
63 police agency cannot handle the investigation because there is a conflict of interest. It is clearly improper
64 to investigate the people who determine your department’s budget. So to avoid even the appearance of
65 impropriety, those departments will call me in to lead the investigation as a special investigator. I have
66 developed a reputation as the Elliot Ness of Hawaii. Doesn’t that sound like a good title for my book?

67
68 On August 17, 2017, I received a call from the Chief of the Maui Police Department. He told me that a
69 local CEO named Morgan Ramsey was making accusations that the former County Commissioner,
70 Hayden Brooks, had taken a bribe before leaving her/his/their position on the County Board. Since I
71 hadn’t seen or spoke with the Commissioner in over twenty-two years, I didn’t see this investigation as a
72 conflict of interest. I enter all investigations unbiased and look for the hard evidence. I approached this
73 investigation exactly the same way.

74
75 In corruption cases, we get phone calls all the time concerning people who claim that someone was
76 bribed. I first like to look at who is making the call. In this situation, Ramsey was a convicted felon in
77 prison and was well known around the area for living a pretty lavish lifestyle. Ramsey certainly hasn’t
78 been the best corporate citizen in our state.

79
80 On August 20, 2017, I visited Ramsey at Halawa Federal Prison. During my interview, s/he/they told me
81 that s/he/they had already pled guilty to bankruptcy fraud and didn’t care what happened to her/him/them.
82 Ramsey was very angry with her/his/their attorney relating to the conviction for fraud. During the
83 discussion, Ramsey explained a plan s/he/they had with Commissioner Hayden Brooks who would
84 allegedly receive a payoff of half a million dollars and in return would steer the location of the planned
85 route for the pipeline away from Ramsey’s real estate development. The final vote was set for the
86 December 19, 2016 County Board meeting. Ramsey stated that s/he/they gave her/his/their accountant,
87 Johannes Weaving, a briefcase containing \$500,000 on October 30, 2016. Weaving was then going to
88 meet the Commissioner that night at 11:45p.m., at some motel along the road to Hana. Weaving was
89 supposed to give the money to the Commissioner to complete the bribe. According to Ramsey, it all went
90 according to plan. However, due to that Hurricane in late December, the County Board meeting was
91 canceled and the Commissioner wasn’t able to vote. The vote was carried over to the first meeting in
92 January and by then Commissioner Brooks had retired. This all sounded like a bogus excuse to me, but I
93 still did a thorough investigation.

94
95 I also stopped by Johannes Weaving’s office on my way back to town on August 20, 2017. He denied
96 that there were any bribes between Ramsey, himself, and/or the Commissioner. One of the most
97 important pieces of evidence was a lead Weaving provided. During my talk with him, Weaving became

98 frustrated with the direction of the conversation and told me to just look up the conference Brooks was
99 supposed to be attending on October 30, 2016. I did some digging on the internet and discovered that
100 several television news stations had covered the October 30, 2016 speech. The News actually recorded
101 the video of Brooks' speech and posted the whole 90-minute video on their website three days later, on
102 November 2, 2016, with the time-stamps for a start-time of 6:00 p.m. and a transcript to boot. I was also
103 able to check Brooks' website, which had posted a link to the recording, although I do not know when
104 Brooks website made that link available.

105
106 My next step in the investigation was to see if Commissioner Brooks had any unusual expenditures and/or
107 income increases since October 30. I pulled her/his/their disclosure reports from the Hawaii Ethics
108 Commission. The document indicated that Brooks declared over \$500,000 in gambling winnings from a
109 cruise s/he/they took with her/his/their spouse in September 2016 in the Bahamas. I called the cruise line
110 and they confirmed Brooks was on the cruise during that time. Their policy was to not comment or
111 confirm any gambling winnings. I did track down a casino employee who confirmed that Commissioner
112 Brooks did play roulette on the cruise and hit some big numbers.

113
114 Commissioner Brooks has a reputation around Paia as a bit of gambler. So it looks like s/he/they had a
115 pretty good trip to the Bahamas. I know Brooks has a weekly poker game and I know s/he/they hits the
116 casinos in the mainland. I have heard stories that Brooks is a high stakes player and that the Las Vegas
117 casinos offer her/him/them free rooms to play the high limit tables. I'm not sure if I believe all of that,
118 but it looks like Brooks won a half a million on a cruise. So anything is possible with Commissioner
119 Brooks.

120
121 After Brooks returned from the cruise, it appeared s/he/they spent some of those gambling winnings on
122 her/him/themself. My investigation uncovered that Brooks purchased a new Hummer H3, a boat, and a
123 new house in the Wailea area. The Commissioner certainly didn't hide any of these purchases.
124 S/He/They claimed the property purchase on her/his/their 2016 disclosure form. The car and boat were
125 both titled in the State of Hawaii. S/He/They paid sales taxes. I didn't feel the need to actually see the
126 items since they were public knowledge. Brooks has always lived a pretty nice lifestyle dating back to
127 those parties s/he/they threw when I was in college. Frankly, Brooks had a long and respected career, so
128 s/he/they deserves to live the high life during her/his/their retirement.

129
130 I didn't feel the need to bother Commissioner Brooks with this investigation. The last thing this esteemed
131 member of the community needed was some cop sniffing around her/his/their house and interrogating
132 her/him/them. To me, the results were clear. You had a complainant who was a convicted felon and was
133 angry. On top of it, a pipeline was going to be put through her/his/their property which resulted in
134 Ramsey losing considerable value to her/his/their family business. Ramsey makes an outlandish charge
135 against a well-respected Commissioner in the community and expects the charge to stick. The
136 Commissioner's whereabouts on the night of October 30 were accounted for. Commissioner Brooks'
137 purchases were not hidden and s/he/they claimed every penny of the gambling winnings. Considering
138 that the \$500,000 was disclosed on the Commissioner's ethics report, it would be pretty easy for Ramsey
139 to come up with that number.

140
141 I prepared a report and submitted it on August 30, 2017, to the Attorney General's Office. I never
142 received any requests from that office to conduct any further investigation. I was never told of any
143 criminal charges being filed – not that I expected there to be criminal charges. The file was closed and I
144 went on to my next case. It was a bar fight between officers from the city police department and deputies
145 from the county sheriff's office. Of course, it was all over an alleged dirty slide during the softball game
146 played earlier that night. That's a story for another time, though.

147

148 My policy has always been to not comment on any investigation to the press. I was a bit shocked when I
149 read that story in Da Scoops by some writer named Strobel. It sounded like that reporter was trying to
150 make a mountain out of molehill.

151 This statement was given under oath. I have had an opportunity to read, review, and update this
152 statement, and I attest that this is a true and accurate statement.

153
154 Dated: October 17, 2018 /s/ Shay Christoff

155
156 STATE OF HAWAII)
157) SS.
158)
159 COUNTY OF MAUI)

160
161 On this 17th day of October, 2018, before me personally appeared Shay Christoff, to me known to be the
162 person described in and who executed the foregoing instrument, and acknowledged that s/he/they
163 executed the same as her/his/their free act and deed.

164 In testimony whereof, I have hereunto set my hand and affixed my official seal in the County and State
165 aforesaid, the day and year first above written.

Theodore Ward
Notary Public – Notary Seal
STATE OF HAWAII
HONOLULU County
My Commission Expires: Oct. 8, 2020
Commission # 16513544

/s/ Ted Ward
Notary Public
My Commission Expires:
10/08/2020

STATEMENT OF BLAKE BAKER

1 My name is Blake Baker, and I am currently the Edward R. Murrow Emeritus Professor at the Ernie Pyle
2 School of Journalism at Indiana University. My specialty is ethics in the media. In addition to teaching, I
3 also work closely with the Society of Professional Journalists to continually develop and update ethical
4 standards in journalism. The goal of these standards is to ensure that the public can trust journalists and
5 believe the stories that they report.

6
7 Journalism has always been a passion for me. It started with my high school yearbook and has never let
8 up. I attended the Medill School of Journalism at Northwestern University, a top-notch journalism
9 school. I excelled and graduated summa cum laude. I was Assistant Editor-in-Chief for the Daily
10 Northwestern my senior year. That year I also received the Abraham Lincoln Award for Excellence in
11 Ethical Reporting for an article that I wrote on Northwestern's honor code.

12
13 Even though my honor code article was award winning, it never received the recognition it deserved
14 because of an article written by Andy Diggins, who was a classmate of mine and a junior at the time.
15 Admittedly, Andy was an exceptional writer with a particular gift for sniffing out big stories. But I had
16 some serious questions about how Andy landed such big scoops. As Assistant Editor, I felt like it was my
17 duty to raise these ethical concerns, but the Daily staff was too blinded by how talented and popular Andy
18 was. Andy's article that year, exposing an agreement between local police and the school to minimize the
19 amount of campus crime actually reported, was a big hit. S/He/They won several awards and helped the
20 Daily Northwestern win Outstanding College Newspaper of the Year. To this day, I still think Andy just
21 got lucky with that story.

22
23 After college, I was hired by the Duluth Herald as an assistant news reporter. I spent the next two years
24 reporting on all sorts of crimes. Homicides, drug busts, major car crashes, and the ebb and flow of crime
25 in the city. It was exciting, but reporting in the real world was pretty different from working for a college
26 newspaper. Finding the time to investigate stories and then write quality articles under a deadline was a
27 lot of pressure. It kind of got to me, but I was determined to stay with it.

28
29 Two years later, I joined the Star Tribune. The paper hired me as a news reporter, but my "beat" was the
30 metropolitan area transit departments. Obviously, this could be considered a step down from the sort of
31 work that I was doing at the Herald, but I thought it might mean less pressure. I covered anything having
32 to do with transportation in the Hawaii area – gridlocked traffic, debates on whether to build a rail system,
33 you name it. I also attended countless hearings and meetings. I reported what happened, but most of the
34 time my stories ended up being killed to make room for advertisements. It was pretty demoralizing.

