



HAWAI‘I STATE ETHICS COMMISSION

State of Hawai‘i · Bishop Square, 1001 Bishop Street, ASB Tower 970 · Honolulu, Hawai‘i 96813

January 19, 2024

Via-Email: Christopher.Sanita@k12.hi.us

Principal Christopher Sanita
Hāna High & Elementary School
P.O. Box 128
4111 Hāna Highway
Hāna, HI 96713

Re: Request for a Good Cause Exception to Nepotism Prohibition
(OTH-24-00028)

Dear Mr. Sanita:

Thank you for contacting the Hawai‘i State Ethics Commission (“Commission”) to request a good cause exception to the Nepotism Law. As the principal of Hāna High & Elementary School (“Hāna School”), you seek a good cause exception to hire your son, Makana Sanita (“Makana”), as an emergency hire teacher at Hāna School. As noted below, we believe there is good cause.

The Nepotism Law prohibits state employees from taking employment action affecting relatives or household members.¹ Employment action includes hiring, evaluating, demoting, or supervising a relative or household member. The law further provides that the Ethics Commission may grant an exception to this law upon good cause shown. Good cause may include a demonstrated lack of qualified employees or candidates.

In both your application for a good cause exception and during a subsequent call, you provided the following details:

- Hāna School, being situated in a rural area, faces inherent challenges in filling vacant positions due to its geographic location and limited housing options;
- The specific vacancy has remained unfilled for approximately a year;

¹ The Nepotism Law is available here: [Act 261 \(2023\)](#). For more information, please refer to the quick guides posted on the Ethics Commission’s website: [Nepotism Quick Guide](#).

- The hiring team, led by Hāna School’s vice principal, Jennifer Everett, conducted interviews and identified your son, Makana, as a qualified candidate and recommended his employment;
- Makana was the sole applicant for the position; and
- If the event of hiring, Makana would be under the direct supervision of Ms. Everett and the elementary department head.

During my conversation with Ms. Everett, she mentioned that the position in question was initially posted on an older Department of Education website, eHR, on August 1, 2023, with no applicants. Subsequently, on January 5, 2024, the position was re-listed on NEOED, the Department of Education’s latest website for hiring state public school teachers.² As of January 18, 2024, Makana remains the sole applicant, with no other candidates having applied.

As the lead of the hiring team, Ms. Everett affirmed the team’s unanimous view that Makana was a qualified candidate. She expressed confidence in supervising Makana and agreed that in the event of any conflicts arising under her supervision, she would seek assistance from the Complex Area Superintendent, Dr. Rebecca Winkie, to resolve the matter.

Dr. Winkie substantiated that Hāna School has historically faced challenges in recruiting teachers and educational staff. She also confirmed that in the event of any issues arising in the supervision of Makana, Ms. Everett or others could approach her for assistance in addressing problems or complications.

From the details presented, there is good cause to hire Makana.³ As noted previously, the Nepotism law permits a good cause exception in cases with a “demonstrated lack of qualified personnel or applicants.” In this instance, both Ms. Everett and Dr. Winkie endorsed the argument that Hana School, giving its rural setting, has consistently faced challenges in attracting qualified applicants. This assertion is further supported by the absence of any other applicants for the position, which remained open for at least five months.

With regard to the ongoing supervision Makana, the Nepotism Law expressly allows an individual to recuse themselves from taking any official action directly affecting the relative or household member. In this specific case, you have voluntarily recused yourself from such responsibilities. Two other designated individuals have been assigned the task of supervising Makana. Additionally, a protocol has been established to ensure that these individuals can seek guidance from the Complex Area Superintendent in addressing any unforeseen circumstances or

² The Commission understands the adoption of the NEOED website has significantly increased the number of overall applicants on a statewide basis.

³ Commission staff note this good cause exception limited to the hiring of Makana for this emergency position. Should Makana choose to apply to a different or permanent position, a new good cause application may need to be submitted.

conflicts related to their supervision of Makana. If circumstances change, such as you find yourself in a position of supervising or taking official action directly affecting Makana or if Makana were to apply or switch to a different position, it may necessitate submission of another good cause exception request.

Thank you for your request for an exemption. This letter is based on the information provided by you and other employees of the Department of Education. If any of this information is inaccurate, please inform us as soon as possible as this may affect our decision. Further, if you disagree with any portion of this letter, you may, pursuant to the Order Regarding Applications for Good Cause Exceptions to the Nepotism Law issued on May 17, 2023, appeal to the full Ethics Commission for reconsideration.⁴

If you have questions or would like to discuss this matter further, please contact me at (808) 587-0460.

Sincerely,



Robert D. Harris
Executive Director & General Counsel

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⁴ Available at <https://ethics.hawaii.gov/wp-content/uploads/Order-NepotismExceptionProcess.pdf>