



# HAWAII STATE ETHICS COMMISSION

State of Hawaii • Bishop Square, 1001 Bishop Street, ASB Tower 970 • Honolulu, Hawaii 96813

## Resolution of Charges 2015-1

State Employees' Acceptance of Free Golf

February 2, 2015

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The Hawaii State Ethics Commission (“Commission”) investigated a number of state employees for accepting golf from contractors, consultants, vendors, and/or other entities that had contracts or other business relationships with the State of Hawaii. The golf in question included both charity golf tournaments and recreational rounds of golf. The Commission also examined whether the employees failed to report the golf that they appeared to have accepted on gifts disclosure statements. As part of its investigation, the Commission reviewed records from certain golf tournaments and from businesses that appeared to have paid for the employees’ golf. The Commission also interviewed employees, golf tournament organizers, and representatives of the businesses.

Based on the information gathered through its investigation, including information provided by the employees, the Commission issued formal ethics charges against nine employees (hereinafter, “Respondents”) for violations of the State Ethics Code, Chapter 84, Hawaii Revised Statutes (“HRS”), relating to their acceptance of the free golf and, in certain instances, their failure to report the golf as a gift. Based on the totality of the facts and circumstances, the Commission believed that it was appropriate and in the public interest to resolve the charges against the Respondents without further proceedings. To resolve the charges, each Respondent paid an administrative penalty to the State of Hawaii, filed a gifts disclosure statement, and agreed that the Commission could issue a public document describing his<sup>1</sup> alleged misconduct.

The Commission has not made any findings or conclusions that any of the Respondents, in fact, violated the State Ethics Code. The Commission renders such findings and conclusions after an administrative hearing, which has not been held.<sup>2</sup> Instead, this “Resolution of Charges” is being issued pursuant to the Commission’s agreement with the Respondents to resolve the charges without further proceedings.

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<sup>1</sup> For purposes of this discussion, words in the masculine gender signify both the masculine and feminine gender.

<sup>2</sup> See HRS section 84-31.

The Commission also resolved the cases of 21 other employees without issuing formal charges against them, where each employee paid an administrative penalty. Those cases are described in Resolution of Investigation No. 2014-1 and are not the subject of this Resolution of Charges.

## I. THE COMMISSION'S INVESTIGATION

The Commission initiated an investigation after learning that a number of Department of Transportation (“DOT”) employees appeared to have played in charity golf tournaments on teams that were sponsored by DOT contractors, consultants, and/or vendors. The Commission’s investigation was narrow in scope. The Commission had sufficient information to suggest that DOT employees had played in eight specific golf tournaments and obtained records from those tournaments (“Tournament Records”). The Commission did not review records from other golf tournaments. Based on the Tournament Records, the Commission obtained records from 15 businesses (“Business Records”) that appeared to have paid for teams on which DOT employees played. The Business Records also revealed that sponsored teams included employees from the Department of Accounting and General Services (“DAGS”), the Department of Land and Natural Resources (“DLNR”), the Department of Agriculture (“DOA”), the Department of Education (“DOE”), and the University of Hawaii (“UH”). Based on the information contained in the Tournament Records and Business Records, the Commission opened investigations relating to 49 employees to examine whether they may have violated the State Ethics Code by accepting free golf. The Commission did not expand the scope of the investigation to include employees of all state agencies. At the time the Respondents allegedly accepted golf, they were employees of DAGS, DLNR, DOA, DOE, DOT, and UH.

The Commission’s investigation yielded sufficient information to support formal ethics charges against the Respondents for accepting golf. A charge commences formal proceedings against an employee that may result in a public hearing.<sup>3</sup>

The Respondents appeared to have accepted free golf from contractors, consultants, vendors, nonprofit organizations, and/or other entities (collectively, “Firms”) that had contracts or other business relationships with the Respondents’ state agencies or were significantly affected by, or involved in, the Respondents’ official action. Some