35
36 I even tried joining a bunch of organizations to try to get more insider knowledge about the companies
37 who received transit department contracts. These folks had trade organizations, industry meetings, things
38 like that. I started joining mailing lists and showing up at meetings. I never tried to hide who I was or
39 what I did. And wouldn't you know it, it worked. The organizations started calling me, paying for me to
40 attend trade shows, sending me tickets to games, asking whether their name was going to be in the paper.
41 They would call when they'd won a big contract or had a new product. I put all this new "insider"
42 information into my stories, but it didn't help. In retrospect, maybe it wasn't the best idea to get so cozy
43 with those guys, but I just wanted to get some ink. But no matter what I tried, the transit department just
44 wasn't exciting and my stories were still getting cut.

45
46 Around this time I realized that my strengths did not lie in traditional newspaper reporting. During my
47 time at the Herald and Star Tribune I was really intrigued by how top flight reporters managed to find
48 stories, investigate them, confirm the facts, and then produce a quality article, all under a deadline. Even
49 more interesting, I wondered how new reporters ever managed to survive without established sources and

50 insider relationships. I became incredibly interested in learning how reporters across the country
51 managed to consistently produce stories in an ethical way. Or, to put it another way, whether journalists
52 across the country actually were reporting stories in an ethical way.

53
54 Following my instincts, I returned to school. I received a Master's degree in journalism from The Ohio
55 State University, and in 1990, I was awarded the Aristotle Award for Outstanding Publication. I stayed at
56 Ohio State to earn my Ph.D and won the Benjamin Bradlee Award for Outstanding Doctoral Thesis. I
57 was thrilled when I was offered a job as an associate professor at the E.W. Scripps School of Journalism
58 at Ohio. I taught a media ethics course as well as introductory journalism courses.

59
60 Five years later, I was offered a full professorship at the Philip Merrill College of Journalism at the
61 University of Maryland. Then, in 2000, I was offered a position at the Ernie Pyle School of Journalism at
62 Indiana University. I am originally from Indiana, so I jumped at the chance. It was the best move I ever
63 made. The school allowed me to teach courses focused on media ethics and, more importantly, I was able
64 to take two sabbaticals to write my books, which was how I really made a name for myself.

65
66 My first book was published in 2011. It was entitled "The Truth is Behind Bars: Why America's
67 Reporters Should Spend More Time Talking to Inmates and Less Time Listening to the Establishment."
68 The book focused on the importance of convicted criminals as sources. Now, I will be the first to admit
69 that relying on convicted felons is a risky proposition. But the simple fact is that convicted criminals – as
70 opposed to those who have not yet been sentenced – have little to gain by talking. They're already
71 convicted, and reporters can't commute sentences or offer immunity. So when a convicted felon comes
72 forward and wants to talk, chances are he's telling the truth. But if a reporter uses an inmate as their main
73 source, that journalist and her/his/their editor must go above and beyond the normal ethical standards.
74 That is the only way to ensure the honesty of both the source and the reporting. Naturally, I was thrilled
75 when my book was a New York Times Bestseller. It was also named a Top Ten Book of the Year by the
76 New York Times, Washington Post, Boston Globe, and USA Today.

77
78 I loved writing my first book so much that I followed it up a few years later with "The Necessity of the
79 Anonymous Source: Journalism in the Age of the Whistleblower." This book received the Cokie Roberts
80 Award for Outstanding Media Commentary and was also named a New York Times Notable Book for
81 2014. Although the sales weren't quite as good as my first book, I was still content with the moderate
82 acclaim that it received. I have also written a textbook on ethics that is widely used at the country's best
83 journalism schools.

84
85 I suspect my books were what caught the attention of County Commissioner Hayden Brooks. S/He/They
86 contacted me shortly after Ellis Strobel's article appeared in Da Scoops. I asked the Commissioner to
87 send me a copy of the article so that I could look it over. Imagine my surprise when I saw Andy
88 Diggins's name as Editor-In-Chief of Da Scoops. I mean, last I heard of Andy, s/he/they was riding the
89 wave of a Pulitzer Prize nomination after totally disgracing her/him/themself at the Boston Globe. Do
90 you know, the day I heard about what happened at the Globe, I had to resist calling everyone from the
91 Daily Northwestern and saying "I told you so!" But I thought that would be childish after all of these
92 years. As for the reporter, I had never heard of Ellis Strobel. I told Commissioner Brooks that I needed
93 to look into how Ellis's article was investigated and sourced before I could advise her/him/them on
94 whether there was a case against the paper. But I'm not going to lie, the fact that Andy was involved
95 already had me thinking that some ethical corners had probably been cut in order to break a big, juicy
96 story about a well-known and respected County Commissioner.

97
98 Commissioner Brooks's lawyer ended up retaining me to investigate Ellis Strobel's reporting. I had
99 never worked on a court case before and had no idea what to charge. I called some other folks in the field
100 and contracted with Commissioner Brooks's legal team for \$300/hour for my investigation and research

101 time and \$500/hour for testimony. My understanding is that these are pretty standard rates. In fact, I
102 suspect I may not be charging enough because I've been overwhelmed with calls to help in other cases.
103 I'm lined up for five upcoming trials, sometimes working for the paper, sometimes working for the
104 article's target. I'm thinking that this may be a whole new direction for my career.

105
106 I don't even know where to begin about all of the problems with how this article was handled. My
107 analysis was done using the Society of Professional Journalists' Code of Ethics, which I helped to write,
108 and the witness statements of Ellis Strobel, Morgan Ramsey, Andy Diggins, County Commissioner
109 Hayden Brooks, and Shay Christoff. I guess I will start with Strobel's mistakes.

110
111 First, a journalist should test the accuracy of her/his/their information from all sources and exercise care
112 to avoid inadvertent error. Deliberate distortion is totally impermissible. Here, Strobel utterly failed to
113 test the accuracy of the information given to her/him/them by Ramsey. Now, I am the last person to be
114 critical just because Strobel's primary source is a convicted criminal. But, like I said, the ethical
115 standards are even higher when that's the case, and Strobel had no one to corroborate even the smallest
116 portion of what Ramsey said. Strobel never confirmed Commissioner Brooks's whereabouts the night of
117 alleged bribe and, more importantly, never found or talked to Johannes Weaving. Plus, I could not find
118 any evidence that Strobel tried to corroborate whether Commissioner Brooks had, in fact, won a
119 substantial sum of money gambling. Moreover, Strobel did not follow up on her/his/their anonymous tip
120 from the Police that an investigation of the bribery charges against County Commissioner Brooks was
121 happening in Maui. There is simply no dispute that confirming the existence of such an investigation and
122 learning the outcome of the police inquiries was vital to presenting this story in an honest, even-handed
123 way. Finally, Strobel's "confirmation" that Commissioner Brooks was disciplined for her/his/their
124 involvement in gambling was nothing more than the inference Strobel chose to draw from the Hawaii
125 Ethics Commission's comments. These failures are unacceptable.

126
127 Second, because Strobel failed to follow up with some of the individuals and entities listed above,
128 s/he/they was forced to rely on anonymous or simply unnamed sources. This violates the journalistic
129 standard that reporters should identify sources whenever feasible because the public should be allowed to
130 judge a source's reliability. For example, Strobel used an unnamed police source as justification for
131 reporting that the bribery charges against Commissioner Brooks were being investigated. Because
132 Strobel failed to contact the BCA, the public was denied not only the details of any such investigation, but
133 also the ability to decide how serious the investigation was, whether it was properly conducted, and what
134 the outcome of the inquiry was. Such information would have been far more helpful than one anonymous
135 source giving a tip.

136
137 Third, Strobel did not avoid conflicts of interest. This problem is not readily apparent from the article
138 itself, but became obvious when I read her/his/their statement. Strobel is clearly angry with County
139 Commissioner Brooks for her/his/their alleged anti-environmental supporter sentiments and, it seems,
140 holds the Commissioner responsible for Misha Stupinski's incarceration. Given this history, Strobel
141 never should have written this article. S/He/They is, very simply, not objective where the Commissioner
142 is concerned.

143
144 Now we move on to problems not only with Strobel's reporting, but Andy's editing. So, the fourth issue
145 with the article is that both Strobel and Andy failed to distinguish between advocacy and news reporting.
146 The fact that this article appeared on page one of the news section does not change the fact that it is rife
147 with opinion, innuendo, and inference. Conclusions are drawn without evidence linking the dots. The
148 most obvious example of this problem is the pictures of Commissioner Brooks's recent purchases. The
149 fact that someone bought a boat, house and car with cash is not evidence that Brooks took a bribe. And it
150 was irresponsible to report and print an article that directly draws that inference when the reporter never
151 even investigated known alternative sources of income for Commissioner Brooks. Andy never should

152 have allowed that inference to appear and never should have allowed those pictures to run based on such a
153 minimal foundation. The entire tone of the article is accusatory, not objective.

154
155 Fifth and finally, both Strobel and Andy failed to remember that newsgathering may cause harm or
156 discomfort and that pursuit of the news is not a license for arrogance. They seemed to forget this standard
157 in their quest to break a big story. Andy in particular allowed an article to appear that, in no uncertain
158 terms, accuses a well-respected commissioner with a spotless record of taking a bribe from a notorious
159 criminal, reneging on her/his/their promise, and living the high life on her/his/their dishonesty. It would
160 be one thing if that were the obvious outcome based on a thoroughly investigated, properly sourced,
161 objectively written article. But that is not what happened here. Instead, a cursory investigation, shoddily
162 sourced, obviously biased article went to press. And Commissioner Brooks’s reputation will be forever
163 tainted with it. Just the implication of it.

