

TITLE 21 LEGISLATIVE AGENCIES

CHAPTER 3

STATE ETHICS COMMISSION

DISCLOSURE REQUIREMENTS

- 21-3-1 Disclosure filing procedures
- 21-3-2 Public access to disclosure statements

Historical Note: This chapter is based substantially upon rule 3 of the State of Hawaii Ethics Commission Rules and Regulations. [Eff. 1/7/74 and 11/11/78; R _____]

§21-3-1 Filing procedures. (a) The persons holding those positions enumerated in §84-17(c), HRS, shall file annually with the commission a disclosure of financial interests.

(b) In addition to those financial interests required to be reported by §84-17(f), HRS, the disclosure statement filed with the commission shall contain the full name of the person filing the disclosure, the state agency which the person serves and the person's position with the agency, the names of the person's spouse and dependent children, and the date of the person's disclosure. The disclosure shall be signed by the person required to file the disclosure. This signature constitutes a certification that the person has read the document and that to the best of the person's knowledge, information, and belief every statement contained in the instrument is true and no such statements are misleading. For commission records only, the commission requires that the person filing the disclosure provide the person's business and residence addresses and business and home telephone numbers.

The commission shall provide a form for full disclosure and a short form of disclosure for subsequent annual filing in those instances where the financial interests of the person disclosing are substantially the same as those reported for the preceding disclosure period.

(c) The disclosure of financial interests

required by §84-17, HRS, shall be filed between January 1 and April 30 of each year or within thirty days of the election or appointment of a person to a position enumerated in §84-17(c), HRS.

(d) A person who is required by §84-17, HRS, to file a financial disclosure shall file such disclosure with the commission pursuant to §21-2-1.

(e) A person who is required to file a disclosure of financial interests may be granted an extension of fifteen days by the commission for good cause shown. The request for an extension shall be directed to a commissioner and shall be received at the commission's offices before the filing deadline for the person's disclosure.

(f) Upon receipt of a disclosure, the executive director shall indicate thereon the date and time of receipt. The disclosure will be reviewed by the commission for conflicts of interest. If no conflict exists, the commission will acknowledge receipt of the disclosure and file it without further action. If a conflict is found, the commission will acknowledge the receipt of this disclosure and advise the person of the conflict and the person's obligations and responsibilities to avoid violation of the state ethics law. Where the situation has precedential value, the commission will proceed as though the disclosure were a request for an advisory opinion. [Eff.]
(Auth: HRS §84-31(a)(5)) (Imp: HRS §§84-17, 84-31)

§21-3-2 Public access to disclosure statements.

(a) An exact copy of the financial disclosure statements of the persons holding those positions designated in §84-17(b), HRS, shall be available for public inspection at the commission offices during regular business hours within two working days following the receipt and review of the disclosure by the commission. For purposes of public inspection, a financial disclosure statement shall not include the business and home addresses and telephone numbers of the person disclosing, although they will appear on the original form. The disclosures of those persons who are required by §84-17, HRS, to file but who do not hold positions designated in §84-17(d), HRS, are confidential, and the commission shall not release the contents of the disclosures except as permitted by chapter 84, HRS, and §21-1-8.

(b) Any person wishing to inspect a disclosure

statement which is available for public inspection pursuant to §84-17, HRS, shall complete and file a form listing:

- (1) The name of the person requesting the inspection and the person's business or residence address;
- (2) The name and address of any person or organization for whom the person requesting the inspection is acting;
- (3) The name of the person whose statement is to be inspected;
- (4) The date of the inspection.

A copy of the form shall be kept in the file of the person who disclosure was inspected. The form shall be available for inspection by the person whose disclosure statement was inspected, the commission, and the commission staff. A statement indicating this procedure shall appear plainly on all request forms provided by the commission. [Eff.]
(Auth: HRS §84-31(a)(5)) (Imp: HRS §§84-17, 84-31, 84-31.5)