



HAWAI‘I STATE ETHICS COMMISSION

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

August 9, 2024

Via email: mnaga@hawaii.edu

Ms. Michele A. Nagamine
Head Coach, Women’s Soccer
University of Hawaii Athletics - Soccer
1337 Lower Campus Road
Honolulu, Hawaii 96825

Re: Request for a Good Cause Exception to Nepotism Prohibition (OTH-24-00360)

Dear Ms. Nagamine,

Thank you for contacting the Hawai‘i State Ethics Commission (the “Commission”) to request a good cause exception to the Nepotism Law. As Head Coach of the women's soccer program (the “Program”) in the Athletic Department at the University of Hawai‘i (“UH”), you have oversight over Program staff, and you requested the exception so that the Program could hire your niece, Natalie Nagamine, for a Team Manager position.

After reviewing the information provided by you and your department, it is our opinion that good cause does not exist for a waiver of the Nepotism Law. We recommend you reopen recruitment efforts and solicit additional applicants for the position.

Background:

The Nepotism Law is intended to help avoid conflicts of interest by ensuring an equal playing field for state employees and applicants for state positions. It prohibits state employees from taking employment action affecting relatives or household members.¹ Employment action includes hiring, evaluating, supervising, promoting/demoting, and terminating. While the law allows the Commission to grant an exception upon good cause shown, exceptions are rarely granted absent compelling and extraordinary circumstances.

¹ The Nepotism Law is at Hawai‘i Revised Statutes [§ 84-13.2](#). For more information, please refer to the [Nepotism Quick Guide](#), posted on the Commission’s website.

Ms. Michele A. Nagamine

August 9, 2024

Page 2

Analysis:

The details provided by you and your department suggest that you were involved in the hiring process for the Team Manager role. Given your active participation in this process, recusal from the application of the nepotism law would not be appropriate.

Moreover, the position in question was advertised for just one week. Considering this brief recruitment period, allowing an exception would compromise the Nepotism Law's objective to prevent conflicts of interest and uphold public trust in the fairness and integrity of state employment practices.

Guidance:

For future reference, the Commission typically looks for a wide-ranging recruitment effort before considering an exception. Posting the position for longer than a week, advertising on multiple platforms, in different manners, and targeting relevant departments at UH would demonstrate a sincere effort to find qualified candidates. For example, some agencies broaden their applicant pool by posting positions on commercial job search websites or their own department website, in addition to the UH jobs website. Beyond online postings, manners of advertising include flyer postings on campus bulletin boards, using email list-servs, posting on social media, and announcing at department meetings (you mentioned that you had asked Program athletes to refer classmates that might be interested). For this particular position, it may also be useful to target relevant UH departments such as Kinesiology, Secondary Education, Women's Studies, and similar graduate programs to solicit applicants likely to have an interest in working with the Program. If, after such efforts, there remains a lack of qualified candidates and a compelling need to fill the position, the Commission may consider a good cause exception.

Thank you for consulting with the Commission. If you need further assistance in complying with the Nepotism Law, please do not hesitate to contact our office.

Sincerely,

s/ Jennifer M. Yamanuha

Jennifer M. Yamanuha
Staff Attorney

JMY/lis