164
165 In the end, the only conclusion to be drawn is that both Ellis Strobel and Andy Diggins violated at least
166 five of journalism’s cardinal rules. I think that it could safely be said that Da Scoops, through its reporter
167 and editor, showed a reckless disregard for the truth when it printed the story about Commissioner
168 Brooks.

169
170 This statement was given under oath. I have had an opportunity to read, review, and update this
171 statement, and I attest that this is a true and accurate statement.

172
173 Dated October 17, 2018 /s/ Blake Baker

174
175 STATE OF HAWAII)
176) SS.
177 COUNTY OF MAUI)

178
179 On this 17th day of October, 2018, before me personally appeared Blake Baker, to me known to be the
180 person described in and who executed the foregoing instrument, and acknowledged that s/he/they
181 executed the same as her/his/their free act and deed.

182
183 In testimony whereof, I have hereunto set my hand and affixed my official seal in the County and State
aforesaid, the day and year first above written.

Theodore Ward
Notary Public – Notary Seal
STATE OF HAWAII
County of Maui
My Commission Expires: Oct. 8, 2020
Commission # 16513544

/s/ Ted Ward
Notary Public
My Commission Expires:
10/08/2020

STATEMENT OF MORGAN RAMSEY

1 My name is Morgan Ramsey. In a previous life as a successful businessperson, I went by “Mac” in my
2 circle of friends. Currently I reside at 2300 County Road 29, which is the Federal Correctional Institution
3 in Halawa. The Federal Bureau of Prisons classifies Halawa as a “low security” federal correctional
4 institution; it’s often difficult to see the humor in that.

5
6 Before I was imprisoned as part of my plea deal, I lived in Maui, Hawaii, in a nice surfing town called
7 Paia. I also used to run my own business, popularly referenced under my umbrella company Ramsey
8 Real Estate, L.L.C., though I don’t miss much about that part of my life anymore. What I miss are my
9 children, who I haven’t seen in a year.

10
11 I didn’t grow up with much. My father worked for the railroad and my mother raised me and my three
12 sisters. But I caught a big break after graduating college. I’d been working to pay my way through school
13 by building houses. My boss convinced me to stay on and work with him as a partner instead of going to
14 business school for an MBA, so that’s what I did. We worked side by side for nearly five years, and then
15 he became sick with a terrible illness I don’t like talking about. What made it worse is that his adult
16 children sued me when I took over and dissolved the company while he was still in the hospital. The
17 family made allegations of fraud against me, and I settled that case to make it go away. The deal I worked
18 out was that instead of admitting fraud, I admitted that I exercised undue influence over my business
19 partner while he was sick and mentally impaired in the hospital, and I agreed to pay back a portion of the
20 money his family demanded. I understand how it may seem problematic to ask someone what they want
21 to do with a multi-million dollar partnership in that state, but I didn’t have a choice. He never wrote a will
22 and was weeks from passing away, so I did ask him to sign over his share of the partnership to me in that
23 moment of crisis, and I paid dearly for that mistake.

24
25 Fortunately, I still had most of the money left over from winding down the construction company. My
26 spouse thought I was crazy, but I decided to use my money to acquire two other home construction
27 companies. Seems like back then everyone I knew who had a little extra money wanted to own a big
28 house. By 1997, we were doing so well that I bought into a home mortgage-financing company—my first
29 of several. Not only was I in the home-building business, but now I had a company loaning people the
30 money to buy homes.

31
32 By the mid-2000s things were at their peak. My businesses looked small individually, but I had so many
33 that if you added them up I would have been in the top-five for home real estate in Maui. We even started
34 spreading into Oahu with an affiliate, Basting Construction Co. Thousands of people, from all the
35 dedicated staff, contractors, and subcontractors worked for me in one way or another. Buying up whole
36 farms and replacing fields with neighborhoods full of houses went from something to celebrate to just
37 another page in a stack to rubber-stamp. And frankly, I was doing a good job transitioning away from
38 building and focusing more on the mortgage financing angle, which was almost as lucrative as my third
39 venture, mortgage securities trading. Things were so good we bought the naming rights to the stadium for
40 the college baseball team in Maui.

41
42 Not only were things great for my businesses, but they were great for me as well. My spouse Cory and I
43 had three lovely children and owned the biggest home in Paia. It had two pools, a basketball court, and
44 my own private driving range. We owned vacation homes in San Francisco, Texas, and Miami. We had
45 three butlers and a personal chef who traveled with us everywhere. I started collecting vintage airplanes
46 that I stored in a hangar I purchased at the local airport. It was an expensive lifestyle, but money was
47 rolling in hand over fist.

49 In 2007, of course, things took a turn. By Fall 2008, the game was up, and the whole real estate market
50 plunged. Like many people in this business, I was not prepared for what I should have seen coming years
51 ago. All my eggs were in the real estate basket. Revenue dried up overnight, and debts came due. Oh, and
52 lawsuits. I lost count of the lawsuits. People who signed up for loans on their own free will accused me of
53 giving them deals I knew they could not afford. While there is obviously truth to that, as there is with
54 much of the blame throughout the subprime mortgage crisis, I hired some good lawyers. Savvy
55 bankruptcy strategies allowed me to avoid liability to many of my clients and creditors.

56
57 Besides bankruptcies, I made it out of the recession by buying up land while the price was cheap during
58 the downturn. A lot of real estate investors decided to get out of the game after 2008. I went the other
59 direction and doubled down. I knew it was risky, but I also knew it was just a matter of time until the
60 market improved and fields of grass or crops became vibrant neighborhoods. In hindsight, this was not a
61 good idea. I purchased too many tracts of land. Barren parcels might have a high payoff years down the
62 road, but until they get developed, they earn nothing.

63
64 I just kept buying more land anyway. By 2012, I felt like not just a survivor, but a mastermind for making it
65 out of the recession in one piece. That made me cocky. I would overbid on land just to lock down a
66 community away from my competitors. Keep in mind, most new neighborhoods you see now since the
67 recession happened were not yet built in 2012. The land prices were going up because we all knew the home
68 builders and buyers would come eventually, but I still hadn't earned on much of anything I'd purchased.

69
70 I spent a jaw-dropping \$8 million dollars on the Corridor plots of land. More to the point, I did not buy
71 those plots with my own money, but loans – loans with an interest rate my credit deserved, which was not
72 great. I would be unable to pay back the loan for a while. In fact, the size of the loan actually increased
73 over the years I owned the land. At the time it was a solid purchase. The Corridor is a beautiful stretch of
74 land, much of it on a noticeable slope with a great view of the Ocean. A fantastic place for building
75 houses, and honestly the last spot in the world I expected an oil pipeline to go. I didn't know there was
76 oil in Hawaii.

77
78 You've probably heard of the concept of eminent domain before. Shockingly, it's constitutionally
79 acceptable for the government to come in and force you to give them your land. All they have to do under
80 the Takings Clause of the Constitution is pay you "current fair market value" for the land they are taking
81 by force – emphasis on "current." You can probably see where this is going. When higher-ups announced
82 their intent to ask the county for passage through the Corridor in 2015, the fair market value of my plots
83 of land was not its true value. A few houses had popped up by then, but not as many as there would have
84 been – not by a long shot. The assessor believed my land was worth just 8 million dollars, the same
85 amount I'd signed onto it for in 2012, before my loan had gained all of its interest.

86
87 Just like in 2008, the problems started as a trickle and then became a cascade. I filed suit to get a better
88 price on the Corridor, but it was clear I wasn't going to win that suit. My lawyers advised me, correctly,
89 that I had overpaid for the land in 2012. And I had other land purchases nearby, too. Remember, this all
90 happened in 2015 and 2016, during the controversies at the Standing Rock protests. Headlines about
91 pipeline spills and ground and water contamination filled my news feed on social media. No one was
92 interested in taking the Corridor off my hands for more than the government's proposed price, and now
93 my other purchases in the area were tanking in value because home buyers weren't going to want to live
94 within miles of a dangerous oil pipeline if they could avoid it.

95
96 My chief accountant, Johannes, advised me that we had only one option – get "political." Maui County did
97 not have much choice in the fact that the oil pipeline would run through the county, as that had already
98 been determined by federal and state politicians. But they did have veto power over certain locations within
99 the county as to where the pipeline would go. I knew it would be a split vote because of history. Four

100 commissioners had already publicly backed one side or the other, leaving three in play, and I aimed to
101 become friendly with one of them in particular. Jeb Farris was a well-known environmentalist. He'd
102 worked on park board crap for decades before getting relegated to county commissioner status. I knew he
103 would vote to move the pipeline away from the Corridor. For crying out loud, you can't put a pipeline on a
104 hill sloping down toward the Ocean! But then there was Kristina Olson. She was a former homeless
105 outreach worker for a nonprofit in Wailuku, and she wasn't a big fan of mine. She had once accused me in
106 a newspaper op-ed of being a mortgage fraudster, so I knew she would deliberately vote against whatever I
107 asked her. That left Brooks, one swing vote out of the seven that we could "persuade."
108

109 I still had some liquid cash available for a rainy day. It wasn't enough to get me out of my (by then
110 numerous) holes, but it was enough to buy a miracle. I withdrew \$500,000 from a shell company account
111 I'd saved since before the recession, and I gave it to Johannes for his side of the plan.
112

113 I arranged for Johannes to meet Brooks at some sleazy motel in Hana at about 11:45pm on October 30,
114 2016. I remember the date of the meeting because it was the night before Halloween. I hear that Brooks
115 claims that the bribe could not have happened that night because s/he/they was at a conference in
116 Honolulu. There's supposedly a YouTube video of Brooks giving a speech at that conference. But I
117 would point out that you can fabricate anything these days, and there's no proof that I've seen that the
118 video footage posted on Brooks's website was footage captured from October 30, 2016. It could have
119 been from any time before that. Finally, I specifically remember Johannes complaining because he had to
120 drive to some hotel out of town to give Brooks the money. Why would he do that if he didn't actually
121 drive there? Right after the bribe occurred, Brooks announced that s/he/they would retire at the end of
122 2016, as soon as the contentious vote was over.
123

