

BEFORE THE HAWAII STATE ETHICS COMMISSION

STATE OF HAWAII

HAWAII STATE ETHICS COMMISSION,)	COMPL-C-17-00433
)	
Complainant,)	FURTHER STATEMENT OF ALLEGED
)	VIOLATION
vs.)	
)	
JOHANNA KAMAUNU,)	
)	
Respondent.)	
)	
)	

FURTHER STATEMENT OF ALLEGED VIOLATION

Pursuant to Hawaii Revised Statutes (“HRS”) §§ 84-31(a) and 84-31(b), the HAWAII STATE ETHICS COMMISSION (“Ethics Commission”) issues this Further Statement of Alleged Violation against JOHANNA KAMAUNU (“Respondent”) for violating the State Ethics Code, HRS chapter 84, based on the following allegations:

1. Respondent is, and was at all times relevant herein, a member of the Island Burial Council of Maui/Lanai (“Board”).
2. Respondent has served in this capacity since 2014.
3. As a member of the Board, Respondent is required to file an annual disclosure of financial interests (“financial disclosure statement”) with the Ethics Commission between January 1 and May 31 of each year. See HRS §§ 84-17(b)(1) and (c)(9).

4. The failure to file a financial disclosure statement as required by HRS § 84-17 constitutes a violation of the State Ethics Code HRS § 84-17(i).

5. While serving as a member of the Board, Respondent failed to file a 2017 financial disclosure statement between January 1, 2017, and May 31, 2017, as required by HRS § 84-17.

6. The Ethics Commission's staff sent courtesy notices to Respondent via email on March 2, 2017 and May 13, 2017, reminding Respondent to file her financial disclosure statement prior to the May 31, 2017 deadline. Respondent did not respond to any of the notices from the Ethics Commission's staff.

7. Pursuant to HRS § 84-17(i), a Notice of Failure to File Financial Disclosure Statement and Assessment of \$50 Penalty ("Fine Notice") was sent to Respondent via registered mail in 2017 and then subsequently hand delivered to Respondent on May 16, 2018.

8. The Fine Notice notified Respondent that: (a) the Ethics Commission had not received her 2017 financial disclosure statement; (b) a \$50 penalty was assessed against Respondent for failure to file her financial disclosure statement; (c) the State Ethics Code still required Respondent to file her financial disclosure statement; and (d) if Respondent failed to file the delinquent financial disclosure statement by 4:30 p.m. on April 30, 2018, an additional penalty of \$10 per day would be assessed against Respondent for each day the financial disclosure statement remained unfiled.

9. On June 21, 2018, the Commission issued a Charge against Respondent for violating the Financial Disclosure Law. Respondent was served with the Charge via

email on August 30, 2018 and personally on October 17, 2018, but has not formally responded.

10. To date, Respondent has not filed her 2017 financial disclosure statement or paid the \$50 penalty assessed against her, including the additional administrative penalty accruing at \$10 per day after May 29, 2018.¹

11. Respondent violated HRS § 84-17 by failing to file a financial disclosure statement between January 1, 2017, and May 31, 2017.

Notice of Respondent's Rights and Obligations

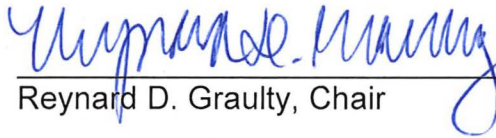
Pursuant to HRS § 84-31(b), Respondent may file a written response within twenty days after service of the Further Statement of Alleged Violation. If after twenty days following service of the Further Statement of Alleged Violation, a majority of the members of the Commission concludes that there is 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 issuance of a notice of hearing, the Charge and the Further Statement of Alleged Violation and Respondent's written responses thereto shall become public records. The hearing shall be held within ninety days of the Commission's issuance of a notice of hearing. 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

¹ Inasmuch as the deadline for Respondent to comply with the Commission's Fine Notice fell on a Saturday, May 26, 2018, the \$10/day additional penalty will accrue from Tuesday, May 29, 2018, which was the first business day following the Memorial Day weekend.

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, February 21, 2019.

HAWAII STATE ETHICS COMMISSION



Reynard D. Graulty, Chair



Ruth D. Tschumy, Vice Chair



Susan N. DeGuzman, Commissioner



Melinda S. Wood, Commissioner



Wesley F. Fong, Commissioner