

BEFORE THE STATE ETHICS COMMISSION

STATE OF HAWAII

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<u>Charge No. 13-Cg-2</u>)	Charge Nos. 13-Cg-2)	STATE OF HAWAII
HAWAII STATE ETHICS)	13-Cg-3)	STATE ETHICS COMMISSION
COMMISSION,))	
))	[Consolidated for Contested
Complainant,))	Case Hearing Purposes Only]
))	
vs.))	
))	NOTICE OF HEARING;
DIANA OSHIRO,))	CERTIFICATE OF SERVICE
))	
Respondent.))	
))	
))	
<u>Charge No. 13-Cg-3</u>))	
HAWAII STATE ETHICS))	
COMMISSION,))	
))	
Complainant,))	
))	
vs.))	
))	
KURUMI KAAPANA-AKI,))	
))	
Respondent.))	
))	

TO: Leslie H. Kondo, Esq.
 Susan D. Yoza, Esq.
 Stanley K. W. Chong, Esq.
 Megan Y. S. Johnson, Esq.
 Charge Counsel in
 Charge Nos. 13-Cg-2
 and 13-Cg-3
 Hawaii State Ethics
 Commission
 1001 Bishop St., Suite 970
 Honolulu, Hawaii 96813

Diana Oshiro
 c/o Myron B. Thompson Academy
 1040 Richards Street, #220
 Honolulu, Hawaii 96813

Respondent in Charge No. 13-Cg-2

Kurumi Kaapana-Aki
 c/o Myron B. Thompson Academy
 1040 Richards Street, #220
 Honolulu, Hawaii 96813

Respondent in Charge No. 13-Cg-3

NOTICE OF HEARING

A. Charge No. 13-Cg-2

On February 26, 2013, the Hawaii State Ethics Commission ("Commission") issued Charge No. 13-Cg-2 against Diana Oshiro ("Respondent Oshiro"), Principal of Myron B. Thompson Academy ("MBTA"), a public charter school, and, in furtherance of the Charge, the Commission, on September 18, 2013, issued a Further Statement of Alleged Violation against Respondent Oshiro pursuant to Hawaii Revised Statutes ("HRS") section 84-31(b). On September 23, 2013, a copy of the Charge and the Further Statement of Alleged Violation were served upon Respondent Oshiro pursuant to HRS section 84-31(b). On October 21, 2013, Respondent Oshiro filed an Answer to the Further Statement of Alleged Violation.

B. Charge No. 13-Cg-3

On February 26, 2013, the Commission issued Charge No. 13-Cg-3 against Kurumi Kaapana-Aki ("Respondent Kaapana-Aki"), Vice Principal of MBTA, and, in furtherance of the Charge, the Commission, on September 18, 2013, issued a Further Statement of Alleged Violation against Respondent Kaapana-Aki pursuant to HRS section 84-31(b). On September 23, 2013, a copy of the Charge and the Further Statement of Alleged Violation were served upon Respondent Kaapana-Aki pursuant to HRS section 84-31(b). On

October 21, 2013, Respondent Kaapana-Aki filed an Answer to the Further Statement of Alleged Violation.

C. Order of Consolidation

The Charge and the Further Statement of Alleged Violation against Respondent Oshiro arise out of the same factual situation asserted in Charge No. 13-Cg-3 and the Further Statement of Alleged Violation issued against Respondent Kurumi Kaapana-Aki, and involve similar issues. Accordingly, in order to avoid unnecessary delay and duplication of effort by all parties involved, and in the interest of judicial economy, the Commission -- after concluding that there was probable cause to believe that violations of HRS chapter 84, the State Ethics Code, had been committed by Respondent Oshiro and Respondent Kaapana-Aki (collectively, "Respondents") -- issued an order on December 11, 2013, consolidating Charge Nos. 13-Cg-2 and 13-Cg-3 for purposes of a contested case hearing.