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<sup>3</sup> The Commission has the authority to initiate a charge against an employee concerning an alleged violation of the State Ethics Code, which commences formal proceedings against the employee. The employee has an opportunity to respond to the charge. If the Commission determines that there is probable cause to believe that a violation of the State Ethics Code might have occurred, the Commission will issue a further statement of the alleged violation and afford the employee an opportunity to respond to the further statement of the alleged violation. If the Commission concludes that there is probable cause to believe that a violation of the State Ethics Code has been committed, the Commission will issue a notice of hearing. The charge, the further statement of alleged violation, and the employee’s written response thereto will then be made public. The hearing is a public proceeding conducted in accordance with HRS chapter 91. The Commission’s decision and findings from the hearing will be a matter of public record. HRS section 84-31.

of the Respondents appeared to have accepted free golf on numerous occasions over a period of years from the same Firms. The free golf included golf tournaments and recreational rounds of golf. Typically, golf tournament entry fees included green fees, cart fees, food and beverages (including, in most cases, a dinner banquet after the tournament), gifts given to all participants, and prizes. The cost to play in the golf tournaments ranged from approximately \$88 to \$800 per player per tournament. In determining the value of a golf tournament, the Commission included the golf and all tournament-related gifts, prizes, and other benefits that the Respondents received. The cost of a recreational round of golf ranged from approximately \$35 to \$85 per person per round. In determining the value of a recreational round of golf, the Commission included the golf and all gifts that the Respondents received as part of the golf outing, including food and beverages.

Some of the Respondents admitted that they had played in golf tournaments and/or recreational rounds of golf; admitted that they did not pay for the golf; and provided information regarding other golf tournaments and recreational rounds of golf in which they may have played for free that were in addition to those instances uncovered by the Commission's investigation.

Based on the Commission's investigation, including information provided by the Respondents, it appeared that the Respondents collectively accepted free golf from the following Firms:

- Akinaka & Associates;
- Ameron Hawaii;
- Awa & Associates;
- Bert S. Mitsunaga;
- Bowers + Kubota;
- Cement and Concrete Products Industry of Hawaii;
- Central Construction;
- Community Planning & Engineering;
- Design Partners;
- Grace Pacific;
- Hawaiian Cement;
- Island Ready-Mix Concrete;
- KAI Hawaii;
- Kihei Gardens and Landscaping Company;
- KSF;
- Masonry Institute of Hawaii;
- Mitsunaga & Associates;
- Next Design;
- Okahara and Associates;
- Parsons Brinckerhoff;
- R. M. Towill Corporation;
- Ronald N. S. Ho & Associates;
- S. Nakagawa Mechanical Consultants;

- Sodexo;
- SSFM International; and
- TM Designers.

It also appeared that additional Firms paid for the Respondents' golf; however, the names of those Firms were not known.

## II. APPLICATION OF THE STATE ETHICS CODE

The Hawaii State Constitution reflects the unfettered expectation that "public officers and employees must exhibit the highest standards of ethical conduct."<sup>4</sup> The State Ethics Code was created "so that public confidence in public servants will be preserved."<sup>5</sup> Consistent with this mandate, the legislature directed the Commission to liberally construe the provisions of the State Ethics Code "to promote high standards of ethical conduct in state government."<sup>6</sup> It is with this foundation that the Commission investigated the free golf that the Respondents appeared to have accepted.

### A. The Gifts Law, HRS section 84-11

The State Ethics Code's gifts law, HRS section 84-11, prohibits an employee from accepting or receiving any gift under circumstances in which it can reasonably be inferred that the gift is intended to influence the employee in the performance of his official duties or is intended as a reward for the employee's official action.<sup>7</sup> Because the gifts law is premised on a reasonable inference, i.e., perception, it is immaterial whether the employee is actually influenced by the gift or whether the donor of the gift actually intended to influence the employee. Rather, the appropriate inquiry is whether a reasonable person--when considering the specific circumstances surrounding the gift--would perceive the gift as being offered to influence the employee in performing his official duties or to reward the employee for past actions.

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<sup>4</sup> Hawaii State Constitution, Art. XIV.

<sup>5</sup> Preamble, HRS Chapter 84.

<sup>6</sup> HRS section 84-1.