124 Everything was going perfectly. Until the Hurricane threatened to hit and delayed the vote into 2017,
125 rendering my payment irrelevant.
126

127 Johannes informed me that this was a problem because by New Year's Day Brooks would be gone for the
128 term and we would soon get a new guy in her/his/their place, a disruptor anti-environmentalist who was
129 unlikely to be sympathetic to anything we had to say. Johannes and I called Brooks from Johannes's
130 office on Christmas Eve to demand that s/he/they do something about this. Brooks told us that s/he/they
131 would see what s/he/they could do. Brooks called us back that Friday and told me that I was out of luck.
132 S/He/They wrote a letter to the county requesting that s/he/they be allowed to remain in the seat to cast a
133 vote, but the other two commissioners could find no legal loophole to allow that to happen. I demanded
134 Brooks to return my money and s/he/they refused, telling me s/he/they had already put it in the bank.
135

136 Eventually the County Board returned to hear matters for 2017, with Commissioner Dehn in Brooks's
137 place. Johannes told me we had no chance of winning with Dehn, who was generally pro-business but
138 particularly harsh on environmentalists. Since I was aligned with the hippies on wanting to move an oil
139 pipeline, Dehn was an eager stick in the mud to my agenda. The vote was 4-3 to deny our request to choose
140 a different location for the pipeline, and just like that my business empire took another dive, this time for good.
141

142 When I declared a series of bankruptcies all over again in March of 2017, the investigators were already
143 circling like vultures. They had a lot of questions for me – questions about what they considered to be
144 spurious behavior in 2016, but also questions about 2008, which had not been asked to my face before.
145 Questions like why I had conveniently invested and donated so many millions of dollars during the market
146 crash that I did not report in my bankruptcy filings and how I conveniently came back into that money in
147 2010-2012. Questions like how I could possibly afford overpriced land deals when my credit had been in
148 the toilet and I was supposed to be out of money to buy just about anything.
149

150 I accepted a plea in July 2017 and was sentenced to ten years in prison for bankruptcy fraud. Not that this
151 will be a surprise to anyone, but prison is terrible. I was so upset about everything that happened that I
152 called the police within a month of settling in prison. I told them everything that happened with Brooks.
153 I told them about the oil pipeline problems, the bribe and the threats. That investigator, Christoff or
154 something, came by one time. But s/he/they didn't talk for very long and I never heard from
155 her/him/they again. Later I found out Christoff got her/his/their job because of Brooks.

156
157 When the police angle went nowhere I tried the press instead. It is difficult making calls from prison.
158 You need money to pay for each call, and the calls are expensive. You also don't have an internet phone
159 directory. You have to use the old-fashioned Yellow Pages. It took a day, but I found who I needed.
160 Next thing I know on September 8, 2017 someone from Da Scoops named Ellis Strobel is meeting me at
161 the prison. Ellis asked me what happened and I was more than happy to tell her/him/they. I wanted
162 Brooks to get what was coming to her/him/they.

163
164 Apparently the story was printed in the paper because fairly soon everybody wanted to talk to me.
165 Several reporters tried to contact me about the story but the warden wouldn't let them all in. The story
166 got picked up by the the Star Bulletin and the Pacific Business Weekly and made big news all over the
167 state. Everyone was saying Brooks would be put on trial.

168
169 The only people who knew about the plan for the vote were Commissioner Brooks, Johannes, and me.
170 Unfortunately, a week or so after I pleaded guilty and was sentenced, Johannes disappeared. He apparently
171 cleaned out his office and his apartment and left town, and I haven't heard a peep from him in months. A
172 cell mate shared a rumor that he's back in Sweden where he has family ties. Maybe he got scared, maybe
173 he wanted to start a new life, I just don't know. I wish he were here, though, to verify my story.

174
175 Well, that's all there is to tell. To be honest, I don't know much about Ellis Strobel and the story in the
176 paper. I only met Strobel that one time in jail and never read the newspaper article – I am too busy trying
177 to take care of myself in here. I sure hope Brooks doesn't win this case, though – that slimeball is guilty
178 as sin and I know s/he/they has plenty of money because s/he/they got it from me.

179
180 This statement was given under oath. I have had an opportunity to read, review, and update this
181 statement, and I attest that this is a true and accurate statement.

182
183 Dated October 17, 2018 /s/ Morgan Ramsey

184
185 STATE OF HAWAII)
186) SS.
187 COUNTY OF MAUI)
188

189 On this 17th day of October, 2018, before me personally appeared Morgan Ramsey, to me known
190 to be the person described in and who executed the foregoing instrument, and acknowledged
191 that s/he/they executed the same as her/his/their free act and deed.

192 In testimony whereof, I have hereunto set my hand and affixed my official seal in the County and State
193 aforesaid, the day and year first above written.

Theodore Ward
Notary Public – Notary Seal
STATE OF HAWAII
County of Maui
My Commission Expires: Oct. 8, 2020

Commission # 16513544
/s/ Ted Ward
Notary Public
My Commission Expires:

10/08/2020

STATEMENT OF ELLIS STROBEL

1 My name is Ellis Strobel. At the time of this statement I am thirty-eight years old. My parents were
2 forced to flee to the United States before I was born because they were involved in the resistance
3 movement against an oppressive government. They had been publishing an underground newspaper, but
4 they were eventually discovered by the secret police. To protect themselves, they escaped to the United
5 States. To keep them safe, the American authorities helped my parents settle in the small town of Paia,
6 Hawaii. As a result, I was born in Hawaii, not the old country.
7

8 My best friend was another kid from an immigrant family, Misha Stupinski. Misha and I did everything
9 together growing up, especially anything we could do outside. Misha and I would spend hours hiking in
10 the woods, sitting on a dock with our fishing poles in the water, or just climbing trees. In the summer, it
11 was even better. Misha's family had a beach house. While Misha's dad and sister waited to catch fish,
12 Misha and I would play basketball with some other local kids. As we got older, Misha and I biked, four-
13 wheeled, and surfed all over. Of course, that was before Green Diamond Trucking built that huge garage
14 and loading facility. I know it was good for local business, but man I hated to see all that beautiful open
15 space that Misha and I used to explore fenced off.
16

17 I had my heart set on journalism as a career fairly early on. Part of it was personal – I wrote well, and the
18 school newspaper was a place where I always felt accepted and welcomed. Part of it, too, was an homage
19 to my parents' struggles. They were forced to leave the old country because they wrote the truth about
20 what was happening. I worked hard and was accepted with a full ride Northwestern University's
21 journalism school. Northwestern is consistently ranked as one of the country's highest ranked journalism
22 program. It was an honor to be admitted. The program was challenging, to say the least. I had never
23 written so much nor been held to such high standards. In every case but one, I rose to the challenge. That
24 one failure is the biggest mistake of my life.
25

26 I was in a class that required us to file daily stories from around campus, a requirement that was perfect
27 preparation for the demands of the newsroom in real life. Toward the end of the semester I was having a
28 particularly difficult week. I had two papers due, I had fifteen hours of work to do to keep my work study
29 job, and I was on the phone late with Misha, who was trying to get out of a bad relationship. By Friday, I
30 was frazzled, and I had to file a story that I just hadn't done any work on. In my desperation to get the
31 assignment done, I made a terrible mistake. I made up a story and turned it in.
32

33 I screwed up, I know. I lied when I made up the story. The next morning, I called my professor and
34 confessed. The deal we worked out was that I would fail the class but not get thrown out of the program
35 since I had confessed. I eventually retook the class and got an A, but the F stayed on my transcript. That
36 error in judgment made it difficult for me to get a job coming out of college, even with a journalism
37 degree from a highly rated school. No one wanted to take a risk on someone who had made such a bad
38 decision. Eventually, I landed a job with my hometown newspaper, Da Scoops. I had known the then-
39 editor, Anna Tobin, from an internship I did in high school.
40

41 Things went pretty well for me starting out. Tobin ran a traditional newsroom, which meant you had to
42 pay your dues in order to move up the ladder. I eventually got my break in 2010 with a series of stories
43 about some pollution on the outskirts of town. There was a big agribusiness – Frederick and Sons – that
44 was running some farms near town and was dumping animal waste and feed products directly into the
45 river. I spearheaded an investigation that caught them in the act when they were dumping out at the old
46 Buckhold farm. The resulting investigation by the state shut down the company, and the farm has been
47 abandoned ever since.
48

49 I'd say that my biggest accomplishment as a reporter came during the Morgan Phillips trial. I won the
50 Orry, which is the local equivalent of a Pulitzer Prize, for my coverage of the case. I thought it was pretty
51 clear that the jury did the right thing by finding him not guilty, but there are always folks who want to
52 string someone up just on their reputation. I get calls all the time asking me to join a bigger paper, but
53 Paia is still home, and I can't see leaving for anything.
54

55 Around that same time, I learned that the County was considering letting some company build a pipeline
56 through Paia. Can you believe it? They want to change more open green space and turn it into a
57 pipeline? You don't need to be a journalist to know that those things are bad news. Even if the pipeline
58 doesn't break, it can still leak. They also take up a lot of space; it isn't just the 48-inch pipeline itself.
59 The land around the pipeline has to be fenced off for at least 50 feet on either side. Can you imagine? A
60 100-foot-wide corridor running along the edge of town? No more four-wheeling across trails. No more
61 walking to school if you live on the "wrong" side of the pipeline. Not only would a proposed pipeline
62 ruin the outdoors that I love so much about Paia, but it would be terrible for the community as a whole.
63

