



# HAWAII STATE ETHICS COMMISSION

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

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MAY 2016

## APPLICATION PACKET FOR EXECUTIVE DIRECTOR POSITION

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MAY 2016

## APPLICATION INFORMATION FOR EXECUTIVE DIRECTOR POSITION

The Hawaii State Ethics Commission (“Commission”) is accepting applications for the position of Executive Director. Interested applicants should review the following information about the position and the requirements for submitting an application.

**Position.** Full-time exempt position. Pursuant to Hawaii Revised Statutes §84-35, the Executive Director serves at the pleasure of the Commission.

**Summary of Duties.** The Executive Director functions as the administrator and chief legal counsel for the Commission. The Executive Director oversees the administration and enforcement of the State Ethics Code (Chapter 84, Hawaii Revised Statutes) and the Lobbyists Law (Chapter 97, Hawaii Revised Statutes); coordinates monthly Commission meetings; directs the administration and management of the Commission’s office and staff; and provides overall leadership in guiding all aspects of the Commission’s programs and activities. For additional information about the duties and responsibilities of this position, see the Executive Director Position Description.

**Minimum qualifications.** Graduate with a Juris Doctor degree from an American Bar Association accredited law school. Licensed attorney and member in good standing of the Hawaii State Bar.

**Desirable Experience and Abilities.** Ten years experience in the practice of law. The successful candidate will have experience managing an office and supervising attorneys and clerical staff. Preferred experience in administrative law, including contested case hearings, and governmental ethics. Experience developing and overseeing a budget, and knowledge of fiscal operations. Knowledge of state government, including the legislative process. Must demonstrate personal integrity and a commitment to public service and to maintaining high ethical standards. Must demonstrate strong communication and interpersonal skills and exceptional leadership skills.

**Citizenship and Residence.** Pursuant to Hawaii Revised Statutes §78-1(c), applicants for state employment must be a citizen, national, or permanent resident alien of the United States, or eligible under federal law for unrestricted employment in the United States, and shall become a resident of the State within thirty days after beginning employment and as a condition of eligibility for continued employment.

**Prohibited Activities.** Pursuant to Hawaii Revised Statutes §84-35.5, the Executive Director shall not take an active part in political management or in political campaigns during the individual's employment.

**Salary and Benefits.** The current salary is \$138,935. State employment benefits include vacation, sick, and family leave benefits, health care (medical, drug, chiropractic, vision, and dental) and life insurance benefits, and retirement benefits (including a deferred compensation plan).

**Application Requirements.** Applicants must submit the following:

1. Application for Employment.
2. Resumé.
3. Brief statement explaining why you want to be the Executive Director of the Hawaii State Ethics Commission and why you believe you can make a positive contribution if you are selected for this position. Include a discussion of any experience with, or knowledge that you have of, governmental ethics.
4. Legal writing sample. (It must be a sample of your own written work only, unedited by anyone else.)
5. Two letters of reference attesting to your management style and experience, as well as your communication and interpersonal skills. Include contact information (address, phone number, e-mail) for references.
6. Authorization to Release Information.

**Application Submission.** Applications, including all required application materials, may be submitted as follows:

By U.S. mail or personal delivery: 1001 Bishop Street, American Savings Bank Tower, Suite 970, Honolulu, Hawaii 96813

By e-mail: [ethics@hawaiiethics.org](mailto:ethics@hawaiiethics.org) (Note: E-mail submissions must include applicant's signatures on both the Application for Employment and on the Authorization to Release Information.)

**Application Deadline.** Applications, including all required application materials, must be received by **May 31, 2016**.

**Confidentiality.** Applications will be kept confidential to the extent permitted by law.

**Inquiries or Additional Information.** Contact the Hawaii State Ethics Commission at (808) 587-0460. For additional information about the Commission, visit our website at <http://ethics.hawaii.gov>



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May 2016

## POSITION DESCRIPTION FOR EXECUTIVE DIRECTOR

### I. INTRODUCTION

The Hawaii State Ethics Commission ("Commission") administers a code of ethics for public officers and employees of the State as mandated by Article XIV of the Hawaii State Constitution. The Commission administers and enforces Chapters 84 and 97, Hawaii Revised Statutes ("HRS"). HRS chapter 84, the State Ethics Code, prescribes ethics laws for state government officials and employees. HRS chapter 97, the Lobbyists Law, prescribes registration and reporting requirements for lobbyists and organizations that engage in lobbying activities at the state level.

