

BEFORE THE HAWAI'I STATE ETHICS COMMISSION

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STATE OF HAWAI'I

HAWAI'I STATE ETHICS COMMISSION,

Complainant,

vs.

BRENTON AWA,

Respondent.

REQ-2024-0222

FINDINGS OF FACT; CONCLUSIONS OF
LAW; AND DECISION AND ORDER;
EXHIBIT "A"

Contested Case Hearing: Nov. 3, 2025

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER

On November 3, 2025, the Hawai'i State Ethics Commission ("Commission") held a contested case hearing in the matter of Hawai'i State Ethics Commission v. Brenton Awa, REQ-2024-0222. The hearing was held at the Commission's office, 1001 Bishop Street, Suite 970, Honolulu, Hawai'i 96813.

The purpose of the hearing was to determine whether Brenton Awa (hereinafter "Respondent Awa" or "Respondent") violated the State Ethics Code, Hawai'i Revised Statutes ("HRS") chapter 84, specifically HRS § 84-13 (Fair Treatment law) as alleged in the Notice of Violation and Order, issued on August 20, 2025.

Kee M. Campbell, Esq. and Robert D. Harris, Esq. ("Charge Counsel" or "Complainant's Counsel") appeared for Complainant Hawai'i State Ethics Commission. Respondent Awa appeared *pro se*.

Having heard and carefully considered the testimony, documentary evidence, and arguments of the parties presented during the hearing, and the records and files herein, the Commission hereby makes the following Findings of Fact, Conclusions of Law, and Decision and Order based upon competent and substantial evidence.

I do hereby certify that the foregoing
is a full, true, and correct copy of the
original on file in this office.


Secretary, State Ethics Commission

To the extent that any statement denominated as a finding of fact is more properly considered a conclusion of law, then it should be treated as a conclusion of law. Conversely, if any statement denominated as a conclusion of law is more properly considered a finding of fact, then it should be treated as a finding of fact. Furthermore, to the extent that any finding of fact also contains a conclusion of law, it shall be deemed incorporated by reference into that applicable conclusion of law section.

I. INTRODUCTION

The Parties

1. The Commission, as represented by Charge Counsel, is the Complainant in this matter. It is an administrative agency that is empowered by article XIV of the Hawai'i Constitution and HRS chapter 84 to administer and enforce the State Ethics Code.
2. Brenton Awa is the Respondent in this matter. At all times relevant to these proceedings, Respondent Awa was a member of the Hawai'i Senate ("Senate").

Procedural History

3. On August 20, 2025, a Notice of Violation and Order ("NOVO") was issued against Respondent Awa pursuant to HRS § 84-31, 2025 Haw. Sess. Laws Act 13, § 3 (eff. April 10, 2025)(to be codified at HRS § 84-31(g)), and Hawai'i Administrative Rule ("HAR") § 21-5-2.¹ The NOVO assessed an administrative penalty of \$999.99 against Respondent Awa for violations of the Fair Treatment law, HRS § 84-13(a) based on alleged use of state resources to support a political campaign.
4. On September 5, 2025, Respondent Awa filed a response to the NOVO in which he generally disputed the alleged violation and requested an in-person hearing.
5. On September 8, 2025, Charge Counsel filed a written response to Respondent's request for a hearing.

¹ Act 13 established an expedited enforcement mechanism for ethics violations involving a proposed administrative penalty of less than \$1,000. *See* 2025 Haw. Sess. Laws. Act 13 § 3. Under this provision, a respondent can pay the assessed fine, or file a written request for a hearing within twenty (20) days of the NOVO. Following a hearing, the Commission may affirm, modify, or rescind the order as appropriate, and may file with the circuit court for the purposes of confirming the order as a final judgment. Act 13 further specifies that there shall be no appeal from the judgment. *Id.*

