

JAN 20 2012

S.B. NO. 2549

A BILL FOR AN ACT

RELATING TO THE STATE ETHICS CODE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 84-31, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) Charges concerning the violation of this chapter
4 shall be in writing, signed by the person making the charge
5 under oath, except that any charge initiated by the commission
6 shall be signed by three or more members of the commission. The
7 commission shall notify in writing every person against whom a
8 charge is received and afford the person an opportunity to
9 explain the conduct alleged to be in violation of the chapter.
10 The commission may investigate, after compliance with this
11 section, such charges and render an informal advisory opinion to
12 the alleged violator. ~~[The commission shall investigate all
13 charges on a confidential basis, having available all the powers
14 herein provided, and proceedings at this stage shall not be
15 public.]~~

16 The following procedures shall apply:



1 (1) If a charge concerning a violation of this chapter is
2 filed by a person other than the commission, the
3 following shall be a matter of public record:

4 (A) Any charge and any answer to the charge;

5 (B) Any rebuttal filed by the person who filed the
6 charge in response, and any response to the
7 rebuttal; and

8 (C) The final disposition of the charge, whether by
9 order to dismiss, issuance of an informal
10 advisory opinion, decision after a hearing, or
11 final disposition by any other means.

12 Notwithstanding any of the above, the person who filed
13 the charge shall be informed of the status of the
14 charge upon request;

15 (2) If the informal advisory opinion indicates a probable
16 violation, the person charged shall request a formal
17 opinion or within a reasonable time comply with the
18 informal advisory opinion[-]; and

19 (3) If the person charged fails to comply with [such] the
20 informal advisory opinion or if a majority of the
21 members of the commission determine that there is
22 probable cause for belief that a violation of this



1 chapter might have occurred, a copy of the charge and
2 a further statement of the alleged violation shall be
3 personally served upon the alleged violator. Service
4 shall be made by personal service upon the alleged
5 violator wherever found or by registered or certified
6 mail with request for a return receipt and marked
7 deliver to addressee only. If after due diligence
8 service cannot be effected successfully in accordance
9 with the above, service may be made by publication if
10 so ordered by the circuit court of the circuit wherein
11 the alleged violator last resided. The state ethics
12 commission shall submit to the circuit court for its
13 consideration in issuing its order to allow service by
14 publication an affidavit setting forth facts based
15 upon the personal knowledge of the affiant concerning
16 the methods, means, and attempts made to locate and
17 effect service by personal service or by registered or
18 certified mail in accordance with the above. Service
19 by publication when ordered by the court shall be made
20 by publication once a week for four successive weeks
21 of a notice in a newspaper of general circulation in
22 the circuit of the alleged violator's last known state



S.B. NO. 2549

1 address. The alleged violator shall have twenty days
2 after service thereof to respond in writing to the
3 charge and statement."

4 SECTION 2. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 3. This Act shall take effect upon its approval.
7

INTRODUCED BY:

[Handwritten signature]

Erzanne Chun Adrean
Chun Fuh Wang
[Signature]
Guineo Nelson

S.B. NO. 2549

Report Title:

Ethics Code; Filing a Complaint; State Ethics Commission; Public Record

Description:

Amends the statutory procedures regarding ethics code violation charges by requiring any related documents leading to a final disposition to be matters of public record.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