<sup>7</sup> HRS section 84-11 states:

No legislator or employee shall solicit, accept, or receive, directly or indirectly, any gift, whether in the form of money, service, loan, travel, entertainment, hospitality, thing, or promise, or in any other form, under circumstances in which it can reasonably be inferred that the gift is intended to influence the legislator or employee in the performance of the legislator's or employee's official duties or is intended as a reward for any official action on the legislator's or employee's part.

In determining whether a gift is prohibited by the State Ethics Code, the Commission generally considers: (1) the value of the gift; (2) the relationship between the employee and the donor of the gift, including whether the donor is subject to official action<sup>8</sup> by the employee; and (3) whether the gift provides a “state benefit” or is primarily personal in nature. Where an employee’s official duties include, among other things, procurement or responsibilities that affect payment or compensation to a business, there is a heightened inference that a gift offered by the business is intended to influence or reward the employee. However, even where an employee is not directly involved in procurement or making payments to a business, the employee may take other kinds of official action that would render his acceptance of a gift from an entity doing business with his agency improper.

With respect to the first factor, i.e., the value of the gift, the cost of the golf that appeared to have been paid for by the Firms was substantial. As stated above, the Commission’s investigation indicated that the cost to play in the golf tournaments ranged from approximately \$88 to \$800 per player per tournament, and the cost of a recreational round of golf ranged from approximately \$35 to \$85 per person per round.

With respect to the second factor, the Commission’s investigation indicated that the Firms that appeared to have paid for the Respondents’ golf had ongoing, or were interested in developing, business relationships with the Respondents’ state agencies. It appeared that Respondents took official action directly affecting or involving the Firms that appeared to have paid for their golf. Depending upon the positions the Respondents held in their agencies, the Respondents’ official action directly affecting or involving the Firms included a wide range of discretionary action, including but not limited to:

- Reviewing contract and project proposals;
- Participating in the review, evaluation, and/or selection of consultants, contractors, and/or other vendors for the award of contracts, or otherwise participating in the contracts award process;
- Reviewing, overseeing, managing, supervising, or monitoring contracts and projects for the agency;

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<sup>8</sup> The State Ethics Code defines “official action” as “a decision, recommendation, approval, disapproval, or other action, including inaction, which involves the use of discretionary authority.” HRS section 84-3. Official action is any action an employee takes in his official state capacity (including inaction) involving the exercise of discretion or personal judgment. In addition to making decisions and recommendations, official action includes but is not limited to: providing input to decision making even if one is not the final decision maker; offering opinions and recommendations; giving directions and instructions; providing supervision or oversight; performing inspections; performing evaluations; and taking any other action that is not ministerial in nature.

- Planning, budgeting for, and coordinating new construction, renovation, improvement, repair, maintenance, and other projects for the agency;
- Overseeing and/or participating in the planning and design of agency projects;
- Developing the scope of work for agency projects;
- Participating in project management or construction management, which may have involved having direct oversight of the Firms' work, approving payments to the Firms, and/or considering change orders under which the Firms were entitled to additional payments;
- Overseeing and/or participating in the inspection of agency projects;
- Overseeing, managing, or supervising other employees who had official interactions with the Firms;
- Approving project inspection and project completion notices;
- Developing, reviewing, testing, and/or evaluating specifications for products and materials, used in agency projects, that were promoted by a Firm;
- Officially interacting with a Firm regarding products and materials promoted by the Firm or other industry related matters affecting the Firm's interests;
- Approving fiscal and procurement transactions affecting the Firms;
- Performing administrative functions to implement capital improvement projects and other projects;
- Having broad oversight or authority over matters affecting the Firms; and
- Making decisions and recommendations and taking other discretionary action affecting the Firms.

With respect to the third factor, the Commission examined whether there was a substantial “state benefit” associated with the Respondents’ acceptance of the golf to offset the reasonable inference that the golf was offered to influence or reward the Respondents in the performance of their official duties. The Commission was unable to determine any reasonable “state benefit” associated with the Respondents’ participation in the golf tournaments or in playing recreational rounds of golf.<sup>9</sup> In other words, there did not appear to be any official purpose for the Respondents to have accepted free golf. Accordingly, the Commission believed the golf to have been most likely a gift that was primarily personal in nature.

Considering the totality of the circumstances surrounding the Respondents’ apparent acceptance of golf paid by the Firms, including the value of the golf, the Respondents’ official duties, and the likely personal nature of the golf, the Commission believed that there was sufficient information to support charges against the Respondents for violating the gifts law by allegedly accepting free golf. Several of the Respondents held high level positions in their agencies and/or appeared to have accepted a substantial amount of free golf in violation of the State Ethics Code. The Commission believed that the Respondents who held positions of authority should have been particularly aware that their conduct would likely set an example for subordinate employees in their agencies. The Commission further believed that charges were warranted where it appeared that a Respondent engaged in multiple violations of the State Ethics Code.

#### B. The Gifts Reporting Law, HRS section 84-11.5

The State Ethics Code’s gifts reporting law, HRS section 84-11.5, requires an employee to report any gift or gifts that the employee receives, valued singly or in the aggregate, in excess of \$200 from a single source, if: (1) the source of the gift has interests that may be affected by official action taken by the employee; and (2) the gift

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<sup>9</sup> In determining the “state benefit,” the Commission examined whether and how playing golf was rationally related to the Respondents’ official duties and responsibilities, as well as whether and how playing golf may have assisted them in performing their state jobs.

is not exempted from the reporting requirements.<sup>10</sup>

In many cases, the value of gifts of golf received by the Respondents appeared to have exceeded \$200 either singly, or aggregated with other golf, and appeared to have been paid for by Firms that were subject to the Respondents' official action. None of the exceptions to the gifts reporting requirement appeared to have applied. Accordingly, the Commission believed that there was sufficient information to support charges against the Respondents for violating the gifts reporting law by allegedly failing to file a gifts disclosure statement to report the free golf (or some of the free golf) that they had received.

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<sup>10</sup> HRS section 84-11.5 states in pertinent part:

- (a) Every legislator and employee shall file a gifts disclosure statement with the state ethics commission on June 30 of each year if all the following conditions are met:
  - (1) The legislator or employee, or spouse or dependent child of a legislator or employee, received directly or indirectly from one source any gift or gifts valued singly or in the aggregate in excess of \$200, whether the gift is in the form of money, service, goods, or in any other form;
  - (2) The source of the gift or gifts have interests that may be affected by official action or lack of action by the legislator or employee; and
  - (3) The gift is not exempted by subsection (d) from reporting requirements under this subsection.
- (b) The report shall cover the period from June 1 of the preceding calendar year through June 1 of the year of the report.
- (c) The gifts disclosure statement shall contain the following information:
  - (1) A description of the gift;
  - (2) A good faith estimate of the value of the gift;
  - (3) The date the gift was received; and
  - (4) The name of the person, business entity, or organization from whom, or on behalf of whom, the gift was received.
- (d) Excluded from the reporting requirements of this section are the following:
  - (1) Gifts received by will or intestate succession;
  - (2) Gifts received by way of distribution of any inter vivos or testamentary trust established by a spouse or ancestor;
  - (3) Gifts from a spouse, fiancé, fiancee, any relative within four degrees of consanguinity or the spouse, fiancé, or fiancee of such a relative. A gift from any such person is a reportable gift if the person is acting as an agent or intermediary for any person not covered by this paragraph;
  - (4) Political campaign contributions that comply with state law;
  - (5) Anything available to or distributed to the public generally without regard to the official status of the recipient;
  - (6) Gifts that, within thirty days after receipt, are returned to the giver or delivered to a public body or to a bona fide educational or charitable organization without the donation being claimed as a charitable contribution for tax purposes; and
  - (7) Exchanges of approximately equal value on holidays, birthday, or special occasions.

### C. The Fair Treatment Law, HRS section 84-13

The State Ethics Code's fair treatment law, HRS section 84-13, prohibits employees from using or attempting to use their state positions to obtain "unwarranted" benefits for themselves or others.<sup>11</sup> The Commission interprets this section of the State Ethics Code to prohibit employees from accepting gifts of substantial value that are offered to them merely because of their status as state employees where there is no reasonable benefit to the State or no other basis to justify the employees' acceptance of the gifts. In those circumstances, the gift may be an "unwarranted" benefit that the employee has received in violation of the fair treatment law.

The Commission's investigation indicated that, in some instances, a Respondent appeared to have been offered free golf solely because he was employed by a particular state agency, even though he did not take any direct official action affecting the Firm that appeared to have paid for his golf. It appeared that, but for his status as an employee of the agency, the Respondent would not have received the free golf. In those instances, the Commission believed that there was sufficient evidence to support a charge against the Respondent for allegedly misusing his position, i.e., for violating the fair treatment law by allegedly accepting free golf that was offered to him solely because of his state position.<sup>12</sup>

### D. Respondents' Explanations for Accepting Free Golf

Respondents who were investigated for accepting free golf provided a variety of explanations for their conduct. Some Respondents stated that they had not received training about the State Ethics Code and were unaware that the State Ethics Code prohibited them from accepting free golf from entities that were subject to their official action; some noted that the golf tournaments in which they played were to benefit worthy causes; others stated that they had taken vacation leave to play golf when invited by the entities; and some explained that they were invited by employees of the entities, with whom they had developed friendships through work.

An employee's claim that he was unaware that the State Ethics Code prohibited him from accepting certain gifts does not excuse his violation of the State Ethics Code. In light of the underlying purpose of the law, i.e., to foster public confidence in state employees, ignorance is not a reasonable defense. Moreover, for purposes of the State Ethics Code, it is immaterial that a golf tournament benefits a charity or other worthy

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<sup>11</sup> HRS section 84-13 states in relevant part:

**§84-13 Fair treatment.** 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

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<sup>12</sup> The Respondents who appeared to have violated the gifts law, HRS section 84-11, also may have violated HRS section 84-13. However, it was unnecessary for the Commission to consider whether there were violations of HRS section 84-13 where it appeared that the Respondents had official responsibilities with respect to the respective businesses that appeared to have paid for their golf.

cause; it is immaterial that the golf is played on a weekend or holiday or that the employee has taken a vacation day to play; and it is immaterial that the employee is invited by a friend or someone the employee knows when the golf tournament fee or green fee is paid for by a company doing business with the employee's state agency.

Whether an employee is actually influenced by the free golf or actually misuses his position to favor businesses that pay for his golf is not relevant to determining whether the employee's acceptance of free golf is prohibited under the State Ethics Code. The relevant question is whether there is a reasonable inference that the gift is offered to influence or reward the employee, or offered because of the employee's status, given the value of the gift, the employee's relationship with the entity offering the gift, and any "state benefit."<sup>13</sup>

Although the Commission has no jurisdiction over the Firms that appeared to have paid for the Respondents' golf, the Commission strongly urges those Firms and others doing business with the State to consider the State Ethics Code before offering gifts to state employees, including invitations to play golf.

### III. RESOLUTION OF CHARGES AND ADMINISTRATIVE PENALTIES

The Commission and the Respondents agreed to resolve the charges without further administrative action on the part of the Commission. Under the terms of the resolution, each Respondent paid an administrative penalty to the State of Hawaii for accepting free golf that appeared to be prohibited by the State Ethics Code. In determining the penalty amount for each Respondent, the Commission considered the Respondent's specific circumstances, including his state position; his official duties, including any official duties he had with respect to the Firms that appeared to have paid for his golf; the number of times he appeared to have accepted free golf; the number of times it appeared that he failed to report the golf; and other facts and circumstances specific to each case.

The following tables summarize the golf that appeared to have been accepted by each Respondent in violation of the gifts law and/or the fair treatment law; and the golf that each Respondent allegedly failed to report in violation of the gifts reporting law. The agencies listed for each of the Respondents are the agencies they worked for when they were believed to have accepted the golf in question. The positions listed for the Respondents are the positions they held at that time. The tables do not necessarily reflect a Respondent's current employment status, state agency, or position. The charges were based on golf that the Respondents appeared to have accepted during the time period covering 2008 through 2013.<sup>14</sup>

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<sup>13</sup> The Commission emphasizes that nothing from its investigation indicated that any of the Respondents was actually influenced by the golf or used their positions to favor the Firms that appeared to have paid for their golf.

