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# HAWAI‘I STATE ETHICS COMMISSION

State of Hawai‘i · Bishop Square, 1001 Bishop Street, ASB Tower 970 · Honolulu, Hawai‘i 96813

## **Resolution of Investigation** **2021-9**

**(COMPL-I-20-00098)**

### **Conservation and Resources Enforcement Officer’s Violation of the Fair Treatment law**

**July 26, 2021**

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The Hawai‘i State Ethics Commission (“Commission”) has resolved the investigation of Fagota Tataipu (“Respondent Tataipu”), a Conservation and Resources Enforcement Officer for the Department of Land and Natural Resources, Division of Conservation and Resources Enforcement (“DOCARE”), for an alleged violation of the State Ethics Code, Hawai‘i Revised Statutes (“HRS”) chapter 84.

The Commission received a complaint that Respondent Tataipu improperly repaired his personal vehicle during state time and on state property. The Commission investigated this matter, and subsequently entered into a settlement agreement to resolve this investigation without further administrative proceedings.

#### I. Facts

Respondent Tataipu admitted and declared, under penalty of perjury, that the following facts are true and correct:<sup>1</sup>

- a) Respondent Tataipu is employed as a Conservation and Resources Enforcement Officer for the Department of Land and Natural Resources, Division of Conservation and Resource Enforcement (“DOCARE”), and is required to comply with the State Ethics Code, HRS chapter 84.
- b) On or around July 11, 2020, Respondent Tataipu drove his personal vehicle to DOCARE’s Waimano Base Yard. The fender on Respondent Tataipu’s vehicle was damaged, but the vehicle was operable. Respondent Tataipu and his supervisor spent approximately three hours

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<sup>1</sup> This Resolution does not make formal findings, but relies on the facts admitted by Respondent Tataipu.

repairing Tataipu's personal vehicle during state business hours and on state property.

## II. The State Ethics Code, HRS Chapter 84

### A. Constitutional Mandate and Statutory Purpose

The State Ethics Code arises from the declaration contained in the State Constitution that “[t]he 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.”<sup>2</sup> To this end, the Hawai'i Constitution further directs that the Legislature enact a code of ethics that applies to all appointed and elected state officers and employees.

In accordance with this constitutional mandate, the Legislature enacted the State Ethics Code and charged the Commission with administering and enforcing the law “so that public confidence in public servants will be preserved.”<sup>3</sup> Additionally, 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. It is in this context that the Commission examines every employee's actions.

### B. Application of the State Ethics Code to Respondent Tataipu

Respondent Tataipu is a state employee<sup>4</sup> and is bound by the State Ethics Code's Fair Treatment law, HRS § 84-13(a). Pursuant to HRS § 84-13(a), “No legislator or employee shall use or attempt to use the legislator's or employee's official position to secure or grant unwarranted privileges, exemptions, advantages, contracts, or treatment, for oneself or others[.]” The use of state resources, such as state time and facilities, for personal gain constitutes a violation of the Fair Treatment law.

The Commission investigated Respondent Tataipu's actions, and Respondent Tataipu admits that he violated the Fair Treatment law by using state time and facilities to repair his personal vehicle.

## III. Resolution of Investigation

Respondent Tataipu admits that he violated the Fair Treatment law (HRS § 84-13(a)). Respondent Tataipu cooperated with the Commission's investigation and has not previously been the subject of a Commission charge.

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<sup>2</sup> Hawai'i State Constitution, Art. XIV.

<sup>3</sup> HRS Chapter 84, Preamble.

<sup>4</sup> HRS § 84-3.

Given the violation of the State Ethics Code, the Commission believes it is reasonable, fair, and in the public interest to resolve this Investigation by (1) issuing this Resolution of Investigation, (2) requiring Respondent Tataipu to pay an administrative penalty of \$300 to the State of Hawai'i, and (3) referring this matter to DLNR/DOCARE for disciplinary action as appropriate.