



# HAWAII STATE ETHICS COMMISSION

State of Hawaii • Bishop Square, 1001 Bishop Street, ASB Tower 970 • Honolulu, Hawaii 96813

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June 9, 2015

## MEMORANDUM

SUBJECT: Gifts Disclosure Statements Deadline June 30, 2015

If you received a reportable gift<sup>1</sup> during the period June 1, 2014, through June 1, 2015, you must file a Gifts Disclosure Statement with the State Ethics Commission on or before June 30, 2015.<sup>2</sup> The State Ethics Code requires state legislators, state employees, and state board members to report gifts that they, their spouses and/or their dependent children received during the period which meet the following conditions:

- (1) The value of the gift is in excess of \$200;
- (2) If more than one gift from a single source was received, the combined value of those gifts is in excess of \$200;
- (3) The source of the gift or gifts has interests that may be affected by the official, employee or board member's official action; **and**
- (4) The gift is not an "exempted gift."

**Exempted gifts.**<sup>3</sup> The following gifts are exempted by law from the disclosure requirements and do not have to be reported on a Gifts Disclosure Statement:

- (1) Gifts received by will or intestate succession;
- (2) Gifts received by distribution of any inter vivos or testamentary trust established by a spouse or ancestor;
- (3) Gifts from a spouse, fiancé or fiancée, any relative within four degrees of consanguinity, or the spouse, fiancé or fiancée of such a relative. A gift from any such relative is a reportable gift if the person is acting as an agent or intermediary for someone who is not covered by this

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<sup>1</sup> Gifts that are reportable include but are not limited to gifts in the form of goods, services, hospitality, meals, entertainment, recreation, and travel.

<sup>2</sup> Section 84-11.5, Hawaii Revised Statutes.

<sup>3</sup> Section 84-11.5(d), Hawaii Revised Statutes.

paragraph. For purposes of this exemption, relatives within four degrees of consanguinity include the following: parents, grandparents, and great grandparents; children, grandchildren, and great-grandchildren; and brothers/sisters, uncles/aunts, great uncles/aunts, nephews/nieces, grand nephews/nieces, and first cousins;

- (4) Political campaign contributions that comply with state law;
- (5) Anything available to the public generally without regard to the official status of the recipient;
- (6) Gifts that, within thirty days after receipt, are returned to the giver or delivered to a public body or to a bona fide educational or charitable organization without the donation being claimed as a charitable contribution for tax purposes; and
- (7) Exchanges of approximately equal value on holidays, birthdays, or special occasions.

**IMPORTANT: Not all gifts may be accepted under the State Ethics Code.** The State Ethics Code prohibits state officials, employees and board members from accepting gifts under circumstances in which it can reasonably be inferred that the gift is intended to influence or reward official action. “Gifts of Aloha” such as flower lei and nominal gifts such as a moderately priced box of cookies, generally, are not prohibited under the State Ethics Code. Simply because you report a gift on your Gifts Disclosure Statement does not mean that it was appropriate for you to accept the gift. If you have questions about whether a gift may be accepted or how to report gifts that you may have accepted, please contact the Hawaii State Ethics Commission at (808) 587-0460 or via email at [ethics@hawaiiethics.org](mailto:ethics@hawaiiethics.org).

**Penalties for failure to file.** Failure to disclose a reportable gift on a Gifts Disclosure Form is a violation of the State Ethics Code. The Hawaii State Ethics Commission may also impose fines of up to \$500 for each violation of any provision of the State Ethics Code. State officials, employees and board members may also be subject to disciplinary action, including reprimand, probation, demotion, suspension, or discharge from state office, for violations of the State Ethics Code.

**Gifts Disclosure Forms and Instructions.** The Gifts Disclosure Statement form in a fillable PDF format and the instructions to complete the form are available at [http://ethics.hawaii.gov/gifts\\_form](http://ethics.hawaii.gov/gifts_form).

**File Your Gifts Disclosure Statement Electronically.** The State Ethics Commission has developed a new system that allows you to save your completed Gifts Disclosure Statement and file it electronically. Instructions are available at [http://ethics.hawaii.gov/giftsdisc\\_gd1](http://ethics.hawaii.gov/giftsdisc_gd1). If you do not have access to the form through the State Ethics Commission’s website, you may request a blank form and instructions by contacting the State Ethics Commission at (808) 587-0460. Your completed Gifts Disclosure Statement can be delivered or mailed to the Hawaii State Ethics Commission, 1001 Bishop Street, Suite 970, Honolulu, Hawaii 96813.