6. On September 15, 2025, Charge Counsel submitted proposed exhibits for the contested case hearing.
7. On October 6, 2025, the Commission issued a Notice of Hearing, setting a contested case hearing on November 3, 2025 that would be conducted remotely via interactive videoconference technology. The Commission also issued a Prehearing Order setting prehearing procedures and deadlines.
8. On October 10, 2025, Respondent filed a Motion Regarding Hearing Format, requesting that the hearing be held in-person, or in the alternative via a hybrid remote format.
9. On October 13, 2025, Charge Counsel filed a Response to Respondent's Motion Regarding Hearing Format. On the same day, Charge Counsel also filed Complainant's Prehearing Statement and Exhibits C-0001 thru C-0016.
10. Respondent did not file a Prehearing Statement and did not disclose any additional exhibits or witnesses.
11. On October 17, 2025, the parties filed a Joint Stipulation re: Authenticity and Admissibility of Complainant's Exhibits.
12. On October 20, 2025, the Commission issued an Order Modifying Hearing Format and an Amended Prehearing Order, specifying that the hearing would proceed in a hybrid format whereby the parties and Commissioners may appear in person or remotely.
13. On November 3, 2025, the Commission held the contested case hearing. The hearing was conducted in accordance with HRS chapters 84, 91 and HAR Title 21. Four members of the Commission were present throughout the hearing.² In addition, the hearing was livestreamed for the public.
14. At the conclusion of the contested case hearing, the Chair verbally directed the parties to submit proposed findings of fact and conclusions of law to the Commission by the close of business on November 10, 2025.
15. On November 10, 2025, the parties filed their respective proposed findings of fact and conclusions of law.

² The members of the Commission who were present at the hearing include: Wesley F. Fong, Chair; Robert Hong, Commissioner; Cynthia Thielen, Commissioner; and Roderick Becker, Commissioner. There was one vacancy at the time the contested case hearing was held.

II. FINDINGS OF FACT

1. Respondent Awa was, at all relevant times, a duly elected senator in the State of Hawai‘i.
2. State legislators are required to complete a live ethics training course administered by the Commission within ninety days of taking office and at least once every four years thereafter. HRS § 84-42(a).
3. Respondent has previously been advised of ethics restrictions through training.
4. Respondent attended a General Ethics Training session that was held on January 13, 2023 via Zoom. Exhibit C-0013, Declaration of C. Choi, ¶¶ 6-7.
5. The training covered specific prohibitions under the Fair Treatment law, including the use of state time, equipment, facilities, and other state resources for private business purposes. Exhibit C-0013, Declaration of C. Choi, ¶ 8; Exhibit C-0015, pages 2-7.
6. The slides presented at the training specifically listed political campaign activities as an example of prohibited private business activities in state offices. Exhibit C-0015, pages 4-5.
7. In addition, the Commission has provided general information and guidance materials to legislators and state employees that explicitly address Fair Treatment law restrictions related to political campaign activities, including the use of social media, and has also published multiple decisions regarding this same issue. Exhibits C-0008 to C-0012, and C-0015.
8. As part of Respondent’s official duties, he was allocated office space for use as his legislative office at the Hawai‘i State Capitol.
9. Section 2.1 of the Administrative and Financial Manual of the Senate, adopted by on January 15, 2020, states that “[l]egislators are expected to limit their use of their offices to the conduct of legislative business.” Exhibit C-0007, page 5, § 2.1 (Legislator’s office).
10. As a state senator, Respondent was authorized to hire staff, which included his then Office Manager, Samantha DeCorte.
11. Section 1.5 of the Administrative and Financial Manual of the Senate states the following: “Senate employees are public servants, paid with State general funds. They are not paid to perform non-official, personal, or campaign duties on behalf of the Senator or anyone else.” Exhibit C-0007, page 6, § 1.5 (Staff hiring).

12. Ms. DeCorte was employed as Respondent's office manager until November 1, 2024. Exhibit C-0005, Declaration of S. DeCorte, page 1, ¶ 3.
13. At the time she terminated her state position, Ms. DeCorte was running for state elective office for Senate District 22.³
14. On October 30, 2024, Respondent Awa filmed and posted a video to Instagram several days prior to the 2024 general election.⁴ Exhibit C-0002, 2024 Instagram Post; Exhibit C-0003, Transcription of Instagram Post; and Exhibit C-0005, Declaration of S. DeCorte, ¶¶ 4-5.
15. The video was filmed in Respondent's state office, during state work hours, and featured Ms. DeCorte, his then office manager, and another member of his Senate staff. Exhibit C-0002, 2024 Instagram Post; Exhibit C-0003, Transcription of Instagram Post; and Exhibit C-0005, Declaration of S. DeCorte, ¶¶ 4 and 7.
16. The video contained the following statements:

Awa: All jokes aside though, Sam, this is your time for your flowers. On behalf of all of O'ahu's north shore and the east side, half of it anyway, we want to thank you for all your dedication to the community, all you've done for us. You've been there to stop that million gallon plus water leak out in [Mokulē'ia]. You've been the backbone behind the two food tree projects. You've been the motor that makes this car run. We've been in for about two years now, handcuffed, limited with what we can do, but **getting Sam in as Waianae Senator would unlock our full potential in both communities to represent not just there, but represent the entire State of Hawai'i.** Sam, any last words?

DeCorte: Uh, this Tuesday, Election Day, Kapolei Hale.

