



HAWAI'I STATE ETHICS COMMISSION

Komikina Ho'opono Kulekele o Hawai'i Moku'āina

INFORMAL ADVISORY OPINION NO. 2025-1

On January 25, 2025, the Hawai'i State Ethics Commission (“Commission”) received Charge No. REQ-2025-0124, filed by a member of the public (“Complainant”) against a director (“Respondent”) of a state agency (“Agency”). Complainant alleges in the Charge that Respondent violated the State Ethics Code, specifically Haw. Rev. Stat. § 84-13(a), by providing preferential treatment to a candidate (“Candidate”) for a civil service position within the Agency. The Charge alleges that Respondent’s suggestion that the Agency hire the Candidate temporarily through a hiring agency and other alleged non-compliance with hiring procedures are violations of the Fair Treatment law. Respondent does not have a familial or financial relationship with the Candidate.

In response to the Charge, the Commission issues this Informal Advisory Opinion. See Haw. Admin. R. § 21-5-2.7(d). Having considered the Charge, the Respondent’s response thereto, and the Complainant’s reply, the Commission determines that there is insufficient basis to warrant further proceedings. The Respondent is a state employee subject to the State Ethics Code, Hawai'i Revised Statutes chapter 84. See Haw. Rev. Stat. § 84-3. However, after reviewing the pleadings and conducting several interviews of current and former Agency staff and contractors, the Commission has not obtained evidence that the Respondent provided an unwarranted benefit or advantage to any applicants or agency personnel in violation of the Fair Treatment law, Haw. Rev. Stat. § 84-13(a).

Finally, while the Complainant contends that the Agency failed to properly evaluate him professionally and did not adhere to applicable human resources procedures, such allegations—absent specific facts indicating a violation of the State Ethics Code—do not generally fall within the Commission’s jurisdiction. Allegations of administrative error or negligence, without more, are not sufficient to establish an ethics violation, particularly where other substantive remedies are available through governmental entities with primary jurisdiction over the matter.

The legal maxim *generalia specialibus non derogant*—the general does not override the specific—supports the principle that when specific workplace conduct is governed by personnel rules, union agreements, or statutory frameworks, the Commission, which has a general mandate, will typically defer to those more specialized processes. For example, claims regarding non-standardized interview questions or alleged failures to follow civil service hiring procedures are unlikely to implicate the State Ethics Code unless accompanied by facts indicating broader misconduct. In such cases, the Commission generally defers to the appropriate agencies better suited to address those issues.

Accordingly, the Charge is dismissed.

DATED: Honolulu, Hawai'i, May 21, 2025.

HAWAI'I STATE ETHICS COMMISSION

Wesley Fong, Chair
Beverley Tobias, Vice Chair
Robert Hong, Commissioner
Cynthia Thielen, Commissioner
Roderick Becker, Commissioner