64 Even though everything was going pretty well for me at this point, Misha ran into trouble. He and some
65 friends from work stayed out too late one night. Misha swears he only had one beer, but he got pulled
66 over leaving his favorite local bar. When they pulled him over, Misha blew a .04. That's half the legal
67 limit, except that Misha had a commercial driver's license and was driving his work truck home from the
68 bar. Because his truck was a "commercial motor vehicle," I guess that means there is a lower limit.
69 Anyway, he got charged with driving under the influence. It was a first offense, and Misha had a totally
70 clean record before that. But then-County Attorney Hayden Brooks, who had a reputation for being tough
71 on young, blue-collar workers, decided not to offer any kind of plea deal. Misha ended up losing his
72 commercial driver's license for a while and getting the maximum criminal penalty. Losing his
73 commercial driver's license cost Misha his job at Green Diamond, which really set him down a bad road.
74 He has not been the same since.
75

76 Needless to say, I was pretty incensed about this whole affair. So I did what I do best. I started poking
77 around, asking questions, and doing research. I didn't turn up anything while s/he/they was County
78 Attorney, but I kept looking every once and a while. It wasn't every day or anything like that, I just kept
79 my ears open for anything about Brooks. Sometime after Brooks got elected County Commissioner, I
80 learned that s/he/they was a big proponent of the pipeline. Brooks only saw the potential tax revenues. Of
81 course, the idea of a big installation near the pipeline and the prospect of even more industrial jobs coming
82 to the County – as if we need that kind of work here – appealed to Brooks too. There was also a rumor that
83 Brooks's aunt or uncle was a soil engineer who worked for the pipeline company, but I never found any
84 proof of that.
85

86 I wrote up what I found and ran it by my editor. Andy Diggins was new to the paper, having just come
87 into town from Detroit or somewhere. I had never really had much of a problem with her/him/them, but
88 s/he/they hadn't really been around all that long, either. Andy shot down my story, saying that s/he/they
89 didn't want to rock the boat this early into her/his/their tenure in town. I think Andy also said something
90 about being concerned about my reference to Brooks's relative who allegedly worked for the pipeline
91 company, but I don't think that Andy understood the County dynamics just yet. That pipeline was just
92 such a bad idea. Also, it's not like I said that Brooks was receiving a kickback from her/his/their relative.
93 I just mentioned that there was a rumor that her/his/their relative worked for the pipeline company. I
94 can't say that I was particularly pleased about having the story killed, but it happens to every good
95 journalist. Maybe it shouldn't, but it does.
96

97 I first got involved with the article at the center of this whole mess in September 2017, when I got a
98 voicemail from Mac Ramsey, who pleaded guilty to bankruptcy fraud. Ramsey's voicemail was pretty
99 short. Ramsey just said that s/he/they bribed a member of the County Board of Commissioners to vote on

100 having the pipeline run through a certain route, but the County Board still voted to have it follow a
101 different route, which cost Ramsey a fortune. I wish I still had the voicemail, but I dropped my phone
102 trying to take a call just after a County Council meeting a few days later and stepped on it in the dark. I
103 couldn't recover any messages.

104
105 Anyway, if what Ramsey said was true, it would be quite a story. So, in early September I flew to Oahu
106 and drove to the federal prison to visit with Ramsey. Like any good journalist, I took notes on our
107 conversation. Ramsey was initially a little hesitant to talk about the situation, but eventually said, "Screw
108 it. I'm already in jail. If I do more time because of this, at least I can take that rat Brooks down with me."

109
110 I jumped when Ramsey said that Brooks was the County Commissioner involved. I made sure that
111 Ramsey meant Commissioner Hayden Brooks, who had just recently retired. Ramsey confirmed that
112 Brooks was exactly who s/he/they was talking about.

113
114 Ramsey told me the following story: When s/he/they found out that Brooks was going to be on the
115 committee that was going to initially consider the route the pipeline was taking, Ramsey's accountant said
116 that maybe there was a way to get the matter settled before the other interested parties had a chance to talk
117 to the County Board. Ramsey's accountant, a person by the name of Johannes Weaving, worked for
118 Brooks several years back, and knew that Brooks was up to her/his/their ears in gambling debts. Weaving
119 said that if Ramsey happened to provide Commissioner Brooks with the way out of her/his/their debts –
120 say, half a million dollars – Brooks would express her/his/their gratitude by persuading the pipeline
121 committee to require the pipeline to follow the route that Ramsey wanted, before the official committee
122 meeting and before the other land owners had a chance to talk about the route with the County Board.

123
124 Ramsey told me that s/he/they jumped at the chance. S/He/They gave Weaving the money and Weaving
125 reported back that everything had gone to plan. I asked Ramsey what had gone wrong. S/He/They
126 laughed bitterly and said that Brooks resigned from the County Board before the first committee meeting
127 about the pipeline. Ramsey said that the new chair of the pipeline committee was her/his/their former
128 business partner, so Ramsey knew s/he/they could not approach that Commissioner about the pipeline or
129 it would lead too much of a trail. I asked Ramsey if s/he/they had anything that could help verify the
130 story. Ramsey said that s/he/they filed a complaint with the police a couple weeks prior in August, but
131 that s/he/they hadn't heard anything further.

132
133 I started working on verifying Ramsey's story the next day. My first call was to Johannes Weaving.
134 Weaving was not in, and his secretary Sara Pepper said that he was out of the office for a little while. I
135 followed up with another call a couple days later and found that the number had been disconnected. I don't
136 know where Weaving is, and I have made no further attempts to contact him. At the same time, this made
137 me fairly suspicious. I mean, fleeing town clearly means that he has something to hide, right? I also
138 wanted to ask Weaving if Ramsey got a deal for coming forward about the bribery, but again, I wasn't able
139 to find him. I also looked at Ramsey's court records on the courts' website, but there wasn't anything
140 specific about her/his/their guilty pleas, so I couldn't tell if the sentence was reduced for saying anything about
141 Brooks.

142
143 My next call was to the Maui Police Department. They didn't have any answers for me immediately and
144 told me that they'd call back. About ninety minutes later the desk sergeant called me back and said that
145 the Police Department's official statement was a "no comment." He also said that he had been authorized
146 to tell me that there was an investigation, but it was being done by a cop over in Honolulu. That
147 information was strictly off the record, though.

148
149 I checked with a couple of my usual sources within the department. Only one of them knew anything
150 about it, and he said that he had maybe overheard someone saying that they had done just a quickie

151 investigation but hadn't really looked too hard for anything incriminating. I never contacted anyone in
152 the BCA, nor did anyone from the BCA contact me.

153
154 I also put in a call to County Attorney Kaminsky's office at the end of the day. S/He/They said that
155 s/he/they didn't know of any official investigations or actions currently active against Commissioner
156 Brooks. Then, almost as an afterthought, s/he/they added that if s/he/they was going to investigate
157 something like this, s/he/they might put a call in to the Hawaii Ethics Commission.

158
159 The next morning when I got into the office, there was an envelope addressed to me without any sort of
160 stamps or return addresses or anything. I opened it and inside was a letter from the Hawaii Ethics
161 Commission addressed to Commissioner Brooks. The letter said that Brooks was being censured for
162 her/his/their involvement in high stakes gambling and sports betting. The letter stated that since Brooks
163 had come forward to disclose this involvement voluntarily and had sworn to have no further involvement
164 with the activity, the official Letter of Reprimand would be kept private. However, the letter warned, if
165 Brooks engaged in any further gambling activity, the Ethics Commission would go public with its censure
166 and maybe seek further action.

167
168 The letter was clearly identified as a draft letter and was also unsigned and undated. I didn't even know if
169 it had been sent at all. Heck, I didn't even know who had given me a copy. However, Kaminsky's hint
170 about the Ethics Commission kept coming back to me as I thought about the draft letter. I figured that
171 s/he/they was showing a little immigrant family solidarity and had slipped me a copy of the letter that
172 s/he/they had gotten from somewhere. I called her/him/them up and asked her/him/them about it, but
173 s/he/they said that s/he/they had never heard of such a thing before. Of course, what else would you
174 expect her/him/them to say?

175
176 Just to cover my tail, I gave the Ethics Commission a call to get confirmation that such a letter had been
177 officially sent to Brooks. Its reply was that there was no such letter in the Commissioner Brooks's public
178 file, and that they refused to comment on any past or present investigations, whether those investigations
179 existed or not. This is exactly what the letter predicted that the Commission would say, so I took it as a
180 confirmation of the letter's authenticity.

181
182 By this time, word had gotten out in the newsroom that I was running down a story on Commissioner
183 Brooks. Someone mentioned that Brooks had been making some extravagant purchases within the last
184 year. I got Vickie Olson, an ace freelance photographer who sometimes worked for the paper, to go
185 check out how Commissioner Brooks was living these days. Vickie came back with pictures of a
186 lakeshore mansion, a massive speedboat, and a shiny new Hummer. I got on the phone and started
187 making some calls and confirmed that Commissioner Brooks had purchased each of these within the last
188 year. More important, I thought, was the fact that the Commissioner had paid for each of these purchases
189 in cash.

190
191 At this point I had everything I needed to write the piece. Just to go through all the motions, I knew I had
192 to give Commissioner Brooks a call to give her/him/them a chance to refute the accusations and the
193 associated evidence. I got through to the Commissioner, but our conversation was extremely short. I
194 identified myself and Brooks barked into the phone that s/he/they knew who I was, and had nothing to say
195 to me at this time or any time in the future. It wasn't the first time I've had a phone slammed down by
196 someone I've been trying to interview and I'd be stunned if it was the last.

197
198 Having done all the work I needed to, I wrote up the article and ran it by Andy Diggins. Whatever
199 concerns s/he/they had about stepping on Brooks's foot earlier had evidently evaporated. Andy appeared
200 very excited about the article, saying to her/him/themself that it was another story for the paper for sure.