Awa: You guys know what to do. Aloha.

Exhibit C-0002, 2024 Instagram Post; Exhibit C-0003, Transcription of Instagram Post (emphasis added).

³ See Samantha M. DeCorte's Candidate Financial Disclosure statement filed with the Commission on June 17, 2024, and posted on the Commission's website.

⁴ The Commission notes that the 2024 general election was held on November 5, 2024. See State of Hawai'i Office of Elections, 2024 General Election, Statewide Summary.

17. Following the general election on November 5, 2025, Ms. DeCorte was elected as a state senator for District 22. Exhibit C-0005, Declaration of S. DeCorte, page 1, ¶ 3.
18. Respondent Awa asserts that the purpose of the video was to thank Ms. DeCorte for her hard work, and to let people know in an “entertaining way” why Ms. DeCorte was leaving her position as office manager, in order to get ahead of any questions or misinformation regarding her departure. Testimony of Respondent Awa, Video Recording of Hearing at 37:40–39:11.
19. If Respondent Awa’s original purpose was to explain Ms. DeCorte’s departure and express appreciation for her service, such information could have been conveyed to the public without implicating the State Ethics Code.
20. In this case, the statements made in the video were not limited to a simple “thank you” message to a departing public servant.
21. The statements at the end of the video clearly promoted Ms. DeCorte’s political campaign; in particular, the statements: **“getting Sam in as Waianae Senator would unlock our full potential in both communities to represent not just there, but represent the entire State of Hawai‘i”, “this Tuesday, Election Day, Kapolei Hale”** and **“You guys know what to do”** were a call to action to vote for Ms. DeCorte just days before the 2024 general election.
22. The statements in the video, combined with the timing of its publication, expressly supported Ms. DeCorte’s candidacy for state elective office.
23. Respondent Awa characterizes his Instagram account as being his “personal” social media account that he manages and controls. The Commission, however, finds that this is not determinative to the issues here.
24. Regardless of *where* the video was posted, it is undisputed that the video was filmed during official state business hours in a state office, with the assistance of state staff and resources paid for by state taxpayers. Exhibits C-0002, and C-0005.
25. Because the filming occurred in Respondent Awa’s state office, with the assistance of his staff during their state work hours, the Commission finds that these facts alone are sufficient to constitute use of state resources.
26. In viewing the October 30, 2024 video, a reasonable member of the public could view the video as an improper use of public funds for private campaign purposes, specifically, advocating for Ms. DeCorte’s election to state office.

27. The Commission also finds that Respondent Awa declined to take corrective action by removing the video. Instead, he posted a second video on November 5, 2024 stating his refusal to comply. Exhibit C-0016, November 5, 2024 Instagram Post.

III. CONCLUSIONS OF LAW

The State Ethics Code

1. The State Ethics Code arises from the declaration contained in the Hawai'i 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." Haw. Const., art. XIV.
2. 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." HRS chapter 84, Preamble.
3. The State Ethics Code applies to all state elected officials, state employees, and members of state boards and commissions, excluding state court judges and justices, and shall be liberally construed to promote high standards of ethical conduct in state government. HRS §§ 84-1 and -2.
4. As a sitting state senator, Respondent Awa was required to comply with the State Ethics Code.
5. The Commission has jurisdiction in all proceedings commenced within six years of an alleged violation. HRS § 84-31(a)(8).

The Fair Treatment Law

6. The Fair Treatment law prohibits state legislators and state employees from using or attempting to use their official position to secure or grant unwarranted privileges, exemptions, advantages, contracts, or treatment for themselves or others. HRS § 84-13(a).
7. The Fair Treatment law also specifically prohibits state legislators and state employees from using state time, equipment or other facilities for private business purposes. HRS § 84-13(a)(3).
8. In addition, state legislators and employees are expressly prohibited from using state resources for political campaign activities. HAR § 21-7-10(a)(4)(A).