D. Notice of Hearing

Pursuant to HRS section 84-31(c), NOTICE IS HEREBY GIVEN that a formal contested case hearing on the Further Statements of Alleged Violation will be held before the Hawaii State Ethics Commission on **MONDAY, MARCH 17, 2013**, beginning at **9:00 a.m.** and continuing, if necessary, on subsequent days as ordered or directed by the Commission. The hearing shall be held at the Commission

office's Conference Room, Suite 960, 1001 Bishop Street, Honolulu, Hawaii 96813.

The hearing will be held under the authority of HRS section 84-31 and will be subject to the procedures set forth thereunder, in particular HRS section 84-31(c), as well as the relevant procedures set forth in Hawaii Administrative Rules, Title 21 (Administrative Rules of the Hawaii State Ethics Commission).

The issues at the hearing will involve whether Respondents violated HRS section 84-13, the Fair Treatment section of the State Ethics Code, and whether Respondent Kaapana-Aki also violated HRS section 84-13(3), a subsection of the Fair Treatment section.

(1) Re: Respondent Oshiro

The issues with regard to Respondent Oshiro involve whether she violated HRS section 84-13 by:

- (a) granting, approving, and/or authorizing compensatory time to Respondent Kaapana-Aki that Respondent Kaapana-Aki was not entitled to earn;
- (b) authorizing Respondent Kaapana-Aki's absences during school hours without requiring Respondent Kaapana-Aki to account for those absences and/or by authorizing Respondent Kaapana-Aki to use unearned compensatory time; and

- (c) allowing Respondent Kaapana-Aki to receive a salary from MBTA without reduction of Respondent Kaapana-Aki's accrued leave benefits when Respondent Kaapana-Aki was absent during school hours as a result of Respondent Kaapana-Aki's work as a Hawaiian Airlines ("HAL") flight attendant and other HAL travel.

Additionally, with regard to Respondent Oshiro's approval of various personal leave forms submitted by Respondent Kaapana-Aki after the Charges were served on Respondents, the issues involve whether Respondent Oshiro violated HRS section 84-13 by misusing her position to:

- (d) attempt to retroactively account for Respondent Kaapana-Aki's unauthorized leave;
 - (e) create the misimpression that Respondent Kaapana-Aki's requests for personal leave were submitted and approved before the leave was taken; and
 - (f) provide a defense to the allegations in the Charges.
- (2) Re: Respondent Kaapana-Aki

The issues with regard to Respondent Kaapana-Aki involve whether she violated HRS section 84-13 and/or 84-13(3) by using her position to secure for herself unwarranted privileges, exemptions, advantages, and treatment that enabled her to work as a HAL flight

attendant or otherwise be absent during school hours without accounting for those absences. Additionally, with regard to Respondent Kaapana-Aki's submission of various personal leave forms after the Charges were served on Respondents, the issues involve whether Respondent Kaapana-Aki violated HRS section 84-13 by misusing her position to:

- (a) attempt to retroactively account for her unauthorized leave;
- (b) create the misimpression that her request for personal leave were submitted and approved before the leave was taken; and
- (c) provide a defense to the allegations in the Charges.

The above-stated issues and the facts alleged in support thereof are set forth in the Further Statements of Alleged Violation, dated September 18, 2013, and are incorporated herein by reference.

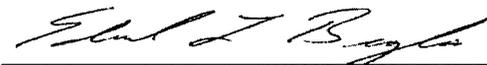
Pursuant to HRS section 84-31(c), the hearing shall be in accordance with HRS chapter 91 and shall be open to the public. The parties may retain counsel; an individual may appear on the individual's own behalf; a member of a partnership may represent the partnership; an officer or authorized employee of a corporation or trust or association may represent the corporation, trust, or association.

Dated: Honolulu, Hawaii, December 19, 2013.

HAWAII STATE ETHICS COMMISSION



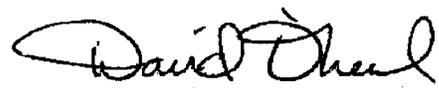
Cassandra J. Leolani Abdul, Chair



Edward L. Broglio, Vice Chair



Susan N. DeGuzman, Commissioner



David O'Neal, Commissioner

Note: Commissioner Ruth Tschumy recused herself from these Charges.