201

202 The story ran on the front page of Da Scoops on September 22, 2017, and was picked up by the the Star
203 Bulletin and the Pacific Business Weekly the next day. There was a media furor over the story, and it
204 turned into something of a media spectacle here. Things quieted down until Brooks decided to sue the
205 paper over the article.

206
207 This statement was given under oath. I have had an opportunity to read, review, and update this
208 statement, and I attest that this is a true and accurate statement.

209
210 Dated: October 17, 2018 /s/ Ellis Strobel

211
212 STATE OF HAWAII)
213) SS.
214 COUNTY OF MAUI)
215

216 On this 17th day of October, 2018, before me personally appeared Ellis Strobel, to me known to be the
217 person described in and who executed the foregoing instrument, and acknowledged that s/he/they
218 executed the same as her/his/their free act and deed.

219 In testimony whereof, I have hereunto set my hand and affixed my official seal in the County and State
220 aforesaid, the day and year first above written.

Theodore Ward
Notary Public – Notary Seal
STATE OF HAWAII
County of Maui
My Commission Expires: Oct. 8, 2020
Commission # 16513544

/s/ Ted Ward
Notary Public
My Commission Expires:
10/08/2020

STATEMENT OF ANDY DIGGINS

1 My name is Andy Diggins and I am currently the Editor-in-Chief of the Da Scoops. I can't believe that
2 I'm here today. The article that we published on County Commissioner Hayden Brooks was a great piece
3 of reporting. I know the Commissioner is influential, but using a defamation suit to try and clear
4 her/his/their name is nonsense. If the Commissioner had a problem with Ellis's story, then s/he/they
5 should have commented when Ellis called. Now s/he/they is trying to drag down a very talented young
6 reporter with this baseless case. This entire lawsuit makes me steaming mad.
7

8 My career as a journalist began in college. I attended the Medill School of Journalism at Northwestern
9 University, one of the top journalism schools in the country. My big break with the school newspaper –
10 The Daily Northwestern – came junior year when I wrote an article about how campus crime statistics
11 were being manipulated by local police and the administration. My article won the award for Outstanding
12 College Newspaper Article from the Pew Center for Civic Journalism, and they also named me College
13 Reporter of the Year and The Daily Northwestern was also named Top College Newspaper by the Society
14 of Professional Journalists, based in no small part on the popularity of my article. It was quite a ride. So
15 it came as no real surprise when my fellow staffers selected me as Editor-in-Chief my senior year.
16

17 What is amazing is that my story almost didn't happen because of Blake Baker, a classmate who was the
18 Daily assistant editor the year my story ran. We used to have weekly staff meetings to talk about
19 upcoming stories. I told the staff about my crime story and everyone was very excited. I had two sources
20 – one in the administration and one in the police department – who were willing to talk about the
21 conspiracy. They would only agree to be anonymous sources, though no matter how hard I tried they
22 would not go on the record. For me, and everyone else on the staff I might add, two anonymous sources
23 with obvious insider knowledge was good enough, but Blake didn't think so. S/He/They thought that we
24 needed someone named and on the record before we could run with the story. Personally, I think Blake
25 was miffed about being upstaged by a junior.
26

27 I understand that Blake was hired by Commissioner Brooks to testify about whether Ellis and I violated the
28 journalistic code of ethics. I'm not surprised. Blake's had it out for me since college. And this is a good
29 time to point something out. There are newspaper reporters and then there are people who write about
30 newspaper reporters. They are not the same thing. Real reporters are in the field, getting stories, following
31 leads, making judgment calls. The people who write about them are normally safely enshrined at some
32 college, talking about "ethics" and "standards" and "public integrity." Those ideas are all well and good,
33 but if reporters and the editors who manage them were not occasionally willing to go out on a limb, then
34 enormously important stories would never be reported. Let me put it this way: where would this country be
35 if Woodward and Bernstein had looked at one another and said, "Well, Deep Throat won't go on the
36 record, so I guess we should ditch this whole Watergate story"? If you look at any reporter's history – even
37 the ones who eventually join the ranks of academia – you will find some sort of close call. Not everyone
38 crosses the line, but I bet even Blake Baker has put her/his/their toes in the chalk.
39

40 Anyway, after Medill I went to work at the Chicago Tribune. I was an assistant news reporter assigned to
41 cover City Hall. Early on, I realized that I had a knack for building good relationships with people. I
42 developed a great network of insiders – aides to the mayor, staffers, clerks, secretaries, even maintenance
43 people – who were my eyes and ears. With the tips I heard, I was able to scoop some big stories. I
44 moved up quickly and pretty soon I was the reporter in charge of the City Hall beat. I stayed at the
45 Tribune for about eight years, before taking a job reporting for The Boston Globe. I stuck with the news
46 division, though, because that is where all the action is. At the Globe, I focused more on state politics and
47 worked my way up to being the reporter in charge of all state political reporting. I had sources in the
48 legislature, with the lobbyists, the lawyers, and the staffers. Nothing happened that I didn't know about.

49 But I had best fess up to one mistake that I made when I worked for the Globe. I heard through the rumor
50 mill that the Speaker of the State House of Representatives had used public funds to buy junk bonds in his
51 own name. I began to pursue the story, and contacted my main source in the Speaker's office, his
52 secretary. She confirmed the rumors and told me that she would get me copies of answering machine
53 messages left for the Speaker by his stockbroker. And she did produce the tapes, which seemed genuine.
54 But none of my usual sources would corroborate her story. In fact, they denied it. Still, I convinced
55 myself that people were staying silent because the Speaker was, after all, a very successful man. I
56 decided to write the story anyway. Somehow, I convinced my editor to publish with just one source. The
57 story ran. One week later, The Boston Herald ran a story, corroborated by multiple sources, that the
58 secretary had been passed over for a promotion and had doctored the messages for revenge. After five
59 years with the Globe, I was fired. There is just no other way to say it.

60
61 After the Globe I had trouble finding a job and ultimately had to take a step down in the ranks. In 1999, I
62 went to work for the Detroit Free Press as a news reporter. No special beat, no exceptional assignments.
63 I spent the next five years covering a little of everything. Crimes, car accidents, politics, scandals, trials, I
64 did it all. Finally, I guess I'd paid my debt because they promoted me. Once again, I focused mainly on
65 politics and was redeemed when, in 2009, I was nominated for a Pulitzer Prize for an expose I did on
66 pollution being dumped into local lakes by the automobile manufacturers. I didn't win, but suddenly
67 colleagues who refused to take my calls were willing to associate with me again. I had a lot of other job
68 offers, but stayed in Detroit. I felt like I owed the paper something for taking a risk on me after I was fired.

69
70 In 2010, I learned that my mother had cancer. My father died a while ago and I am an only child.
71 Because my mom lived alone, my only real option was to move home to Paia to take care of her. So
72 that's what I did. There is no major market newspaper nearby, and even if there had been, I could not
73 have put in the hours needed and still taken care of my mom. So I resigned from the Free Press and
74 moved home. I went to work for Da Scoops and, as luck would have it, the former editor was looking to
75 retire. I was named Editor-in-Chief of the paper in 2013.

76
77 Ellis already worked for the paper when I arrived. It was clear almost instantly that s/he/they was the best
78 reporter at Da Scoops. I spent a little while going through back issues of the paper and the stories that
79 Ellis wrote about the dumping by the 4N Company in Woodland and the Smith trial were top-notch.
80 Plus, I have to admit it; I am at a point in my career where I am looking to mentor a young reporter, to
81 pass on my wisdom if you will. Ellis seemed like an excellent candidate because s/he/they was talented
82 and ambitious. I'll admit, I really want to see Ellis succeed as a reporter. I've encouraged her/him/them
83 many times to leave Paia in favor of a bigger market. I mean, why win Page Ones when you could win
84 Pulitzers? But Ellis is a lifer.

85
86 So it was tough for me to shoot down Ellis's idea for an article on Commissioner Brooks and her/his/their
87 alleged bias against the environmental community. It really seemed liked Ellis was on to something. The
88 information on disciplinary actions against employees s/he/they dug up was pretty compelling. But I
89 learned my lesson the hard way in Boston and I simply was not willing to take on one of the most
90 successful people in the community so early in my tenure. It was just too risky.

91
92 Da Scoops, after all, was a long-time supporter of Commissioner Brooks. Even before my time, the paper
93 always endorsed the Commissioner in elections. It has written dozens of editorials in support of tough
94 decisions that Commissioner Brooks has made and also commending her/him/them for the charitable
95 work that s/he/they does in Paia. That is why this lawsuit really gets me steamed. After so many years of
96 great press, what makes the Commissioner think we made up stuff to get her/him/them now? It's nuts.

