

## WHAT WE DO

The Hawaii State Ethics Commission's mission is to preserve the public's confidence in our government by promoting high ethical standards among public servants. The Commission administers the State Ethics Code and Lobbyists Law, and provides the following services:

### 1. Guidance

- **Informal Guidance:** We have an Attorney of the Day available to take your calls or e-mails. Anyone can call the Commission to obtain fast, confidential guidance from our staff. The Commission's attorneys answer questions on all aspects of the State Ethics Code, including the following:
  - Whether a gift may be accepted (including whether you may accept travel expenses – like airfare and hotel stays – paid for by private organizations or other government agencies to attend work-related events);
  - Whether a situation constitutes a conflict of interest or a violation of the State Ethics Code;
  - How to file financial, gifts, and lobbying disclosures;
  - Whether a state employee or legislator is permitted to use state resources for a particular purpose;
  - What restrictions apply to state employees after leaving their state employment.
- **Formal Guidance:** The Commission also issues formal Advisory Opinions upon request. After receiving a signed request for a formal opinion from the Commission itself ([See Hawaii Administrative Rule § 21-4-1](#)), the Commission will issue a written ethics opinion. A redacted version of the Opinion (taking out the requestor's name and other identifying information) is then posted on the Commission's website and serves as precedent for later ethics questions. If you are considering a formal request for guidance, please contact us and we will guide you through the process.

### 2. Educational Training

The Commission's mission includes educating state officials and employees about ethics in government. Each year, the Commission provides training to over 1,500 legislators, state employees, and lobbyists on how to comply with the State Ethics Code and the State Lobbyists Law. Please contact the Commission if you would like to schedule a training session, or see our calendar of upcoming trainings [here](#).

### 3. Ensuring Compliance with Disclosure Laws

The Ethics Code requires that approximately 1,900 state officials file annual financial disclosures; the Ethics Code also requires any state official who receives certain gifts to report those gifts to the Commission. Similarly, the Lobbyists Law requires that lobbyists register with the Commission and that they (and their clients) file expenditure statements several times per year. These filing requirements help provide transparency and accountability in state government. The Commission ensures that state officials and lobbyists comply with these requirements.

#### 4. **Enforcing Ethics and Lobbying Laws**

The Commission also enforces the State Ethics Code ([Hawaii Revised Statutes chapter 84](#)) and the State Lobbyists Law ([Hawaii Revised Statutes chapter 97](#)). The Commission receives and reviews complaints, and conducts confidential investigations concerning potential violations of the law. If appropriate, the Commission may initiate formal charges against individuals and proceed to a contested case hearing in accordance with the Administrative Procedures Act. If a violation is found, the Commission has the authority to levy fines of up to \$1,000 per violation, and other penalties may also be imposed.

There are two ways to alert the State Ethics Commission (“Commission”) about a possible violation of the State Ethics Code or Lobbyists Law:

1. **Contact us with a complaint.** You can call us, e-mail us, or send us a letter alleging a violation of the State Ethics Code or the Lobbyists law – all we need is a brief description of the alleged violation and the name and state position (or organization) of the alleged violator, if known. All complaints are confidential. Most complaints lodged with the Commission are done through this “informal” method, though you can also file a formal Charge directly with the Commission (see #2 below). When the Commission staff receive a complaint, it’s processed as follows:
  - a. **Investigation:** The Commission staff will review the complaint to determine if it’s within the Commission’s jurisdiction, and may refer the matter to another agency if appropriate. The Commission staff will investigate cases as appropriate, and may ask the Commission to issue a Resolution to authorize a formal investigation (“Resolution to Investigate”). After issuing a Resolution to Investigate, the Commission may subpoena witnesses and documents.
  - b. **Confidentiality:** The Commission’s investigations are confidential by law. The Commission does not apprise the public (including the complainant) regarding the status of any ongoing investigation.
  - c. **Process for moving forward with complaints (or closing complaints):**
    - i. If there is evidence of a potential violation of the State Ethics Code or Lobbyists Law, the Commission staff may ask the Commission to issue a Charge – that is, a formal allegation of a violation of the State Ethics Code or the Lobbyists Law. The process after the Commission issues a Charge is discussed below in #2.
    - ii. If the complaint does not warrant further action, the staff may close the matter; the Commission staff may also choose to issue a guidance letter to a state employee or a state agency in lieu of taking further enforcement action. By statute, proceedings at this stage are still confidential, such that the Commission may not notify the public that a complaint has been closed. As discussed below, however, any individual may file a formal Charge directly with the Commission.

- iii. The Commission may settle cases at any stage – either before or after issuing a Resolution to Investigate or a Charge. Most cases in which there appears to be a violation are settled without a formal contested case hearing. Some examples of cases resolved pursuant to settlement agreements can be found here: <http://ethics.hawaii.gov/rocs/>.
2. **File a Charge directly with the Commission.** You can file a formal Charge directly with the Commission at any time (within the six-year statute of limitations for State Ethics Code violations and the three-year statute of limitations for Lobbyists Law violations). The process for filing a Charge is set forth in Hawaii Administrative Rules (“HAR”) section 21-5-1, available here: <http://ethics.hawaii.gov/wp-content/uploads/2014/02/TITLE21-5.pdf>. Charges must be signed under oath and may not be anonymous. As described above in #1, the Commission can also issue a Charge itself, usually after an informal complaint is filed and the Commission staff has investigated the matter.

Once a Charge is received or issued, the Respondent is given the opportunity to file an Answer to the Charge, and the Commission staff will investigate the matter further. If, based upon the Charge, the Answer, and the investigation, the Commission believes there is probable cause of a violation, the Commission may issue a Further Statement of Alleged Violation (“Further Statement”). After service of the Further Statement, the Respondent will have 20 days to file an Answer to the Further Statement, after which the Commission may issue a notice of a formal contested case hearing. At that point, the Charge, Answer to the Charge, Further Statement, and Answer to the Further Statement will become public documents, and the contested case hearing itself is public. Prior to the issuance of the notice of hearing, the Commission treats all materials (and all investigations) as confidential. The Commission may enter into a settlement agreement with a Respondent at any stage.