

BEFORE THE HAWAII STATE ETHICS COMMISSION

STATE OF HAWAII

HAWAII STATE ETHICS COMMISSION,)	COMPL-C-15-00236
)	
Complainant,)	FURTHER STATEMENT
)	OF ALLEGED VIOLATION
vs.)	
)	
ROWENA AKANA,)	
)	
Respondent.)	
)	

FURTHER STATEMENT OF ALLEGED VIOLATION

Under the authority of and pursuant to §§ 84-31(a) and 84-31(b), Hawaii Revised Statutes (“HRS”), and § 21-5-2, Hawaii Administrative Rules, the HAWAII STATE ETHICS COMMISSION (“Commission”), in furtherance of Charge No. COMPL-C-15-00236, Hawaii State Ethics Commission vs. Rowena Akana, issued by the Commission on April 19, 2018, hereby issues this Further Statement of Alleged Violation against ROWENA AKANA (“Respondent AKANA”) for violations of the State Ethics Code, HRS chapter 84, based on the following:

The State Ethics Code

1. The people of Hawaii have declared that state employees must exhibit the highest standards of ethical conduct. To this end, the Hawaii State Constitution mandates that the legislature adopt a code of ethics applicable to all state employees. Haw. Const. Art. XIV.

2. In accordance with and pursuant to the constitutional mandate, the State Ethics Code, HRS chapter 84, establishes standards of conduct for state employees that the legislature deemed necessary to preserve the public's confidence in state employees, and authorizes the Commission to administer and enforce those standards. Preamble, HRS chapter 84; HRS § 84-31.

3. The legislature explicitly directed that the State Ethics Code be liberally construed to promote high standards of ethical conduct in state government. HRS § 84-1.

4. All state employees, with the exception of judges and justices, are subject to, and must comply with, the State Ethics Code. HRS § 84-2.

5. For purposes of investigation and taking appropriate action on alleged violations of the State Ethics Code by an employee or former employee, the Commission has jurisdiction in all proceedings commenced within six years of an alleged violation. HRS § 84-31(a)(6).

The Gifts Law

6. The Gifts Law, HRS § 84-11, prohibits a state employee from soliciting, accepting, or receiving, directly or indirectly, any gift under circumstances in which it can reasonably be inferred that the gift is intended to influence the employee in the performance of the employee's official duties or is intended as a reward for any official action on the employee's part.

The Gifts Reporting Law

7. The Gifts Reporting law, HRS § 84-11.5, requires a state employee to file a gifts disclosure statement with the Commission on June 30 of each year if all the following conditions are met:

- (1) The . . . employee, or spouse or dependent child of the . . . employee, received directly or indirectly from one source any gift or gifts valued singly or in the aggregate in excess of \$200, whether the gift is in the form of money, service, goods, or in any other form;
- (2) The source of the gift or gifts have interests that may be affected by official action or lack of action by the . . . employee; and
- (3) The gift is not exempted . . . from reporting requirements[.]

HRS § 84-11.5(a).

8. The gifts disclosure statement covers the period from June 1 of the preceding calendar year through June 1 of the year of the report. HRS § 84-11.5(b).

9. The gifts disclosure statement must contain the following information:

- (1) A description of the gift;
- (2) A good faith estimate of the value of the gift;
- (3) The date the gift was received; and
- (4) The name of the person, business entity, or organization from whom, or on behalf of whom, the gift was received.

HRS § 84-11.5(c).

10. The following items are excluded from the reporting requirements of the Gifts Reporting law:

- (1) Gifts received by will or intestate succession;
- (2) Gifts received by way of distribution of any inter vivos or testamentary trust established by a spouse or ancestor;

- (3) Gifts from a spouse, fiance, fiancée, any relative within four degrees of consanguinity or the spouse, fiance, or fiancée of such a relative. . . .;
- (4) Political campaign contributions that comply with state law;
- (5) Anything available to or distributed 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, birthday[s], or special occasions.

HRS § 84-11.5(d).

11. The failure of an employee to file a gifts disclosure statement as required by the Gifts Reporting Law is a violation of the State Ethics Code. HRS § 84-11.5(e).

The Fair Treatment Law

12. The Fair Treatment law, HRS § 84-13, prohibits a state employee from using or attempting to use the employee's official position to secure or grant unwarranted privileges, advantages, benefits, or treatment for the employee or others.