The Commission is established within the Office of the Auditor for administrative purposes only. The Commission employs an Executive Director and other staff, including an Associate Director, staff attorneys, a computer specialist, and clerical personnel. All employees of the Commission, including the Executive Director, serve at the pleasure of the Commission.

### II. MAJOR DUTIES AND RESPONSIBILITIES

The Executive Director functions as the administrator and chief legal counsel for the Commission. The Executive Director is responsible for carrying out the Commission's mandate to administer and enforce the State Ethics Code and the Lobbyists Law; to coordinate monthly Commission meetings; to direct the administration and management of the Commission's office and staff; and to implement the Commission's goals and objectives. The Executive Director provides overall leadership in guiding all aspects of the Commission's programs and activities.

**Legal counsel to Commission.** Serves as chief legal counsel to the Commission. Provides legal advice to the Commission with regard to the interpretation of statutory provisions in Chapters 84 and 97, HRS, and other relevant laws. Advises the Commission with regard to the issuance of advisory opinions and enforcement proceedings. Also advises the Commission with regard to legal issues concerning Commission meetings, administrative actions, and other matters. Researches and prepares legal documents for the Commission. Represents the Commission in legal proceedings involving the Commission.

**Administration and Enforcement of Chapters 84 and 97, HRS.** Administers and enforces Chapters 84 and 97, HRS. Responds to inquiries and issues legal advice to state government officials and employees, lobbyists, and organizations represented by lobbyists. Drafts and reviews staff opinion letters, advisory opinions, legal memoranda, and other related documents.

Oversees the administration of laws under Chapter 84, HRS, that require filings of financial disclosure statements, gifts disclosure statements, and contract notices. Also oversees the administration of laws under Chapter 97, HRS, that require the registration of lobbyists and filings of statements of lobbying expenditures and contributions. Updates and revises forms and instructions; facilitates compliance by filers with filing requirements; implements audit or review procedures to ensure that filings comply with the law; and oversees enforcement proceedings against individuals who do not comply with filing requirements.

Conducts and oversees enforcement proceedings relating to possible violations of Chapters 84 and 97, HRS. Receives or initiates charges; conducts and directs investigations; participates in witness interviews; prosecutes or serves as legal counsel to the Commission in contested case hearings; drafts and reviews legal documents relating to enforcement proceedings.

**Education program.** Oversees development of the Commission's program to educate the public and state government officials and employees about ethics. Develops and conducts education workshops and presentations, including mandatory ethics training courses for state government officials as required by Chapter 84, HRS. Participates in speaking engagements and makes other public appearances to discuss the Commission's work and the laws administered by the Commission. Develops educational materials, including the Commission's newsletter and other publications. Oversees the development, design, and maintenance of the Commission's website.

**Media.** Responds to inquiries from the media. Issues news releases and statements on behalf of the Commission.

**Legislation.** Proposes and drafts legislation; tracks legislation; prepares written testimony; attends legislative hearings and presents testimony on behalf of the Commission. Meets with legislators and others to advocate on behalf of the Commission with regard to legislation.

**Rules.** Oversees the adoption, amendment, and repeal of the Commission's administrative rules as needed and as provided in Chapter 91, HRS.

**Commission meetings and training.** Coordinates Commission meetings. Prepares meeting agendas and oversees preparation of all written materials and minutes for Commission meetings.

Responsible for assuring that Commission members receive an orientation upon appointment, and training on applicable laws, procedures, and other matters relating to their duties and responsibilities.

**Relations with other state and federal agencies and organizations.** Maintains professional relations with other state, local, and federal agencies. Maintains professional relations with local and national organizations such as Common Cause Hawaii, the League of Women Voters of Hawaii, and the Council on Governmental Ethics Laws to promote ethics and other “good government” initiatives. Provides outreach work by participating in conferences and other events to speak about ethics, lobbying, and other related topics.

**Budget and fiscal operations.** Oversees planning, preparation, and management of the Commission’s budget. Prepares budget documents and testifies at budget hearings before the legislature. Oversees the Commission’s annual financial audit by an independent auditor and prepares Management’s Discussion and Analysis (MD&A) for the audit. Oversees all fiscal operations of the office, including payroll and procurement of all goods and services in accordance with applicable laws. Negotiates and executes office lease agreements and other agreements and contracts on behalf of the Commission.