9. The purpose of this law is to: (1) prevent state legislators and employees from misusing state resources and their official state positions for either their own personal gain or for the benefit of others; and (2) to ensure that state resources and taxpayer funds are used for legitimate state purposes.
10. The Fair Treatment law prohibits the use of a legislator's state office, state staff, and state time in furtherance of a private political campaign, as those are state resources paid for by state taxpayers.
11. The Commission has long maintained that a state legislator's or state employee's use of state resources for political campaign activities violates both the general Fair Treatment law, HRS § 84-13(a), and the specific provision prohibiting the use of state resources for private business purposes, HRS § 84-13(a)(3).⁵
12. With respect to the use of the State Capitol for campaign purposes, the Commission consistently stated that while the "use of the Capitol Rotunda for campaign purposes is not automatically barred by the State Ethics Code. . . . **HRS section 84-13 does prohibit legislators from using state offices or other facilities for campaign purposes if the offices or facilities exist for the performance of official duties, and are not available for public use.**"⁶
13. These well-established principles are reflected in the Administrative and Financial Manual of the Senate, which provides that legislative offices shall be used only to conduct official legislative business, and that legislative staff, as public servants, are not allowed to perform "non-official, personal, or campaign duties on behalf of the Senator or anyone else." Exhibit C-0007, at pages 5-6.
14. Public guidance issued by the Commission, and ethics training provided to legislators and state employees have also explicitly addressed Fair Treatment law restrictions related to political campaign activities. Exhibits C-0008 to C-0012, and C-0015.
15. The October 30, 2024 video was filmed in Respondent Awa's official state office with the assistance of his state staff during their state work hours and contained specific statements that promoted Ms. DeCorte's political candidacy.

⁵ See, e.g., Advisory Opinion No. 258 (July 6, 1976); Advisory Opinion No. 350 (Sept. 20, 1978); Advisory Opinion No. 561 (July 2, 1985); Informal Advisory Opinions Nos. 2004-4 through 2004-15 (Oct. 20, 2024).

⁶ See Informal Advisory Opinions Nos. 2004-4 through 2004-15 (Oct. 20, 2024), at 3 (emphasis added). See also Resolution of Investigation 2020-6 (Oct. 15, 2020), at 3 (involving the filming of a Facebook campaign video on state property by a legislative office manager).

16. While state employees and legislators may thank a staff member on their last day of service without running afoul of the ethics code, the Commission concludes that the October 30, 2024 video turned into a campaign message by encouraging the public to vote for Ms. DeCorte.
17. Because the October 30, 2024 video was filmed in Respondent Awa's state office, using his state staff, and on state time, the Commission concludes that Respondent Awa used his state position and state resources to support Ms. DeCorte's political campaign and give her an unwarranted advantage in the 2024 general election.
18. While Respondent Awa contends that the October 30, 2024 video was not meant to be a campaign ad, the Commission concludes that Respondent's assertion is contradicted by his own statements, specifically **"getting Sam in as Waianae Senator would unlock our full potential in both communities to represent not just there, but represent the entire State of Hawai'i", "this Tuesday, Election Day, Kapolei Hale"** and **"You guys know what to do"**.
19. Moreover, it is well-established that the Commission evaluates a person's conduct and actions, not merely their claimed intent. *See Hirono v. Peabody*, 81 Hawai'i 230, 234, 915 P.2d 704, 708 (1996) (holding that "a law takes effect upon its passage, and mere ignorance of the law constitutes no defense to its enforcement"); *Boyd v. Hawai'i State Ethics Comm'n*, 136 Hawai'i 140, 153, 358 P.3d 709, 722 (Ct. App. 2015) (holding that intent was not a required element, and that "mere ignorance of the law constitutes no defense to its enforcement"), *vacated on other grounds* 138 Hawai'i 218, 378 P.3d 934 (2016).
20. Accordingly, the Commission concludes that Respondent Awa violated the Fair Treatment law, specifically HRS §§ 84-13(a) and 84-13(a)(3), and HAR § 21-7-10(a)(4)(A).

IV. ADMINISTRATIVE FINE

1. A state employee or elected official who violates the State Ethics Code is subject to an administrative fine imposed by the Commission. HRS § 84-39.
2. The Commission may assess an administrative fine of up to \$5,000 for each violation of the State Ethics Code. HRS § 84-39.
3. For violations with a proposed administrative penalty of less than \$1,000, the Commission is authorized to issue a notice and order of violation in accordance with 2025 Haw. Sess. Laws Act 13, § 3 (to be codified as HRS § 84-31(g)).

4. The NOVO assessed an administrative fine in the amount of \$999.99 based on one violation of the Fair Treatment Law (Count 1).
5. Upon consideration of the evidence and the arguments made by the parties, the Commission concludes that the \$999.99 administrative fine in the NOVO is appropriate and shall be affirmed.
6. The administrative fine in this case is appropriate in light of Respondent's failure to take corrective action and remove the video as requested by Charge Counsel.

V. DECISION AND ORDER

This case is based on well-established state law that prohibits state officials from using their official position and state resources for political campaign purposes: the Fair Treatment law, HRS § 84-13. The purpose of this law is to ensure that state resources (and ultimately taxpayers' dollars) are used for legitimate state purposes, and not for the private benefit of the state official and other persons. Laws that specifically prohibit state officials from using public resources to support (or oppose) candidates for elective office are based upon the fundamental notion that in a democratic society, government officials should not use public resources to keep themselves in power or help their friends and colleagues get elected into office.