Respondent AKANA's State Employment

13. Respondent AKANA, at all times relevant herein, was employed with the Office of Hawaiian Affairs ("OHA"), a state agency, as an elected member of the OHA Board of Trustees.

14. According to OHA's website, "The Board of Trustees is responsible for establishing OHA policy and managing the agency's trust."

15. Respondent AKANA was, at all times relevant herein, a state employee as defined in HRS § 84-3.

16. As a state employee, Respondent AKANA was, at all times relevant herein, required to comply with the State Ethics Code.

OHA Trustee Annual Allowance

17. Pursuant to OHA's executive policies, each OHA Trustee is provided with an annual allowance ("Trustee Annual Allowance") to use for purposes that include: developing and maintaining a communications network with OHA beneficiaries and the general public; promoting a broader understanding of, and encouraging participation in, Hawaiian issues within the Hawaiian community; covering the costs of social and charitable functions that a Trustee is expected to attend or support; covering costs associated with attending conferences, seminars, or meetings; providing OHA beneficiaries support for self-improvement and education; providing funding to support schools and organizations; and providing compassionate assistance to OHA beneficiaries and their families in emergencies and times of need.

Trustee Annual Allowance Expenditures:
Political Contributions

18. On or about February 11, 2014, Respondent AKANA used Trustee Annual Allowance funds to make a political contribution to the Hawaii County Democrats, in the amount of \$50.00.

19. On or about February 11, 2014, Respondent AKANA used Trustee Annual Allowance funds to make a political contribution to the Democratic National Committee, in the amount of \$50.00.

20. On or about December 5, 2017, Respondent AKANA used Trustee Annual Allowance funds to make a donation of \$500.00 to pay for entertainment for Kanaka Maoli, a Political Action Committee event.

Trustee Annual Allowance Expenditures
for Home Cable Television Service
(November 2015 through November 2016)

21. During the years 2015, 2016, and 2017, Respondent AKANA subscribed to a home cable television and internet bundled service package called "Surf Pak Xtra," offered by Oceanic Time Warner Cable ("Oceanic"), a company that was later rebranded as "Spectrum" in or around 2017. The Surf Pak Xtra package consisted of standard television service as well as access to additional channels, and "extreme" internet service.

22. On or about each of the dates listed below, Respondent AKANA used Trustee Annual Allowance funds to pay the full amount of Oceanic's monthly bill for the Surf Pak Xtra package, as follows:

- a. November 20, 2015, \$127.90;
- b. December 20, 2015, \$127.90;
- c. January 22, 2016, \$127.90;
- d. February 15, 2016, \$135.78;
- e. March 5, 2016, \$132.43;

- f. April 10, 2016, \$134.37;
- g. May 9, 2016, \$133.55;
- h. June 6, 2016, \$133.55;
- i. June 30, 2016, \$133.55;
- j. August 8, 2016, \$133.55;
- k. September 5, 2016, \$133.55;
- l. October 22, 2016, \$136.83; and
- m. November 24, 2016, \$136.83.

23. Respondent AKANA represents that she used the home internet service provided in the Surf Pak Xtra package for OHA-related business. However, in 2015 and 2016, the approximate monthly cost of the type of internet service she used was under \$50.00. Thus, on the thirteen occasions listed in the previous paragraph – from approximately November 2015 through November 2016 – Respondent AKANA used Trustee Annual Allowance funds to pay for home cable television service.

Trustee Annual Allowance Expenditures
for Home Cable Television Service
(December 2016 through December 2017)

24. On or about each of the dates below, Respondent AKANA used \$80.00 or \$82.00 in Trustee Annual Allowance funds to pay a portion of Oceanic's or Spectrum's total monthly bill for the Surf Pak Xtra package, as follows:

- a. December 21, 2016, used \$80.00; Oceanic's total monthly bill was \$136.83;

- b. January 20, 2017, used \$80.00; Oceanic's total monthly bill was \$136.83;
- c. February 13, 2017, used \$80.00; Oceanic's total monthly bill was \$136.83;
- d. March 15, 2017, used \$80.00; Oceanic's total monthly bill was \$136.83;
- e. April 20, 2017, used \$80.00; Oceanic's total monthly bill was \$136.83;
- f. May 20, 2017, used \$80.00; Oceanic's total monthly bill was \$136.83;
- g. June 25, 2017, used \$80.00; Oceanic's total monthly bill was \$136.83;
- h. July 21, 2017, used \$80.00; Spectrum's total monthly bill was \$136.83;
- i. August 24, 2017, used \$80.00; Spectrum's total monthly bill was \$136.83;
- j. September 10, 2017, used \$82.00; Spectrum's total monthly bill was \$138.43;
- k. October 10, 2017, used \$80.00; Spectrum's total monthly bill was \$138.43;
- l. November 20, 2017, used \$80.00; Spectrum's total monthly bill was \$138.43;
- m. December 13, 2017, used \$80.00; Spectrum's total monthly bill was \$138.43; and
- n. December 30, 2017, used \$80.00; Spectrum's total monthly bill was \$138.43.

25. Respondent AKANA used \$80.00 or \$82.00 of Trustee Annual Allowance funds on or about the above dates, purportedly, to pay for the home internet service provided in the Surf Pak Xtra package, to be used for OHA-related business. However, at that time, the approximate monthly cost for the type of internet service she used was under \$50.00. Thus, on the fourteen occasions listed in the previous paragraph – from approximately December 2016 through December 2017 – Respondent AKANA used Trustee Annual Allowance funds to partly pay for home cable television service.

Trustee Annual Allowance Expenditures:
iTunes Gift Card; Hawaiian Airlines “Premier Club” Membership;
Home Security System

26. On or about September 18, 2013, Respondent AKANA used Trustee Annual Allowance funds to purchase an Apple iTunes gift card from the Apple Store, Kahala, valued at \$50.00.

27. On or about July 15, 2014, Respondent AKANA used Trustee Annual Allowance funds to purchase a “Premier Club” membership with Hawaiian Airlines for \$249.00. Such membership provided benefits including but not limited to “Premier Club Lounge” access at various airports, a complimentary “Unlimited TV & More Pack” on certain air routes, and priority pre-boarding. The “Premier Club” membership also allowed members to check up to two pieces of luggage at no charge, but OHA’s corporate account with Hawaiian Airlines already permitted travelers to check two pieces of baggage for free.

28. On or about September 9, 2015, Respondent AKANA used Trustee Annual Allowance funds to purchase a "Canary" home security system from Verizon, for her home, for \$209.41.

Trustee Annual Allowance Expenditures:
Food for Self, Other OHA Trustees, and/or OHA Staff

29. Respondent AKANA used Trustee Annual Allowance funds on at least twelve occasions to purchase food for herself, other OHA Trustees, and/or OHA staff, as described below:

- a. On or about October 3, 2013, Respondent AKANA used Trustee Annual Allowance funds to pay for lunch for staff from Legend Seafood Restaurant, in the amount of \$30.52;
- b. On or about March 17, 2014, Respondent AKANA used Trustee Annual Allowance funds to pay for refreshments for staff from Leonard's Bakery, in the amount of \$17.80;
- c. On or about July 3, 2014, Respondent AKANA used Trustee Annual Allowance funds to pay for food for a "going away party" for a staff member from 1132 Café & Catering, in the amount of \$268.59;
- d. On or about August 4, 2014, Respondent AKANA used Trustee Annual Allowance funds to pay for breakfast for staff from Liliha Bakery, in the amount of \$31.94;

- e. On or about February 10, 2015, Respondent AKANA used Trustee Annual Allowance funds to pay for food for a staff “birthday celebration” from Zippy’s Nimitz, in the amount of \$61.83;
- f. On or about January 23, 2015, Respondent AKANA used Trustee Annual Allowance funds to pay for manapua for staff from Royal Kitchen, in the amount of \$66.49;
- g. On or about July 9, 2015, Respondent AKANA used Trustee Annual Allowance funds to pay for food for a staff meeting from Liliha Bakery, in the amount of \$39.48;
- h. On or about December 2, 2015, Respondent AKANA used Trustee Annual Allowance funds to pay for food for staff from Chinatown Express Ala Moana, in the amount of \$31.01;
- i. On or about August 15, 2016, Respondent AKANA used Trustee Annual Allowance funds to pay for refreshments for staff from Leonard’s Bakery, in the amount of \$20.73;
- j. On or about October 5, 2016, Respondent AKANA used Trustee Annual Allowance funds to pay for lunch for staff from Tanaka Saimin, in the amount of \$43.66;
- k. On or about February 17, 2017, Respondent AKANA used Trustee Annual Allowance funds to cover the cost of food that had been purchased for a party for a staff member’s “last day,” in the amount of \$25.00; and

- I. On or about December 5, 2017, Respondent AKANA used Trustee Annual Allowance funds to pay for noodles from Royal Kitchen for a “pot luck” OHA Trustees’ holiday party, in the amount of \$23.72.

Trustee Annual Allowance Expenditures:
Donations to Hawaiian Humane Society

30. On or about February 20, 2014, Respondent AKANA used Annual Trustee Allowance funds to make a donation of \$50.00 to the Hawaiian Humane Society, an animal welfare organization that has no connection to OHA.

31. On or about August 8, 2017, Respondent AKANA used Annual Trustee Allowance funds to make a donation of \$25.00 to the Hawaiian Humane Society.

Receipt of Gifts from OHA Beneficiary (Payment of Legal Fees);
Reporting of Gifts

32. From approximately 2015 through 2017, Respondent AKANA was engaged in a lawsuit she filed against OHA (“Akana vs. OHA Lawsuit”). The legal fees incurred by Respondent AKANA in the Akana-OHA Lawsuit were paid in part by Abigail Kawananakoa (“Kawananakoa”), an OHA beneficiary.

33. Kawananakoa had interests that may have been affected by official action or lack of action on the part of Respondent Akana.

34. In or around February 2017, Kawananakoa filed a lawsuit against OHA (“Kawananakoa vs. OHA Lawsuit”). The OHA Board of Trustees, including Respondent AKANA, were engaged in the Kawananakoa vs. OHA Lawsuit from approximately February 2017 through September 2017. Respondent AKANA participated in at least

one Executive Session meeting of the OHA Board Trustees regarding the Kawananaoia vs. OHA Lawsuit.

35. On or about June 22, 2017, Respondent AKANA filed a gifts disclosure statement with the Commission, reporting that she had received a gift of legal fees from Kawananaoia valued at \$15,960.43.

36. On or about August 29, 2017, Commission staff notified Respondent AKANA, through her counsel, that the June 22, 2017 gifts disclosure statement was deficient because it failed to provide all of the information required by HRS § 84-11.5 -- notably, the date on which she received each gift. Commission staff also notified Respondent AKANA's counsel that the Commission had not received any gifts disclosure statements from 2012 through 2016 disclosing previous gifts of legal fees, and inquired as to whether Respondent AKANA had any reportable gifts during that time period.

37. On or about September 8, 2017, Respondent AKANA filed an amended gifts disclosure statement with the Commission for the period of June 1, 2016 through June 1, 2017, to report that she had received the following gifts from Kawananaoia:

- a. Legal fees, valued at \$447.28, on December 16, 2016;
- b. Legal fees, valued at \$15,513.15, on April 28, 2017; and
- c. Legal fees, valued at \$6,000.00, on June 17, 2017.

38. On or about September 26, 2017, Respondent AKANA filed a gifts disclosure statement with the Commission to report that she had also received the following, previously unreported gifts from Kawananaoia:

- a. Legal fees, valued at \$10,478.52, on July 1, 2015;
 - b. Legal fees, valued at \$9,521.48, on August 10, 2015;
 - c. Legal fees, valued at \$6,000.00, on March 24, 2016; and
 - d. Legal fees, valued at \$24,125.50, on April 19, 2016.
39. The deadline by which Respondent AKANA was required to report the gift valued at \$10,478.52, reportedly received on July 1, 2015, was June 30, 2016.
40. The deadline by which Respondent AKANA was required to report the gift valued \$9,521.48, reportedly received on August 10, 2015, was June 30, 2016.
41. The deadline by which Respondent AKANA was required to report the gift valued at \$6,000.00, reportedly received on March 24, 2016, was June 30, 2016.
42. The deadline by which Respondent AKANA was required to report the gift valued at \$24,125.50, reportedly received on April 19, 2016, was June 30, 2016.

COUNTS 1 TO 4

Violations of Gifts Reporting Law, HRS § 84-11.5
Failure to Report Gifts of Legal Fees by Statutory Deadline

43. The allegations contained in the paragraphs above are repeated and realleged.

44. Respondent AKANA, by failing to report a gift of legal fees from Kawanakoa received on July 1, 2015 (\$10,478.52) by the statutory deadline of June 30, 2016, violated HRS § 84-11.5 (COUNT 1).

45. Respondent AKANA, by failing to report a gift of legal fees from Kawanakoa received on August 10, 2015 (\$9,521.48) by the statutory deadline of June 30, 2016, violated HRS § 84-11.5 (COUNT 2).

46. Respondent AKANA, by failing to report a gift of legal fees from Kawanakoa received on March 24, 2016 (\$6,000.00) by the statutory deadline of June 30, 2016, violated HRS § 84-11.5 (COUNT 3).

47. Respondent AKANA, by failing to report a gift of legal fees from Kawanakoa received on April 19, 2016 (\$24,125.50) by the statutory deadline of June 30, 2016, violated HRS § 84-11.5 (COUNT 4).

COUNTS 5 TO 6

Violations of Gifts Law, § 84-11 Acceptance of Gifts of Legal Fees

48. The allegations contained in the paragraphs above are repeated and realleged.

49. Respondent AKANA, by accepting a gift of legal fees from Kawanakoa on or about April 28, 2017, in the amount of \$15,513.15, at which time the OHA Board of Trustees, including Respondent AKANA, were engaged in the Kawanakoa vs. OHA Lawsuit, violated HRS § 84-11 COUNT 5).

50. Respondent AKANA, by accepting a gift of legal fees from Kawanakoa on or about June 17, 2017, in the amount of \$6,000.00, at which time the OHA Board of Trustees, including Respondent AKANA, was engaged in the Kawanakoa vs. OHA Lawsuit, violated HRS § 84-11 (COUNT 6).

COUNTS 7 TO 9

Violations of Fair Treatment Law, HRS § 84-13

Use or Attempted Use of Official Position to Secure Unwarranted Personal Benefits
(Trustee Annual Allowance Expenditures for Apple iTunes Gift Card;
Hawaiian Airlines Premier Club Membership; Canary Home Security System)

51. The allegations contained in the paragraphs above are repeated and realleged.

52. Respondent AKANA, by using Trustee Annual Allowance funds to purchase an Apple iTunes gift card valued at \$50.00 on or about September 18, 2013, used or attempted to use her official position to secure an unwarranted personal benefit for herself or another person, in violation of HRS § 84-13 (COUNT 7).

53. Respondent AKANA, by using Trustee Annual Allowance funds to purchase a Premier Club membership with Hawaiian Airlines costing \$249.00, used or attempted to use her official position to secure an unwarranted personal benefit for herself, in violation of HRS § 84-13 (COUNT 8).

54. Respondent AKANA, by using Trustee Annual Allowance funds to purchase a Canary home security system from Verizon costing \$209.41, used or attempted to use her official position to secure an unwarranted personal benefit for herself, in violation of HRS § 84-13 (COUNT 9).

COUNTS 10 TO 22

Violations of Fair Treatment Law, HRS § 84-13

Use or Attempted Use of Official Position to Secure Unwarranted Personal Benefits
(Trustee Annual Allowance Expenditures for Home Cable Television Service,
November 2015 through November 2016)

55. The allegations contained in the paragraphs above are repeated and realleged.

56. Respondent AKANA, by using Trustee Annual Allowance funds to pay the total amount of Oceanic's monthly bill for the Surf Pak Xtra package on or about each of the dates listed below, where the approximate monthly cost of the type of internet service she used was under \$50.00, used or attempted to use her official position to secure unwarranted personal benefits for herself – that is, home cable television service – in violation of HRS § 84-13:

- a. November 20, 2015 (\$127.90) (COUNT 10);
- b. December 20, 2015 (\$127.90) (COUNT 11);
- c. January 22, 2016 (\$127.90) (COUNT 12);
- d. February 15, 2016 (\$135.78) (COUNT 13);
- e. March 5, 2016 (\$132.43) (COUNT 14);
- f. April 10, 2016 (\$134.37) (COUNT 15);
- g. May 9, 2016 (\$133.55) (COUNT 16);
- h. June 6, 2016 (\$133.55) (COUNT 17);
- i. June 30, 2016 (\$133.55) (COUNT 18);
- j. August 8, 2016 (\$133.55) (COUNT 19);
- k. September 5, 2016 (\$133.55) (COUNT 20);

- l. October 22, 2016, (\$136.83) (COUNT 21); and
- m. November 24, 2016 (\$136.83) (COUNT 22).

57. Each expenditure made by Respondent AKANA out of the Trustee Annual Allowance for home television service constituted a separate violation of HRS § 84-13.

COUNTS 23 TO 36

Violations of Fair Treatment Law, HRS § 84-13

Use or Attempted Use of Official Position to Secure Unwarranted Personal Benefits
(Trustee Annual Allowance Expenditures for Home Cable Television Service,
December 2016 through December 2017)

58. The allegations contained in the paragraphs above are repeated and realleged.

59. Respondent AKANA, by using Trustee Annual Allowance funds of \$80.00 or \$82.00 on or about each of the dates listed below to pay a portion of Oceanic's or Spectrum's total monthly bill for the Surf Pak Xtra package, purportedly, for home internet service, when the approximate monthly cost of the type of internet service she used was under \$50.00, used Trustee Annual Allowance funds to partly pay for home cable television service. Respondent AKANA's actions constituted the use or attempted use of her official position to secure unwarranted personal benefits for herself – that is, home cable television service – in violation of HRS § 84-13:

- a. December 21, 2016 (used \$80.00 to pay Oceanic) (COUNT 23);
- b. January 20, 2017 (used \$80.00 to pay Oceanic) (COUNT 24);
- c. February 13, 2017 (used \$80.00 to pay Oceanic) (COUNT 25);
- d. March 15, 2017 (used \$80.00 to pay Oceanic) (COUNT 26);

- e. April 20, 2017 (used \$80.00 to pay Oceanic) (COUNT 27);
- f. May 20, 2017 (used \$80.00 to pay Oceanic) (COUNT 28);
- g. June 25, 2017 (used \$80.00 to pay Oceanic) (COUNT 29);
- h. July 21, 2017 (used \$80.00 to pay Spectrum) (COUNT 30);
- i. August 24, 2017 (used \$80.00 to pay Spectrum) (COUNT 31);
- j. September 10, 2017 (used \$82.00 to pay Spectrum) (COUNT 32);
- k. October 10, 2017 (used \$80.00 to pay Spectrum) (COUNT 33);
- l. November 20, 2017 (used \$80.00 to pay Spectrum) (COUNT 34);
- m. December 13, 2017 (used \$80.00 to pay Spectrum) (COUNT 35); and
- n. December 30, 2017 (used \$80.00 to pay Spectrum) (COUNT 36).

60. Each expenditure made by Respondent AKANA out of the Trustee Annual Allowance to partly pay for home cable television service constituted a separate violation of HRS § 84-13.

COUNTS 37 TO 48

Violations of Fair Treatment Law, HRS § 84-13

Use or Attempted Use of Official Position to Secure Unwarranted Personal Benefits
(Trustee Annual Allowance Expenditures for Food for Self,
Other OHA Trustees, and/or OHA Staff)

61. The allegations contained in the paragraphs above are repeated and realleged.

62. Respondent AKANA, by using Trustee Annual Allowance funds on or about each of the following dates, for the purposes and in the amounts stated below, to pay for food or meals for her herself and/or OHA Trustees and/or OHA staff, used or

attempted to use her official position to secure unwarranted personal benefits for OHA personnel, including herself, in violation of HRS § 84-13:

- a. October 3, 2013, lunch for staff, from Legend Seafood Restaurant, \$30.52 (COUNT 37);
- b. March 17, 2014, refreshments for staff, from Leonard's Bakery, \$17.80 (COUNT 38);
- c. July 3, 2014, food for a "going away party" for a staff member, from 1132 Café & Catering, \$268.59 (COUNT 39);
- d. August 4, 2014, breakfast for staff, from Liliha Bakery, \$31.94 (COUNT 40);
- e. February 10, 2015, food for a staff "birthday celebration," from Zippy's Nimitz, \$61.83 (COUNT 41);
- f. January 23, 2015, manapua for staff, from Royal Kitchen, \$66.49 (COUNT 42);
- g. July 9, 2015, food for a staff meeting, from Liliha Bakery, \$39.48 (COUNT 43);
- h. December 2, 2015, food for staff from Chinatown Express Ala Moana, \$31.01 (COUNT 44);
- i. August 15, 2016, refreshments for staff from Leonard's Bakery, \$20.73 (COUNT 45);
- j. October 5, 2016, lunch for staff from Tanaka Saimin, \$43.66 (COUNT 46);

- k. February 17, 2017, the cost of food that had been purchased for a party for a staff member's "last day," \$25.00 (COUNT 47); and
- l. December 5, 2017, noodles from Royal Kitchen for a "pot luck" OHA Trustees' holiday party, \$23.72 (COUNT 48).