**Administration and Management.** Responsible for the maintenance and custody of the files and records of the Commission. Responsible for administration and management of the Commission’s office and staff, including the day-to-day operations of the office. Recommends staff hiring and disciplinary action to the Commission. Provides leadership and direction to the staff in the performance of their duties: Oversees staff orientation and training; makes assignments and delegates work responsibilities to staff; supervises staff work performance; oversees office staffing levels and work schedules; approves leave requests (for vacation leave, sick leave, family leave, etc.); conducts annual job performance evaluations; and makes salary recommendations to the Commission. Works closely with the Associate Director and staff attorneys to oversee and direct their legal work; routinely meets with attorneys to discuss cases and case management; reviews written work of attorneys; oversees attorneys’ work in all other areas. Oversees all projects and planning for the office.

### III. CONTROLS OVER THE POSITION

**Supervisor.** Reports to the Commission. Pursuant to HRS §84-35, serves at the pleasure of the Commission. Subject to periodic performance evaluations by the Commission.

**Full-time employment.** Shall dedicate the necessary time and effort to perform all duties described herein on a full-time basis. Shall not engage in any part-time or other employment that conflicts, detracts, or prevents the Executive Director from performing the required duties in a prompt and efficient manner.

**Standards of Conduct.** Shall comply with the standards of conduct for state employees pursuant to HRS Chapter 84, the State Ethics Code.

**Prohibition from political activity.** Pursuant to HRS §84-35.5, shall not take an active part in political management or in political campaigns during the term of office or employment.

**Related duties.** Performs any and all other duties as required.

#### IV. MINIMUM QUALIFICATION REQUIREMENTS

In accordance with HRS §78-1(c), must be a citizen, national, or permanent resident alien of the United States, or eligible under federal law for unrestricted employment in the United States; and shall become a resident of the State within thirty days after beginning employment as a condition of eligibility for continued employment.

Graduate with a Juris Doctor degree from an American Bar Association accredited law school. Licensed attorney and member in good standing of the Hawaii State Bar.

#### V. RECOMMENDED QUALIFICATIONS

Demonstrated commitment to public service and advocacy, and to maintaining high ethical standards.

Knowledge of state government organization and interagency relationships.  
Knowledge of the legislative process and ability to advocate persuasively to accomplish legislative goals.

Knowledge of administrative law and administrative procedure, including rule-making and contested case procedures. Knowledge of open meetings and public records laws.

Knowledge of court procedures and litigation generally.

Knowledge of personnel policies and practices; budgeting requirements; procurement and fiscal management; information management.

Ability to manage and protect confidential information.

Ability to communicate effectively orally and in writing.

Ability to supervise and manage employees.

Strong interpersonal and leadership skills.

Computer skills, e.g., ability to use software such as MS Office, SharePoint and Dropbox.





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## APPLICATION FOR EMPLOYMENT FOR EXECUTIVE DIRECTOR POSITION

1. Name (First, Middle, Last): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: (\_\_\_\_\_) \_\_\_\_\_

E-mail: \_\_\_\_\_

2. Are you a member in good standing of the Hawaii State Bar?

☐ Yes

☐ No

Hawaii Bar Admission Date: \_\_\_\_\_ Bar No.: \_\_\_\_\_

Other bars to which you are admitted and dates of admission:

\_\_\_\_\_  
\_\_\_\_\_

Number of years in the active practice of law:

3. Check the appropriate block below:

☐ Citizen of the U.S.

☐ National of the U.S.

☐ Permanent Resident Alien of the U.S.

☐ Eligible Under Federal Law for Unrestricted Employment in the U.S.

4. Are you a resident of the State of Hawaii?

☐ Yes

☐ No

If No, do you understand that you must become a resident of the State of Hawaii within 30 days after beginning employment and as a condition of eligibility for continued employment?

☐ Yes

☐ No

5. Have any disciplinary complaints been filed against you, including any matters that have been addressed to, or are pending before, the Office of Disciplinary Counsel in any state or jurisdiction?

☐ Yes

☐ No

If Yes, provide a complete explanation (including applicable dates and disposition). If necessary, attach an additional sheet.

6. Have you ever been admonished or disciplined for:

(a) A breach of the Code of Professional Responsibility;

(b) A breach of the Guidelines of Professional Courtesy and Civility for Hawaii Lawyers;

(c) Professional misconduct; or

(d) Professional negligence?

☐ Yes

☐ No

If Yes, provide a complete explanation (including applicable dates and disposition). If necessary, attach an additional sheet.

7. Within the past five years, were you dismissed from or asked to resign from employment?

☐ Yes

☐ No

If Yes, indicate the date and reasons for your dismissal or resignation from employment, and provide the name and address of the employer. If necessary, attach an additional sheet.

8. Have you ever been a party to a civil lawsuit, excluding paternity or divorce proceedings?

☐ Yes

☐ No

If Yes, provide an explanation (including applicable dates and disposition). If necessary, attach an additional sheet.

9. Have you been convicted of a felony or misdemeanor? You do not need to report: (1) Arrests not followed by convictions; or (2) Convictions which were annulled or expunged.

☐ Yes

☐ No

If Yes, indicate the date and provide a complete explanation. If necessary, attach an additional sheet.

10. Have you ever been convicted of any act, attempt, or conspiracy to overthrow the state or the federal government by force or violence?

☐ Yes

☐ No

11. Within the past three years, have you been convicted of any offense related to controlled substances or alcohol?

☐ Yes

☐ No

If Yes, provide a complete explanation (including applicable dates and disposition). If necessary, attach an additional sheet.

12. Have you had any delinquent tax assessments filed against you, or any legal entity in which you hold a controlling interest, by the State Tax Department or the Internal Revenue Service?

☐ Yes

☐ No

If Yes, provide a complete explanation (including applicable dates and disposition). If necessary, attach an additional sheet.

13. Have you filed all federal, state, and local tax returns that are now due and are all payments of taxes current?

☐ Yes

☐ No

If No, please provide a complete explanation. If necessary, attach an additional sheet.

14. May we contact your present employer(s)? ☐ Yes ☐ No

May we contact your former employer(s)? ☐ Yes ☐ No

15. Attach to your application form the following:

- a. Your resumé showing the following: (1) All colleges or universities attended, the dates of attendance, and diplomas or degrees earned; (2) All professional employment positions held, a description of your major responsibilities in each position, and the dates of employment for each position, accounting for periods in which you were not employed; and (3) Anything else you deem relevant to your application.
- b. A brief statement explaining why you want to be the Executive Director of the Hawaii State Ethics Commission and why you believe you can make a positive contribution if you are selected for this position. Include a discussion of any experience with, or knowledge that you have of, governmental ethics.
- c. A legal writing sample. (It must be a sample of your own written work only, unedited by anyone else.)
- d. Two letters of reference attesting to your management style and experience, as well as your communication and interpersonal skills. Include contact information (address, phone number, e-mail) for references.
- e. Authorization to Release Information (completed and signed).

**I CERTIFY AND AFFIRM THAT ALL STATEMENTS IN THIS APPLICATION AND IN ALL MATERIALS SUBMITTED AS PART OF MY APPLICATION TO THE HAWAII STATE ETHICS COMMISSION ARE, TO THE BEST OF MY KNOWLEDGE, TRUE, COMPLETE, AND CORRECT.**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## Authorization to Release Information

To Whom It May Concern:

In connection with the background investigation being conducted by the Hawaii State Ethics Commission, I hereby authorize any authorized representative of the Hawaii State Ethics Commission bearing this release, or copy thereof, within one year of its date, to obtain any information in your files pertaining to my State Bar, grievance records, employment, military, or education records including, but not limited to, academic, achievement, attendance, personal history, work history, and disciplinary records. I hereby direct you to release such information upon request of the bearer. This release is executed with full knowledge and understanding that the information will be used in connection with the consideration of my employment by the Hawaii State Ethics Commission and will be disseminated to those individuals or agencies directly involved in this determination. I hereby release you, as the custodian of such records, and any school, college, university, or other educational institution, including its officers, employees, or related personnel, both individually and collectively, from any and all liability for damages of whatever kind, which may at time result to me, my heirs, family or associates because of compliance with this authorization and request to release information, or any attempt to comply with it.

Should there be any question as to the validity of this release, you may contact me as indicated below.

Full Name: \_\_\_\_\_  
(Signature)

Full Name: \_\_\_\_\_  
(Type or print)

Date: \_\_\_\_\_

Current Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone Numbers: Home: \_\_\_\_\_ Business: \_\_\_\_\_ Cell: \_\_\_\_\_

Bar Membership(s):	State	Bar Number
_____	_____	_____
_____	_____	_____
_____	_____	_____