While state legislators may post messages and communicate generally about their legislative duties and functions, they are not allowed to use their staff and legislative offices to engage in electioneering or campaigning. In Advisory Opinion No. 419 (which involved the use of legislative staff to produce a campaign publication), the Commission stated:

In our view, the facts indicated that the legislator had overstepped the bounds set by the ethics code. Whether it had been intended or not, in reality, campaign material had been produced by the legislator's legislative staff while on state time. The Commission realized that a conscientious legislator must make an effort to communicate with his or her constituents. **We stated, however, that there was a difference between communicating with one's constituents and campaigning for office.**⁷

(emphasis added).

⁷ Advisory Opinion No. 419 (Oct. 3, 1980), at 2.

The same reasoning applies here. The video in this case was basically a campaign ad that was filmed in a legislative office at the State Capitol, with the use of legislative staff on state time. For this reason, the Commission concludes that the October 30, 2024 video constituted an impermissible use of state resources for electioneering and campaign purposes in violation of the Fair Treatment law.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Commission hereby determines that:

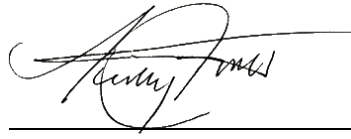
1. Respondent Awa violated the Fair Treatment law, HRS §§ 84-13(a) and -13(a)(3), and HAR § 21-7-10(a)(4)(A); and
2. The \$999.99 administrative penalty assessed in the August 20, 2025, Notice of Violation and Order is appropriate.

THEREFORE, IT IS HEREBY ORDERED as follows:

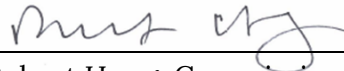
1. An administrative fine in the total amount of **NINE HUNDRED NINETY-NINE DOLLARS AND NINETY-NINE CENTS (\$999.99)** is hereby imposed against Respondent Awa, personally.
2. Respondent Awa shall forward to the Hawai'i State Ethics Commission a check in the amount of **NINE HUNDRED NINETY-NINE DOLLARS AND NINETY-NINE CENTS (\$999.99)**, payable to the State of Hawai'i, no later than ten (10) days from the date of this Decision and Order.

(signatures on the next page)

DATED: Honolulu, Hawai'i, December 3, 2025.



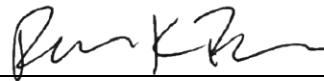
Wesley F. Fong, Chair



Robert Hong, Commissioner



Cynthia Thielen, Commissioner



Roderick Becker, Commissioner

EXCUSED *

Moya Gray, Commissioner

Note: Commissioner Gray was appointed subsequent to the contested case hearing in this matter, and did not review the underlying evidence herein.

EXHIBIT “A”¹

RESPONDENT’S PROPOSED FINDINGS OF FACTS

Paragraph No.	Accepted/Rejected	Reasoning
1	Accepted in substance	Relevant and supported by the evidence; incorporated in Conclusions of Law section
2, 5	Accepted	Relevant and supported by the evidence
3, 4	Accepted in substance	Relevant and supported by the evidence
6	Accepted partially	Partially accepted, in substance, based on the evidence in the record; partially rejected as immaterial and/or irrelevant to the decision and/or not sufficiently supported by the evidence.
7, 8, 9, 10, 11, 12	Rejected	Immaterial and/or irrelevant to the decision; and also not sufficiently supported by the evidence.
13	Accepted partially	Partially accepted, in substance, only as to the those findings of fact accepted above; partially rejected as being a conclusory statement that references other findings that are immaterial and/or irrelevant to the decision and/or not sufficiently supported by the evidence.

COMPLAINANT’S PROPOSED FINDINGS OF FACTS

Paragraph No.	Accepted/Rejected	Reasoning
1, 2, 3	Accepted	Relevant and supported by the evidence
4, 5, 6	Accepted in substance	Relevant and supported by the evidence
7	Accepted	Relevant and supported by the evidence
8	Accepted in substance	Relevant and supported by the evidence
9, 10	Accepted in substance	Incorporated in Procedural History section

¹ In compliance with the Commission’s directive, the parties submitted proposed Findings of Fact and Conclusions of Law. The Commission notes that HRS § 91-12, entitled “Decisions and orders,” requires that, “[i]f any party to the proceeding has filed proposed findings of fact, the agency shall incorporate in its decision a ruling upon each proposed finding so presented.” Consequently, the Commission’s ruling with respect to each of the proposed findings of fact submitted by the parties is reflected in the table above.