



## RESOLUTION

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REQUESTING THE CONSENT AND APPROVAL OF THE CITY COUNCIL TO INITIATE LEGAL ACTION TO COLLECT RESTITUTION OWED TO THE CITY AND COUNTY OF HONOLULU BY MANUEL R. K. CASTRO

WHEREAS, MANUEL R. K. CASTRO was convicted in a criminal case arising from theft of City funds;

WHEREAS, MANUEL R. K. CASTRO was ordered to pay restitution to the City pursuant to a Free-standing Order of Restitution dated January 27, 2011, attached hereto as Exhibit A; and

WHEREAS, the Adult Probation Officer of the First Judicial Circuit has the legal responsibility for administering the restitution orders and for collecting the sums due; however, presently no funds have been collected through the restitution order; and

WHEREAS, the entire amount of restitution continues to remain due and owing from said individual; and

WHEREAS, the Department of Budget and Fiscal Services ("BFS") seeks compensation for its losses by enforcing the restitution order as a civil judgment; and

WHEREAS, BFS has consulted with the Department of the Corporation Counsel concerning the foregoing; and

WHEREAS, BFS requests that the Corporation Counsel initiate appropriate legal action; and

WHEREAS, Section 2-3.2(b), Revised Ordinances of Honolulu 1990, as amended, requires that the Corporation Counsel obtain the consent and approval of the City Council before bringing legal action against private persons; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that:

Pursuant to Section 2-3.2(b), Revised Ordinances of Honolulu 1990, as amended, upon request of BFS for legal assistance, the Corporation Counsel is authorized to initiate legal action against MANUEL R. K. CASTRO for the purpose of civil enforcement of the restitution order as a civil judgment and collection of the amounts under the restitution order owed to the City with the consent and approval of the City Council.



RESOLUTION

BE IT FINALLY RESOLVED by the Council that the Clerk be and hereby is directed to transmit copies of this Resolution to the Department of Budget and Fiscal Services and the Corporation Counsel.

INTRODUCED BY:

*Romy A. Salas* (br)

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Councilmembers

DATE OF INTRODUCTION:

AUG 31 2011  
Honolulu, Hawaii

ORIGINAL

FIRST CIRCUIT COURT  
STATE OF HAWAII  
FILED

SLC

KEITH M. KANESHIRO 2027  
Prosecuting Attorney  
CHRISTOPHER T. VAN MARTER 5768  
Deputy Prosecuting Attorney  
City and County of Honolulu  
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FAX: 768-7513  
Attorneys for State of Hawaii

2011 JAN 31 AM 9:01

*[Signature]*  
F. OTAKE  
CLERK

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

STATE OF HAWAII

v.

MANUEL R. K. CASTRO,

Defendant.

CR. NO. 09-1-1714

COUNT I:  
THEFT IN THE SECOND DEGREE

COUNT II:

BRIBERY

COUNT III:

TAMPERING WITH A  
GOVERNMENT RECORD

FREE-STANDING ORDER OF  
RESTITUTION

1ST JUDICIAL CIRCUIT  
STATE OF HAWAII  
12TH DIVISION

2011 JAN 24 PM 12:29

FREE-STANDING ORDER OF RESTITUTION

Pursuant to Sections 706-605(d), 706-644(5), and 706-630, Hawaii Revised Statutes, the Court orders that Defendant pay restitution in the amount of NINETEEN THOUSAND FIVE HUNDRED FIVE DOLLARS AND SIXTY-FOUR CENTS (\$19,505.64) to the City and County of Honolulu.

PLEASE NOTE CHANGES

Rest Order.doc

I do hereby certify that this is a full, true, and correct copy of the original as filed in this office.

*[Signature]*  
Clerk, Circuit Court, First Circuit

EXHIBIT A

Defendant is to pay the restitution at the rate of at least \$500.00 per month. Defendant shall pay the restitution to the Clerk of the Court, Fiscal Office, First Circuit Court, State of Hawaii. Any modifications in the amount or manner of payment must be approved by the Court.

If it appears, during the period that this Order remains unsatisfied and enforceable, that the Defendant can afford to pay more than \$500.00 per month in restitution, the court, upon application of any party, may modify the amount of Defendant's monthly restitution payment. See Section 706-625(4), H.R.S., Section 706-646, H.R.S., and State v. Martin, 103 Hawaii 68, 87, 79 P.3d 686, 705 (2003).

This restitution order is separate and apart from and shall survive the Judgment, Guilty Conviction and Sentence filed January <sup>18<sup>th</sup></sup> ~~16~~, 2011.

Dated at Honolulu, Hawaii: JAN 27 2011



RANDAL K. O. LEE  
Judge of the above entitled court

APPROVED AS TO FORM:



Howard K. K. Luke, Esq.  
Attorney for Defendant Castro

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

**RESOLUTION 11-244**

Introduced: 08/31/11 By: ROMY CACHOLA (BR)

Committee: EXECUTIVE MATTERS  
AND LEGAL AFFAIRS

Title: RESOLUTION REQUESTING THE CONSENT AND APPROVAL OF THE CITY COUNCIL TO INITIATE  
LEGAL ACTION TO COLLECT RESTITUTION OWED TO THE CITY AND COUNTY OF HONOLULU BY  
MANUEL R.K. CASTRO.

Links: [RES11-244](#)  
[CR-280](#)

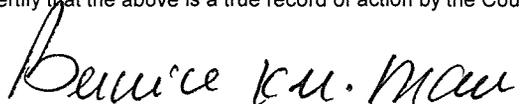
Voting Legend: Y= Aye, Y\* = Aye w/Reservations, N = No, A = Absent, ABN = Abstain

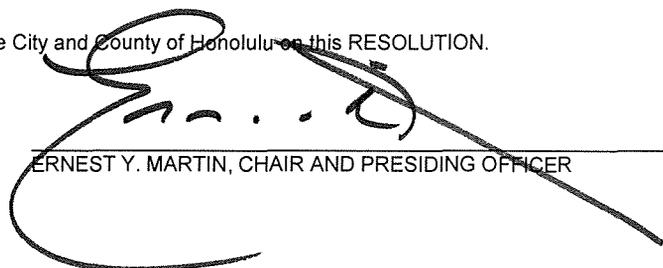
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EXECUTIVE MATTERS AND LEGAL AFFAIRS (EXECUTIVE SESSION)	08/30/11	CR-280 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION.							
COUNCIL	09/16/11	CR-280 AND RESOLUTION 11-244 WERE ADOPTED.							
ANDERSON	Y	BERG	Y	CACHOLA	Y	CHANG	Y	GABBARD	Y
GARCIA	Y	HARIMOTO	Y	KOBAYASHI	Y	MARTIN	A		

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I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.

  
BERNICE K. N. MAU, CITY CLERK

  
ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER