



*“The people of Hawaii believe that public officers and employees must exhibit the highest standards of ethical conduct and that these standards come from the personal integrity of each individual in government.”*

— *Hawai‘i State Constitution Article XIV*

## **Hawai‘i State Ethics Commission**

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# The High Road

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## **Holiday Gifts Reminder**

Do the holidays bring gift baskets, deliveries of cookies and candy, or other holiday gifts to your state office? These gifts may be prohibited under the State Ethics Code. Before you dig in, contact the State Ethics Commission: we can provide quick and confidential advice about whether these gifts may be accepted and what to do with a gift if you can't accept it.

The State Ethics Code's gifts law (Hawai‘i Revised Statutes § 84-11) prohibits employees from accepting any gift where there is a reasonable inference that the gift is intended to influence or reward them in the performance of their state jobs. In general, employees may not accept any gifts from vendors, contractors or anyone they regulate (this includes licensees and permittees).

Gifts of food are especially popular during the holidays. But even these gifts may raise ethics concerns if they are from people or businesses who have official dealings with your office. For example, a state official who oversees a contract with a vendor may not accept a gift basket from the vendor, nor may the official share the gift basket with other employees in the office. The gifts law



prohibits the state official from accepting this gift.

The gifts law helps assure the public that our actions and decisions as state employees are not influenced by personal rewards. This promotes public confidence in government.

For more information about holiday gifts and the State Ethics Code, including advice about what to do (and what not to do) if you receive a prohibited gift, see our [Holiday Season Ethics Guide](#).

Over the years, state employees have contacted the Commission's office to request advice about many kinds of holiday gifts – everything from gift cards to frozen turkeys. If you have a question, don't hesitate to contact us for guidance.

## **Public Resolutions of Ethics Investigations in 2020**

In 2020, the State Ethics Commission conducted a number investigations, including cases involving a state carpenter who took a Bobcat home to work on his personal property; a state examiner who accepted free high-end meals from a vendor; and a state inspector who used his state position to get business for himself as a private real estate agent. These cases and others were investigated and resolved through settlement agreements in which employees admitted to facts describing their actions and agreed to pay administrative fines to the State ranging from \$100 to \$25,000. The employees also agreed to the Commission's publication of their names and state agencies in summaries discussing the investigations and how they were resolved. The Commission referred some of the cases to the employees' agencies for further action, including possible disciplinary action.

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*“The purpose of this chapter is to . . . establish an ethics commission which will . . . render advisory opinions and enforce the provisions of this law so that public confidence in public servants will be preserved.”*

*Preamble,  
Hawai‘i Revised  
Statutes Chapter 84  
(State Ethics Code)*

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**RESOLUTIONS OF INVESTIGATION** *continued from page 1*

These are a few of the cases that were investigated and resolved in 2020:

- A state examiner, who monitored work performed for his agency by a vendor, accepted free meals valued at over \$650 from the vendor. The examiner left state employment in 2019 and agreed to pay a fine of \$5,000. [[Resolution of Charge 2020-05](#)]
- A state employee solicited owners of businesses that he inspected in his state capacity to hire him as a private real estate agent. As a result, the employee earned a \$9,900 commission in one real estate transaction. The employee also used state work hours to send multiple email communications to his real estate clients. In addition, the employee conducted a state inspection affecting one of his private clients. The employee agreed to pay a fine of \$25,000 and the case was referred to the employee’s state agency for appropriate disciplinary action. [[Resolution of Investigation 2020-5](#)]
- A state construction inspector allowed a private individual to take sand from a state stockpile for a personal project despite being informed by a supervisor that removal of the sand was not permitted. The inspector agreed to pay a fine of \$1,000 and the case was referred to his state agency for appropriate action. [[Resolution of Investigation 2020-2](#)]
- A state enforcement officer used his state position and state resources, including his state title, email account, and patrol vehicle, for his private business activities as a paid trainer. The employee agreed to pay a fine of \$10,000 and the case was referred to his state agency for appropriate action. [[Resolution of Charge 2020-03](#)]
- A state supervisor informed two subordinate employees that they were required to have personal vehicles to perform their jobs and allegedly used his state position to pressure the employees into purchasing cars from a particular dealership. The supervisor agreed to pay a fine of \$1,000. [[Resolution of Charge 2020-01](#)]
- A state carpenter used a state truck and trailer, on state work time, to take state heavy equipment – a Bobcat skid-steer – to his personal residence, and then used the Bobcat for several days, with permission from a supervisor, to clear debris from his residence. The carpenter agreed to pay a fine of \$1,500 and the supervisor agreed to pay a fine of \$1,000. Both cases were referred to the employees’ state agency for appropriate disciplinary action. [[Resolution of Investigations 2020-7](#) and [2020-8](#)]

Summaries of all of these cases and other resolutions of investigations in 2020 are posted on the Commission’s website [here](#).

## Hawai'i Attorney General and Hawai'i State Ethics Commission Join Forces to Address Fraud, Waste and Abuse in Government

### Hawai'i State Ethics Commission

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Fraud, waste, and abuse take away from our ability to provide critical services to the people of Hawai'i. To prevent this, the Department of the Attorney General and the Hawai'i State Ethics Commission have set up an Anti-Fraud Hotline: a confidential reporting system for fraud, waste, or abuse involving government funds, government workers, and/or persons and entities awarded government contracts.

If you suspect a government official in Hawai'i is engaged in any kind of fraud or abuse of position, or if you believe there is a waste of government funds, you may:

- Submit an online complaint ([https://ethics.hawaii.gov/fraud\\_complaint/](https://ethics.hawaii.gov/fraud_complaint/));
- Leave a confidential voice mail message at 587-0000; or
- E-mail [anti-fraud@hawaii.gov](mailto:anti-fraud@hawaii.gov)

## Zoom in for Virtual Ethics Training

The State Ethics Commission has suspended its in-person ethics training classes due to the pandemic, but is now offering virtual training classes conducted via Zoom. The classes cover all the major laws of the State Ethics Code (including Gifts, Fair Treatment, Conflicts of Interests and Post-Employment Restrictions) and participants will have an opportunity to post questions for the instructors to address during each session. To view our schedule of trainings or to sign up for a training, visit our website [here](#).



Registration is limited and classes fill up quickly, so keep checking our website as we will be adding more classes to our schedule.

Would you like to request a specific training for the employees in your agency? We can work with you to schedule a training session (via Zoom) at a time that is convenient for you. For more information about how to request ethics training for your agency, visit us [here](#).

For a quick introduction to the State Ethics Code, our 30-minute online training course can be completed anytime and wherever you have internet access. You can use a desktop computer, laptop, tablet, or even a smartphone to take the online program. You can also obtain a Certificate of Completion after completing the online program. For more information about our online training program, visit our website [here](#).