97
98 Regardless, Ellis didn't bring up the Commissioner for about three years. In late 2017, I can't quite
99 remember the date, Ellis mentioned to me in passing that s/he/they had a lead on possible bribery about

100 the location of the pipeline that is planned to run right through the county. Ellis said that s/he/they heard
101 that Mac Ramsey bribed a county commissioner to have the pipeline run one way and County Board
102 voted to have it run a different way. It sounded juicy to me and I told Ellis to keep me posted. Big stories
103 are tough to come by in a town the size of Paia, so I was excited that Ellis could be on to something. Ellis
104 spoke to Mac Ramsey and when s/he/they got back to the office was nearly giddy with joy.
105

106 In mid-September, Ellis and I sat down to talk about the Commissioner Brooks story. Ellis filled me in
107 on her/his/their interview with Mac Ramsey and Ramsey's allegations that s/he/they had paid
108 Commissioner Brooks \$500,000 to rig the County Board's vote. The deal was for Brooks to rig the
109 voting so that the pipeline ran the way the Mac Ramsey wanted it to run. Ellis identified Johannes
110 Weaving, Ramsey's accountant, as the middle-man who transferred the cash from Ramsey to the
111 Commissioner. Immediately, I asked Ellis whether s/he/they had contacted Weaving. That was when I
112 heard the bad news: Weaving had skipped town. I didn't ask whether Ellis had exhausted every possible
113 avenue for locating Weaving. I presumed that Ellis did everything s/he/they could to find the accountant.
114 After all, the accountant was the only possible person who could confirm Ramsey's story. Weaving's
115 disappearance left us with one source, which is always dangerous territory.
116

117 But Ellis remembered my hesitancy about the first Commissioner Brooks story, so s/he/they had done
118 more investigating. Ellis heard Ramsey had made a complaint to the police about the bribe. At first I was
119 skeptical of Ramsey's claim that s/he/they had complained to the police. But Ellis informed me that a
120 desk sergeant with the Police Department had confirmed, albeit off the record, that an investigation into
121 Ramsey's bribery charges was indeed being conducted through a BCA agent in Honolulu. And Ellis had
122 confirmed the existence of this investigation through an independent anonymous source from the Maui
123 Police. Additionally, Ellis told me that s/he/they had a letter from the Ethics Commission reprimanding
124 Commissioner Brooks for her/his/their involvement in high stakes gambling and sports betting. This
125 news didn't surprise me at all. It's one of Paia's worst kept secrets that Commissioner Brooks has a
126 serious gambling problem. Not only does Brooks like to gamble, but s/he/they always seems to lose.
127 That is just the sort of thing that is common knowledge in a small town like Paia.
128

129 But back to the letter. I never asked to see it. Ellis is too good a reporter to tell her/his/their editor that
130 s/he/they's got a letter if s/he/they doesn't. I didn't need to see it. I knew Ellis would call the Ethics
131 Commission to confirm and, in fact, Ellis told me that's precisely what s/he/they did. And the photos.
132 Wow. A few days after our meeting, Ellis came back with photos of some recent purchases that
133 Commissioner Brooks made in cash. Unbelievable. A huge new speedboat, a swanky lakefront mansion
134 at Mille Lacs Lake, and a new Hummer H3. I hear that the Commissioner is claiming s/he/they won that
135 money on some offshore cruise. But anyone who has ever gambled with the Commissioner knows that
136 the likelihood of her/him/them winning that much at gambling is as likely as a blizzard in the middle of a
137 Hana. Finally, I made sure to ask whether Ellis called Commissioner Brooks to ask for a comment.
138 S/He/They had. And that was all that I needed to hear.
139

140 I mean, add it up. We had Ramsey, a convicted felon with nothing to lose, giving us the details of the
141 bribery scheme. We had the middleman Weaving leaving town under mysterious circumstances. We had
142 two sources confirming that the Paia powers-that-be were concerned enough about Ramsey's accusations
143 to launch an independent investigation. We had the Ethics Commission confirming the Commissioner's
144 involvement with gambling. And we had the Commissioner her/him/themself making lavish purchases in
145 cash mere months after s/he/they supposedly took a bribe. Let's face it, sometimes when there's smoke,
146 there's fire. We had a thoroughly investigated, well-written piece of reporting that exposed county
147 commissioner corruption at the highest local levels. Also, let's not forget that Commissioner Brooks had
148 a chance to comment and didn't. You bet I ran the story.
149

150 Da Scoops adheres to the Society of Professional Journalists' ethical standards and those standards were
151 followed here. I resent the implication that either Ellis or I failed to perform in accordance with the
152 highest standards of journalism. Not every article can be written in a perfect world where facts are easily
153 confirmed, sources are always available, and everyone is willing to speak on the record. Excellent
154 investigative journalism is risky and more often than not the people who are exposed are angry, resentful,
155 and embarrassed. But that doesn't make them innocent. And suing Da Scoops won't keep us from
156 reporting on corruption in the future. I don't care how many Commissioner Brooks sue us.

157
158 This statement was given under oath. I have had an opportunity to read, review, and update this
159 statement, and I attest that this is a true and accurate statement.

160
161 Dated: October 17, 2018 /s/ Andy Diggins

162 STATE OF HAWAII)
163) SS.
164)
165 COUNTY OF MAUI)
166)

167 On this 17th day of October, 2018, before me personally appeared Andy Diggins to me known to be the
168 person described in and who executed the foregoing instrument, and acknowledged that s/he/they
169 executed the same as her/him/their free act and deed.

170 In testimony whereof, I have hereunto set my hand and affixed my official seal in the County and State
171 aforesaid, the day and year first above written.

Theodore Ward
Notary Public – Notary Seal
STATE OF HAWAII
Maui County
My Commission Expires: Oct. 8, 2020
Commission # 16513544

/s/ Ted Ward
Notary Public
My Commission Expires:
10/08/2020

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Exhibit 1

September 22, 2017

Cahill Monitor

A DISHONEST THIEF: Retired County Commissioner Accused of Taking Bribe to Change Pipeline Location

By Ellis Strobel

Paia – Former Maui County Attorney and retired County Commissioner Hayden Brooks has been accused of taking bribes in connection with the pipeline placement involving the property of Morgan Ramsey, the former President and CEO of Ramsey Real Estate, LLC. Ramsey, who is currently serving a ten-year sentence at the Federal Correctional Institution Sandstone, claims that s/he/they paid Commissioner Brooks \$500,000 in exchange for her/his/their vote to change the pipeline route.

Commissioner Brooks has refused to comment on this accusation.

Ramsey alleges that Johannes Weaving, her/his/their accountant and a former County Planning Manager and next-door neighbor of Commissioner Brooks, arranged the transaction on October 30. “It was supposed to be simple,” Ramsey said. “I would pay Brooks half a million dollars, and Brooks would change the pipeline route.”

According to Ramsey, Brooks received the payoff but failed to follow through with her/his/their part of the transaction. “S/He/They retired before ever voting on the pipeline route. It’s bad enough that s/he/they was taking bribes, but s/he/they wasn’t even honest enough to hold up her/his/their end of the bargain,” stated Ramsey.



Commissioner Brooks enjoying his/her/their new boat on Mille Lacs Lake.

“There’s nothing worse than a dishonest thief.”

Since her/his/their retirement, Commissioner Brooks has made a number of luxury item purchases, including a new Hummer H3, a lake house, and a small yacht. Subsequent investigation has revealed that Commissioner Brooks paid for each of these purchases with cash.

Commissioner Brooks is also well known as a habitual gambler. Due to his/her/their involvement with this illegal activity, s/he/they has been admonished by the MN Ethics Commission.

Weaving, would not speak to the Da Scoops regarding these accusations, and has left the country indefinitely.

The Maui Police Department refused to officially comment on this issue. However, Ramsey

claims that after making a plea bargain to unrelated federal charges of bankruptcy fraud, s/he/they notified the Maui Police of the Commissioner’s involvement with bribery. The department conducted a cursory investigation of the incident, but a source within the department, speaking on the condition of anonymity, stated that they decided not to pursue the matter.



A Hummer was just one of Commissioner Brooks’s luxury purchases.

Exhibit 2

Kapalua Resort
4421 West Maui 90
Kapalua, HI

CUSTOMER COPY

BROOKS, HAYDEN
123 Mama's Lane
Paia, HI

DATE	DESCRIPTION	CHARGE/PAYMENT	BALANCE
11/03/16	VISA CARD PAYMENT	(\$502.74)	(\$502.74)
11/03/16	SALES TAX	\$8.79	(\$493.95)
11/03/16	ROOM CHARGE	\$75.00	(\$418.95)
11/02/16	SALES TAX	\$8.79	(\$410.16)
11/02/16	ROOM CHARGE	\$75.00	(\$335.16)
11/01/16	SALES TAX	\$8.79	(\$326.37)
11/01/16	ROOM CHARGE	\$75.00	(\$251.37)
10/31/16	SALES TAX	\$8.79	(\$242.58)
10/31/16	ROOM CHARGE	\$75.00	(\$167.58)
10/30/16	SALES TAX	\$8.79	(\$158.79)
10/30/16	ROOM CHARGE	\$75.00	(\$83.79)
10/29/16	SALES TAX	\$8.79	(\$75.00)
10/29/16	ROOM CHARGE	\$75.00	(\$0.00)
			<hr/>
CREDIT DUE:			(\$0.00)

Exhibit 3

_____, 20__

DRAFT LETTER

Hayden Brooks
123 Mama's Lane
Paia, HI

Dear Hayden Brooks:

It has come to the attention of the Hawaii Ethics Commission that you have been rumored to be involved in certain gambling and sports-betting activities, some of which may have involved relatively large amounts of money. If true, this would constitute a gross violation of your ethical duties as a commissioner and could be considered grounds for severe censure. As it stands, even the mere suggestion of such activities threatens to stain your reputation for fairness and evenhandedness.

Due to the fact that no official investigation has taken place, and as a professional courtesy, please regard this as an unofficial Letter of Reprimand. Its contents will not be made public or be placed in the public archives. However, should your actions continue, this Office will decline to extend you the same courtesy in the future.

Please consider yourself warned.

Sincerely,

Josephine Hamms, J.D.,
Executive Director

Exhibit 4

CODE OF ETHICS

Preamble

Members of the Society of Professional Journalists believe that public enlightenment is the forerunner of justice and the foundation of democracy. The duty of the journalist is to further those ends by seeking truth and providing a fair and comprehensive account of events and issues. Conscientious journalists from all media and specialties strive to serve the public with thoroughness and honesty. Professional integrity is the cornerstone of a journalist's credibility. Members of the Society share a dedication to ethical behavior and adopt this code to declare the Society's principles and standards of practice.

