



## HAWAII STATE ETHICS COMMISSION

State of Hawaii · Bishop Square, 1001 Bishop Street, ASB Tower 970 · Honolulu, Hawaii 96813  
*50<sup>th</sup> ANNIVERSARY 1968-2018*

Committee: Committee on Judiciary  
Bill Number: H.B. 1855, HD1  
Hearing Date/Time: February 9, 2018, 2:00 p.m.  
Re: Testimony of the Hawaii State Ethics Commission in **SUPPORT** of  
H.B. 1855, HD1, Relating to Ethics

Dear Chair Nishimoto and Committee Members:

The Hawaii State Ethics Commission (“Commission”) supports H.B. 1855, which amends the Ethics Code (Hawaii Revised Statutes chapter 84) to provide explicit authorization for the Commission to require a respondent in a contested case hearing to pay restitution, such as repayment of a gift unlawfully received. This provision is designed to supplement, but not supplant, the provision in HRS § 84-19 allowing the State (by the Attorney General) to recover any fee, gift, or profit received through a violation of the Ethics Code).

The Commission has investigated, and resolved, several cases in recent years in which a State employee appears to have accepted an improper gift. For example, in 2016-2017, the Commission resolved two cases involving prison guards who had accepted a total of \$7,000 (\$3,000 and \$4,000, respectively) from a prisoner within their custody and control; in 2017, the Commission resolved an investigation involving a state employee who accepted free parasailing rides for himself and his family, valued at \$238.45. In both cases, the Commission negotiated settlement agreements that included the re-payment of these sums.

The proposed statutory language in H.B. 1855, HD1 would give the Commission the express authority to order a respondent in a contested case hearing to re-pay such a gift. This change is not intended to modify in any way the Attorney General’s authority to do the same.

Thank you for your continuing support of the Commission’s work and for considering the Commission’s testimony on H.B. No. 1855, HD1.

Very truly yours,

Daniel Gluck  
Executive Director and General Counsel

**HB-1855-HD-1**

Submitted on: 2/7/2018 3:05:31 PM

Testimony for JUD on 2/9/2018 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Karin Nomura		Support	No

Comments:

While I wish the fine was raised as well (\$1000 seems small) as we're talking the State Ethics commission, people who are held to a 'higher standard' and expected to uphold ethical standards, feel that this bill is necessary, as it targets a possible out of pocket restitution, that can be made by judgement from the Commission. Which if ethics are upheld, shouldn't be an issue for anyone, regardless of how large the penalty for...



House Committee on Judiciary  
Chair Scott Nishimoto, Vice Chair Joy San Buenaventura

02/09/2018 2:00 PM Room 325  
HB1855 HD1 – Relating to Ethics

TESTIMONY / SUPPORT  
Corie Tanida, Executive Director, Common Cause Hawaii

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Dear Chair Nishimoto, Vice Chair San Buenaventura, and members of the committee:

**Common Cause Hawaii supports HB1855 HD1** which would allow the State Ethics Commission to require violators of the ethics code to pay restitution in addition to any administrative fines.

We believe this bill proposes changes that are long overdue, and that the Ethics Commission should have the explicit authority to require respondents to pay restitution following a contested case hearing.

Thank you for the opportunity to offer testimony **supporting HB1855 HD1**.



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HOUSE COMMITTEE ON JUDICIARY

Friday, February 9, 2018, 2:00 PM, House Conference Room 325  
HB 1855 HD1, Relating to Ethics

**TESTIMONY**

Piilani Kaopuiki, Legislative Committee, League of Women Voters of Hawaii

Chair Nishimoto, Vice-Chair San Buenaventura and Committee Members:

**The League of Women Voters supports HB 1855 HD1.** This housekeeping bill clearly authorizes the State Ethics Commission to require the payment of restitution for an ethics violation after a hearing or agreement between the parties.

The effective date was amended from "upon approval" to January 1, 2050. The demand for ethics integrity, however, would require an effective date of much earlier than January 1, 2050. Education of accepted ethical behavior in government can be accomplished much sooner for effective management before January 1, 2050. We urge you to make this measure effective upon approval.

Thank you for the opportunity to submit testimony.