<sup>14</sup> Pursuant to HRS section 84-31(a)(6), the Commission has jurisdiction for purposes of investigation and taking appropriate action on alleged violations of the State Ethics Code in all proceedings commenced within six years of an alleged violation.

Charge No. 2014-Cg-1
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**MARSHALL ANDO**

Department of Transportation, Harbors Division  
Engineering Branch, Design Section Head

**Administrative Penalty: \$7,500**

FIRM BELIEVED TO HAVE PAID FOR GOLF	ALLEGED ACCEPTANCE OF GOLF	ALLEGED FAILURE TO REPORT GOLF
SSFM International	Golf tournament, 1 time	
TM Designers and/or Mitsunaga & Associates	Golf tournament, 3 times  <i>After the charge was issued, this Respondent proffered evidence that he was on sick leave on the day of one of the golf tournaments.</i>	3 times
Cement and Concrete Products Industry of Hawaii	Golf tournament, 1 time	
Mitsunaga & Associates	Golf tournament, 8 times	8 times
R. M. Towill Corporation	Golf tournament, 2 times	2 times
KAI Hawaii	Golf tournament, 1 time	1 time

Charge No. 2014-Cg-2
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**GEROBIN CARNATE**

Department of Transportation, Highways Division  
Materials Testing and Research Branch, Structural Materials Section Head

**Administrative Penalty: \$6,000**

FIRM BELIEVED TO HAVE PAID FOR GOLF	ALLEGED ACCEPTANCE OF GOLF	ALLEGED FAILURE TO REPORT GOLF
Cement and Concrete Products Industry of Hawaii	Golf tournament, 11 times	11 times
Island Ready-Mix Concrete	Golf tournament, 2 times	1 times
Ameron Hawaii	Golf tournament, 2 times	1 time
Hawaiian Cement	Golf tournament, 1 time	
Masonry Institute of Hawaii	Golf tournament, 1 time	

Charge No. 2014-Cg-4
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**BRIAN KASHIWAEDA**

University of Hawaii

Community Colleges

Facilities and Environmental Health Office, Director

**Administrative Penalty: \$3,200**

FIRM BELIEVED TO HAVE PAID FOR GOLF	ALLEGED ACCEPTANCE OF GOLF	ALLEGED FAILURE TO REPORT GOLF
S. Nakagawa Mechanical Consultants	Golf tournament, 1 time	
SSFM International	Golf tournaments, 3 times; Round of golf, 4 times	5 times
Bowers + Kubota	Golf tournament, 1 time	
Awa & Associates	Golf tournament, 1 time	
Unnamed Consultant for UH-Community Colleges	Golf tournament, 1 time	

Charge No. 2014-Cg-5
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**BRIAN MINAAI**

University of Hawaii

Associate Vice President for Capital Improvements

**Administrative Penalty: \$3,000**

FIRM BELIEVED TO HAVE PAID FOR GOLF	ALLEGED ACCEPTANCE OF GOLF	ALLEGED FAILURE TO REPORT GOLF
TM Designers and/or Mitsunaga & Associates	Golf tournament, 1 time	1 time
Akinaka & Associates	Golf tournament, 1 time	
SSFM International	Golf tournament, 2 times; Round of golf, 1 time	3 times
Mitsunaga & Associates	Golf tournament, 1 time	1 time
Mitsunaga & Associates or Bert S. Mitsunaga	Golf tournament, 1 time	

Charge No. 2014-Cg-6
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**ERIC NISHIMOTO**

Department of Accounting and General Services  
Public Works Division, Project Management Branch Chief

**Administrative Penalty: \$5,600**

FIRM BELIEVED TO HAVE PAID FOR GOLF	ALLEGED ACCEPTANCE OF GOLF	ALLEGED FAILURE TO REPORT GOLF
Mitsunaga & Associates and/or TM Designers	Golf tournament, 1 time	1 time
Mitsunaga & Associates	Golf tournament, 3 times	3 times
Grace Pacific	Golf tournament, 4 times;	4 times
KSF	Golf tournament, 4 times	
Design Partners	Golf tournament, 6 times	3 times
Unnamed DAGS Consultant	Golf tournament, 1 time	
Okahara and Associates	Golf tournament, 1 time	
Bowers + Kubota	Golf tournament, 1 time	
Ronald N. S. Ho & Associates	Golf tournament, 1 time	