Seek Truth and Report It

Journalists should be honest, fair and courageous in gathering, reporting and interpreting information.

Journalists should:

- Test the accuracy of information from all sources and exercise care to avoid inadvertent error. Deliberate distortion is never permissible.
- Diligently seek out subjects of news stories to give them the opportunity to respond to allegations of wrongdoing.
- Identify sources whenever feasible. The public is entitled to as much information as possible on sources' reliability.
- Always question sources' motives before promising anonymity. Clarify conditions attached to any promise made in exchange for information. Keep promises.
- Make certain that headlines, news teases and promotional material, photos, video, audio, graphics, sound bites and quotations do not misrepresent. They should not oversimplify or highlight incidents out of context.
- Never distort the content of news photos or video. Image enhancement for technical clarity is always permissible. Label montages and photo illustrations.
- Avoid misleading re-enactments or staged news events. If re-enactment is necessary to tell a story, label it.
- Avoid undercover or other surreptitious methods of gathering information except when traditional open methods will not yield information vital to the public. Use of such methods should be explained as part of the story.
- Never plagiarize.
- Tell the story of the diversity and magnitude of the human experience boldly, even when it is unpopular to do so.
- Examine their own cultural values and avoid imposing those values on others.
- Avoid stereotyping by race, gender, age, religion, ethnicity, geography, sexual orientation, disability, physical appearance or social status.
- Support the open exchange of views, even views they find repugnant.
- Give voice to the voiceless; official and unofficial sources of information can be equally valid.
- Distinguish between advocacy and news reporting. Analysis and commentary should be labeled and not misrepresent fact or context.
- Distinguish news from advertising and shun hybrids that blur the lines between the two.
- Recognize a special obligation to ensure that the public's business is conducted in the open and that government records are open to inspection.

Minimize Harm

Ethical journalists treat sources, subjects and colleagues as human beings deserving of respect.

Journalists should:

- Show compassion for those who may be affected adversely by news coverage. Use special sensitivity when dealing with children and inexperienced sources or subjects.
- Be sensitive when seeking or using interviews or photographs of those affected by tragedy or grief.
- Recognize that gathering and reporting information may cause harm or discomfort. Pursuit of the news is not a license for arrogance.
- Recognize that private people have a greater right to control information about themselves than do public officials and others who seek power, influence or attention. Only an overriding public need can justify intrusion into anyone's privacy.
- Show good taste. Avoid pandering to lurid curiosity.
- Be cautious about identifying juvenile suspects or victims of sex crimes.
- Be judicious about naming criminal suspects before the formal filing of charges.
- Balance a criminal suspect's fair trial rights with the public's right to be informed.

Act Independently

Journalists should be free of obligation to any interest other than the public's right to know.

Journalists should:

- Avoid conflicts of interest, real or perceived.
- Remain free of associations and activities that may compromise integrity or damage credibility.
- Refuse gifts, favors, fees, free travel and special treatment, and shun secondary employment, political involvement, public office and service in community organizations if they compromise journalistic integrity.
- Disclose unavoidable conflicts.
- Be vigilant and courageous about holding those with power accountable.
- Deny favored treatment to advertisers and special interests and resist their pressure to influence news coverage.
- Be wary of sources offering information for favors or money; avoid bidding for news.

Be Accountable

Journalists are accountable to their readers, listeners, viewers and each other.

Journalists should:

- Clarify and explain news coverage and invite dialogue with the public over journalistic conduct.
- Encourage the public to voice grievances against the news media.
- Admit mistakes and correct them promptly.
- Expose unethical practices of journalists and the news media.
- Abide by the same high standards to which they hold others.

Exhibit 5

From Da Scoops – November 2, 2016

Commissioner Hayden Brooks Announces Retirement

In a press release dated today and issued from her/his/their office, Commissioner Hayden Brooks announced her/his/their retirement after twenty years of service.

Commissioner Brooks has served Maui as a County Attorney and Commissioner for the past 40 years and is well known around town for her/his/their charitable endeavors, including service for the Red Cross and the Rotary Club. Commissioner Brooks is also very involved at her/his/their alma mater, Lillehaug University.

Exhibit 6 (3 pages)

Curriculum Vitae for **DR. BLAKE BAKER**

Current Employment

Edward R. Murrow Emeritus Professor (2005-present)
Ernie Pyle School of Journalism at Indiana University
Currently teaching “Ethics in the Age of New Media” (fall semester 2018) and “The Pentagon Papers: Did the Courts Get It Right?” (senior seminar spring semester 2019)

Previous Employment

William O’Reilly Professor of Media Ethics (1990-2005)
Dean of Ernie Pyle School of Journalism (2000-2005)
Ernie Pyle School of Journalism at Indiana University
Courses: “Media Ethics”
 “Newspaper Presentation”
 “Reporting in the 21st Century”
 “Ethics in the Newsroom”
 “Feature Writing for Newspapers”

Professor of Journalism (1998-2000)
Philip Merrill College of Journalism at the University of Maryland
Courses: “Media Law and Ethics”
 “Advanced Newspaper Reporting”
 “Editing 300”

Associate Professor of Journalism (1993-1998)
E.W. Scripps School of Journalism at Ohio University
Courses: “Media Ethics in the 20th Century”
 “Beginning Reporting”
 “Beginning Editing”

Minneapolis Star-Tribune (1987-1989)
Reporter, News Department (City Transit Department)
Responsibilities included reporting on new transportation developments such as the location of new light rail system, traffic gridlock, crime on the transit system, and changes or improvements to the citywide transit system.

Duluth Herald (1985-1987)
Reporter, News Division
Responsibilities included reporting on crimes occurring in Duluth, including homicides, robberies, assaults, and trials when applicable.

Exhibit 6 (3 pages)

Education

Ph.D, The Ohio State University (1991-1993)

M.S.J., The Ohio State University (1989-1991)

GPA: 3.7 (*magna cum laude*)

B.S.J., Medill School of Journalism at Northwestern University (1981-1985)

GPA: 3.8 (*summa cum laude*)

Assistant Editor-in-Chief, *The Daily Northwestern*

Publications

(Note: Below is an excerpt of most recent publications. A complete list of publications will be provided upon request).

“Bloggers Are the Enemy: How New Media Outlets Are Undermining Journalistic Standards.” *American Journalism Review*, Vol. 207, October 2015.

“Lessons From the Front: What Reporters Can Learn From Jayson Blair & Stephen Glass.” *Columbia Journalism Review*, Vol. 45, September 2015.

“He Said What? Ensuring the Accuracy of Quotations and Attributions.” *The Ohio State Journalism Review*, Vol. 66, February 2015.

“The Necessity of the Anonymous Source: Journalism in the Age of the Whistleblower.” Simon & Schuster, 2014.

“The Truth is Behind Bars: Why America’s Reporters Should Spend More Time Talking to Inmates and Less Time Listening to the Establishment.” Simon & Schuster, 2011.

“Journalistic Standards 2010.” (Author: Chapters 1, 3, & 12) Simon & Schuster, 2010.

“Ethics in Journalism.” (Textbook) Simon & Schuster, 2005.

Awards & Honors

Pew Center for Civic Journalism Ethics Award (2016)

Columbia Journalism Review Best Article Award for “Lessons From the Front: What Reporters Can Learn From Jayson Blair & Stephen Glass.” (2015)

“The Necessity of the Anonymous Source: Journalism in the Age of the Whistleblower” recognized as a *New York Times* Notable Book. (2014)

Exhibit 6 (3 pages)

Cokie Roberts Award for Outstanding Media Commentary for “The Necessity of the Anonymous Source: Journalism in the Age of the Whistleblower.” (2014)

“The Truth is Behind Bars: Why America’s Reporters Should Spend More Time Talking to Inmates and Less Time Listening to the Establishment” recognized as Top Ten Book of the Year by the New York Times, Washington Post, Boston Globe and USA Today. (2011)

Ernie Pyle School of Journalism Professor of the Year Award. (2003, 2007, & 2015).

Benjamin Bradlee Award for Outstanding Doctoral Thesis “Journalistic Ethics in the Me Decade: How Today’s Wall Street Tycoons Are Buying Good Press” (The Ohio State University). (1993)

Aristotle Award for Outstanding Publication: “Why the Public Cannot Trust the Government: The Nixon Effect” (University of Chicago). (1990)

Abraham Lincoln Award for Excellence in Ethical Reporting (Medill School of Journalism at Northwestern University). (1985)

Professional Associations

Chairman, Society of Professional Journalists’ Committee on Ethics (2016-2017).

Member, Society of Professional Journalists’ Committee on Ethics (2002-2006 & 2010-2016).

Member, National Association of Newspaper Columnists (1985-present).

Committee Chairman, Association for Excellence in Journalism (1998-2001).

Exhibit 7

May 2, 1993

Captain Ron D. Ryan
County Sheriff's Department

Dear Captain Ryan:

I hope this letter finds you in good health and spirits. It was a pleasure seeing you again at the Cahill Rotary Charity Auction last month. I trust you will be able to attend the charity poker event next month with the Lillehaug Athletics Booster Club.

I am writing on behalf of Lillehaug University basketball player Shay Christoff, who worked as an intern in my office for the past semester. As you know, our co-internship program with the Maui County Attorney's Offices provides students a well-rounded, "hands on" experience that is second to none. Shay Christoff has been a valuable addition to my support staff. Shay Christoff has also excelled under the direction of the Maui County Assistant Prosecutor, Tim Kaminsky. It is my understanding that Shay's intelligence and common sense has impressed many in our offices.

A two-time MVP of the Congdon Classic, Shay is now interested in pursuing a career in law enforcement. I am pleased to recommend Shay's admission into the Police Academy. As you are well aware, your program can never have too many Lillehaug University graduates.

Sincerely,

H. B.

Hayden Brooks
Maui County Attorney