



HAWAII STATE ETHICS COMMISSION

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

Committee: Committee on Labor & Public Employment
Bill Number: H.B. 1855
Hearing Date/Time: January 25, 2018, 9:00 a.m.
Re: Testimony of the Hawaii State Ethics Commission in **SUPPORT** of
H.B. 1855, Relating to Ethics

Dear Chair Johanson 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 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.

Very truly yours,

Daniel Gluck
Executive Director and General Counsel



House Committee on Labor & Public Employment
Chair Aaron Johanson, Vice Chair Daniel Holt

01/25/2018 9:00 AM Room 309
HB1855 – Relating to Ethics

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

Dear Chair Johanson, Vice Chair Holt, and members of the committee:

Common Cause Hawaii supports HB1855 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**.



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HOUSE COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

Thursday, January 25, 2018, 9 AM, Conference Room 309
HB 1855, Relating to Ethics

TESTIMONY

Douglas Meller, Legislative Committee, League of Women Voters of Hawaii

Chair Johanson and Committee Members:

The League of Women Voters supports HB 1855. 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.

Thank you for the opportunity to submit testimony.