

Big Island Weekly

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Puna couple's essay contest evokes criticism

By Tiffany Edwards Hunt

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After a story last month about a Puna couple hosting an essay contest and offering a custom-built cottage as the prize, there were over 45 online comments and 52 phone calls to Big Island Weekly. Half the phone calls wanted clarification on the Web site,



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<http://www.winHawaiianhome.com>, which was incorrectly stated. Some phone calls and online comments suggested the Weekly was "enabling scam artists" or otherwise reporting recklessly on a story they deemed "bogus."

One online objector, using the pseudonym "heywoodjablowme" suggested the couple's essay contest was in violation of the Hawai'i Revised Statutes pertaining to gambling. Due to the negative reaction to the pseudonym, the objector was banned from commenting on the story, but was allowed to continue his dialogue under the name "heywood3." The couple asserted they had sought opinions from a friend in the Office of the Prosecuting Attorney along with the advice of a local lawyer. Critical online comments challenged the Weekly to double check with the couple's lawyer, Henry Nakamoto, and to get County Prosecutor Jay Kimura's opinion on Sherri Smith and John Williams' contest.

Both Nakamoto and Kimura noted the couple are describing theirs as a "game of skill," versus the reference in the Hawai'i Revised Statutes a "contest of chance," which is illegal.

"Note specifically that Section 712 - 1220 (4) defines 'gambling' as a 'contest of chance' where the person is not in control of the outcome," Nakamoto said. "The essay contest is a game of skill. There will be judges who will judge the essays per the rules of the contest."

"Things like raffles or a lottery, where one pays to have his or her name put in a drawing, are games of chance," Nakamoto said. "I also am aware of contests of skill that have been held in our community before. Like a few years ago there was a golf 'hole in one' contest where the winner could have won \$1 million."

"In the present case, there are judges who will be judging the essays on criteria set out by the contest rules. It is not a simple drawing like a lottery or raffle," Nakamoto said.

County Prosecutor Jay Kimura confirmed that Sherri Smith spoke with one of the deputies in his office, "but we declined to issue an opinion." He recalled the Honolulu Star-Bulletin contacted Deputy Prosecutor Rick Damerville early last month. "His comments pretty much cover what we can say regarding this matter," Kimura said.

Damerville told Star-Bulletin reporter Erika Engle: "The law is that any game of chance that people are required to pay money to participate in is illegal gambling. If it's a game of skill, it's a bit different."

Knowing they did their homework before opening up their contest for entries last month, Smith and Williams shrug off any criticism of their 101-word essay contest.

"Anybody with a creative idea will get criticized," Smith said in a telephone interview Jan. 10. Williams, on the line as well, added: "Didn't they hang people because they told them that the world was round? There's still going to be people trying to hang people for saying you can sell a house without turning it over to a Realtor."

The couple's contest runs through May 1 or until 6,000 essays have been received. The essays are to be on the subject of either "aloha" or "mahalo." Essayists pay a \$101 entry fee upon submittal of their writing, which is to be judged on persuasiveness, creativity, punctuation and grammar."

"I was telling Sherri the other day that one of the greatest parts of the contest is the advantage for people in Hawai'i," John Williams said. "The contest is about 'mahalo' and 'aloha.' There is an advantage for people who live here who truly understand those terms. Also, it's an opportunity for people who have a real need and can express that need. If you read the rules of the essay contest, over 50 percent of the essays will be judged on persuasiveness..."

"Why would somebody want to enter a contest who doesn't have a skill, the ability to persuade," Smith added. "My concern was, when devising the criteria, I said '101,' everybody says, '100 words.' I wanted to be different. The skill would be to set it at 101 words. You better be skilled to get your point across," she said.

Smith and webmistress Shirley Bradbury of AlphaWeb Design and Marketing LLC, developed a computer program that organizes the identifying information of the entrants and e-mails, and e-mails Smith the essay identifying it by number. When Smith reads the essay, she scores it according to persuasiveness, creativity, punctuation and grammar. The essay scores are entered into the computer program, and the computer program determines the ones with the 101 highest scores. Those are considered the finalists, and they are passed on to judges, Smith said. The judges, who have not yet been selected, will be comprised of community members, and hopefully include school teachers, the couple said.

Within the first week of opening the contest up to entrants they had a "flurry of entries," Smith said. "It's going awesome. People are looking for an alternative way to sell a home in the recession and, if it's legal, why not."

Having been contacted by KGMB 9, Smith was planning to travel to Honolulu by Jan. 12 to detail the couple's essay contest on the television station's "Sunrise" morning program. Smith has said she hopes to award the winning essayist the custom-built "sweetheart cottage" on O'ahu.

Both Smith and Williams told of e-mails they have received in the last month about their essay contest. Some are e-mailing them with questions they have about the contest, and others are expressing their criticism about it.

Williams spoke of an e-mail he received through a Craigslist posting of the contest. The author of the e-mail included an economist's column advising prize recipients on the need to pay taxes. Smith noted their Web site states that they do not give tax advice, and they urge anybody interested in or participating in their contest to contact a tax lawyer and determine how such an award would impact the amount they pay in taxes.

Criticism aside, the couple said they have received only "thumbs up" and support from neighbors and those they are acquainted with in the community. The couple hopes the 101-word essay contest will net them the funds necessary to pay off a mortgage associated with the sweetheart cottage they are awarding, support local schools and complete their castle-like home fronting Kalapana Seaview Estates. Upon the completion of their home, they hope to turn it into a bed and breakfast. (<http://www.castleinhawaii.com>)

"My goal is to make this available to everybody who wants to sell a home this way," Smith said, referring to her and Bradbury's computer program and uniquely designed contest.