Charge No. 2014-Cg-7
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**ALVIN TAKESHITA**

Department of Transportation, Highways Division  
Highways Division Administrator

Prior: Engineering Program Manager (Traffic Branch Head)

**Administrative Penalty: \$5,750**

FIRM BELIEVED TO HAVE PAID FOR GOLF	ALLEGED ACCEPTANCE OF GOLF	ALLEGED FAILURE TO REPORT GOLF
Ameron Hawaii	Golf tournament, 4 times	2 times
SSFM International	Round of golf, 2 times	
R. M. Towill Corporation	Golf tournament, 4 times; Round of golf, 1 time; Hotel lodging relating to golf	4 times
Parsons Brinckerhoff	Golf tournament, 2 times	2 times
Unnamed	Golf tournament, 1 time	

Charge No. 2014-Cg-8
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**DAVID TAMANAHA**

University of Hawaii-Maui College  
Vice Chancellor for Administrative Affairs

**Administrative Penalty: \$1,750**

FIRM BELIEVED TO HAVE PAID FOR GOLF	ALLEGED ACCEPTANCE OF GOLF	ALLEGED FAILURE TO REPORT GOLF
Sodexo	Golf tournament, 2 times	1 time
SSFM International	Round of golf, 1 time	
Central Construction	Golf tournament, 1 time	
Kihei Gardens and Landscaping Company	Round of golf, 2 times	

Charge No. 2014-Cg-9

**JADINE URASAKI**

Department of Transportation

Deputy Director for Capital Improvement Projects

Prior: Department of Education

Facilities Development Branch, Public Works Manager

**Administrative Penalty: \$1,500**

FIRM BELIEVED TO HAVE PAID FOR GOLF	ALLEGED ACCEPTANCE OF GOLF	ALLEGED FAILURE TO REPORT GOLF
Bowers + Kubota	Golf tournament, 2 times	2 times
Parsons Brinckerhoff	Golf tournament, 1 time	
Mitsunaga & Associates	Round of golf - various times	

Charge No. 2014-Cg-3
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**ENGINEER**

Department of Agriculture

Prior: Department of Land and Natural Resources

**Administrative Penalty: \$1,500**

FIRM BELIEVED TO HAVE PAID FOR GOLF	ALLEGED ACCEPTANCE OF GOLF	ALLEGED FAILURE TO REPORT GOLF
R. M. Towill Corporation	Round of golf, 3 times	3 times
Next Design	Golf tournament, 2 times	
Community Planning & Engineering	Golf tournament, 3 times	
Unnamed DLNR architectural contractor	Golf tournament, 1 time	1 time
Unnamed architect	Golf tournament, 1 time	

The Respondent identified as an “Engineer” was employed as an engineer with the Department of Agriculture, and, prior to that, with the Department of Land and Natural Resources. Based on the information obtained from the Commission’s investigation, including the Engineer’s own statements, it appeared that he had accepted a substantial amount of golf in violation of the State Ethics Code. The Commission therefore issued a charge against him.

After the charge was issued, the Engineer provided the Commission with additional information and evidence, including documents indicating that he likely paid for his own golf on several occasions, to dispute many of the allegations in the charge. The Commission came to an agreement with the Engineer to resolve the charge without further administrative proceedings. As part of the agreement, this Resolution of Charges does not disclose his name.

## Summary

The Commission believes that the information obtained from its investigation was sufficient to support formal ethics charges against the nine Respondents for alleged violations of the State Ethics Code. However, the Commission emphasizes that it has not made any findings or conclusions that any of the Respondents, in fact, violated the State Ethics Code. As previously explained, the Commission renders findings and conclusions following an administrative hearing, which has not been held.

In considering the totality of facts and circumstances, the Commission believes that the resolution of each of the charges is reasonable, fair, and consistent with preserving the public's confidence in government employees. In light of the Respondents' payment of the administrative penalties, filing of gifts disclosure statements, and agreement that the Commission could release a public document describing their alleged misconduct, the Commission's issuance of this Resolution of Charges hereby closes these cases without further administrative action.