Each expenditure made by Respondent AKANA out of Trustee Annual Allowance funds to pay for food herself, other OHA Trustees, and/or OHA staff constituted a separate violation of HRS § 84-13.

COUNTS 49 TO 51

Violations of Fair Treatment Law, HRS § 84-13
Use or Attempted Use of Official Position for Political Purposes
(Trustee Annual Allowance Expenditures for Political Contributions)

- 63. The allegations contained in the paragraphs above are repeated and realleged.
- 64. Respondent AKANA, by using Trustee Annual Allowance funds to make a political contribution of \$50.00 to the Hawaii County Democrats on or about February 11, 2014, used or attempted to use her official position for political purposes – that is, to unfairly benefit a political party – in violation of HRS § 84-13 (COUNT 49).
- 65. Respondent AKANA, by using Trustee Annual Allowance funds to make a political contribution of \$50.00 to the Democratic National Committee on or about February 11, 2014, used or attempted to use her official position for political purposes – that is, to unfairly benefit a political party – in violation of HRS § 84-13 (COUNT 50).
- 66. Respondent AKANA, by using Trustee Annual Allowance funds on or about December 5, 2017 to make a donation of \$500.00 to pay for entertainment for the

Kanaka Maoli Political Action Committee event, used or attempted to use her official position for political purposes – that is, to unfairly benefit one or more political action committees – in violation of HRS § 84-13 (COUNT 51).

COUNTS 52 TO 53

Violations of Fair Treatment Law, HRS § 84-13
Use or Attempted Use of Official Position to Grant Unwarranted Benefits
(Trustee Allowance Expenditures for Donations to Hawaiian Humane Society)

67. The allegations contained in the paragraphs above are repeated and realleged.

68. Respondent AKANA, by using Trustee Annual Allowance funds to make a donation of \$50.00 to the Hawaiian Humane Society on or about February 20, 2014, used or attempted to use her official position to unfairly benefit the Hawaiian Humane Society, an animal welfare association that had no connection to OHA, in violation of HRS § 84-13 (COUNT 52).

69. Respondent AKANA, by using Trustee Annual Allowance funds to make a donation of \$25.00 to the Hawaiian Humane Society on or about August 8, 2017, used or attempted to use her official position to unfairly benefit the Hawaiian Humane Society, in violation of HRS § 84-13 (COUNT 53).

Notice of Respondent AKANA's Rights and Obligations

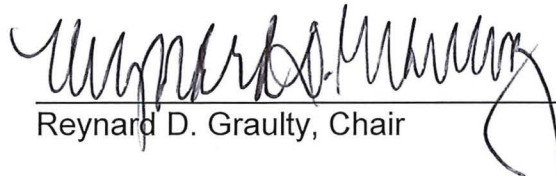
Pursuant to HRS § 84-31(b), within twenty days after service of the Further Statement of Alleged Violation, Respondent Akana may file a written response. If after twenty days following service of the Further Statement of Alleged Violation, the majority of the members of the Commission conclude that there is probable cause to believe that


a violation of the State Ethics Code has been committed, then the Commission shall set a time and place for a hearing, giving notice to the Respondent. Upon the Commission's issuance of a notice of hearing, the Charge and Further Statement of Alleged Violation, and the Respondent's written response thereto shall become public records. The hearing shall be held within ninety days of the Commission's issuance of a notice of hearing. If the hearing is not held within that ninety-day period, the charge and further statement of alleged violation shall be dismissed; provided that any delay that is at the request of, or caused by, the alleged violator shall not be counted against the ninety-day period. All parties shall have an opportunity (1) to be heard, (2) to subpoena witnesses and require the production of any books or papers relative to the proceedings, (3) to be represented by counsel and (4) to have the right of cross-examination. The hearing shall be in accordance with HRS chapter 91. All witnesses shall testify under oath and the hearing shall be open to the public.

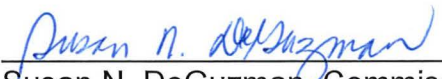
HRS § 84-31(c).

Dated: Honolulu, Hawaii, July 19, 2018.

HAWAII STATE ETHICS COMMISSION


Reynard D. Gaulty, Chair


Ruth D. Tschumy, Vice Chair


Susan N. DeGuzman, Commissioner

EXCUSED
Melinda Wood, Commissioner


Wesley F. Fong, Commissioner