



# HAWAII STATE ETHICS COMMISSION

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

March 13, 2025

Via Email: [kanoe.ahuna@kanuikapono.k12.hi.us](mailto:kanoe.ahuna@kanuikapono.k12.hi.us)

Ms. Heather Kanoe Ahuna  
Executive Director/Principal  
Kanuikapono Public Charter School  
4333 Kukuihale Rd, PO Box 12  
Anahola, Hawai'i 96703

Re: Request for a Good Cause Exemption to Nepotism Prohibition  
(REQ-2024-0423)

Dear Executive Director Ahuna,

Thank you for contacting the Hawai'i State Ethics Commission ("Commission") to request a good cause exemption to the Nepotism Law.

## I. Background

You are the Executive Director/Principal of Kanuikapono Public Charter School (the "school"), located in Anahola, Kaua'i. You requested a good cause exemption so your spouse, Daniel Ahuna, may continue working as a teacher at the school despite your position as Executive Director/Principal of the school.

In your application form and subsequent communications, you informed Commission staff that the school has great difficulty recruiting and retaining qualified teachers due to being in a less-populated rural area with no housing for teachers who are willing to relocate there. The school is Hawaiian-focused, and a basic understanding of the Hawaiian world view, values, and practices is a required teaching qualification, which narrows the field further.

The school posts job openings for teachers and other positions continuously on its website and social media accounts, and has made other efforts to recruit qualified candidates, such as sending flyers to educational programs at the University of Hawai'i and Chaminade and coordinating a jobs fair. In 2023-2024, 74 applications were received for teaching positions. However, nearly half of the applicants did not respond to or declined invitations to interview, sometimes citing an inability to find adequate housing. Of

the 42 applicants who were interviewed, all were offered a position, with 29 accepting. Two acceptances were rescinded due to inability to find adequate housing, so the school filled 27 positions in the two years (some hires may have been employees applying for promotion or position transfer, causing vacancies in their former positions).

You also described efforts to “grow your own” teachers by hiring teaching staff working toward teacher certification, subject to the Hawai‘i State Teachers’ Board rules. The rules allow such teachers to work toward licensure for a maximum of three years.

Mr. Ahuna is a licensed, qualified teacher with significant experience teaching in Department of Education schools. He also possesses preferred skills such as special education certification and specialized study of physical education. At the school, Mr. Ahuna has taught a variety of subjects and grade levels and currently teaches physical education. Mr. Ahuna also serves as a trustee for the Office of Hawaiian Affairs and can provide students with a perspective on that unique experience.

In your role, you generally focus solely on managing the school’s operations/budget and supervise administrative and facility staff, while Academic Director/Vice Principal Lois Ann Ell manages academics/curricula and supervises teachers and other academic staff. Ms. Ell has supervised Mr. Ahuna throughout his employment at the school.

The Governing Board is the school’s ultimate controlling authority and has the power to hire and terminate the principal and vice-principal positions. You and Ms. Ell each report directly to the Governing Board on your respective subject matters.

## II. Nepotism Law<sup>1</sup>

The Nepotism Law prohibits state employees from taking employment actions affecting relatives or household members. Employment actions include hiring, evaluating, demoting, promoting, terminating, or supervising a relative or household member.

## III. Application of the Law to the Facts

You were not involved in your spouse’s interview or hiring process and have not been involved in his supervision or any other significant personnel actions. Because you do not supervise or take official action directly relating to Mr. Ahuna, we do not believe that you are in violation of the law. We believe the Nepotism law allows you to interact with Mr. Ahuna in group settings (e.g., school assembly, all staff meetings).

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<sup>1</sup>The Nepotism Law is contained in Haw. Rev. Stat. § 84-13.2, available at: [Chapter84.pdf](#). For more information, please refer to the quick guides posted on the Ethics Commission’s website: [Nepotism Quick Guide](#).

As a public charter school, the school does not have a Complex Area Superintendent. You stated that the Board Chair and Vice Chair have agreed to make themselves available to assist Ms. Ell should a situation warrant additional supervision, such as a dispute or complaint, investigation, or disciplinary decisions. In any case, you will recuse from taking any official action relating directly to your spouse.

#### IV. Good Cause

The Nepotism law provides that the Commission may grant an exemption from the law upon good cause shown. Good cause may include a demonstrated lack of qualified employees or candidates. In this case, a good cause exemption is not required because you indicated you would not supervise or take action affecting your spouse, nor did you participate in his hiring process. If circumstances change, such as you find yourself in a position of supervising or taking official action directly affecting Mr. Ahuna, or if he were to apply to a different position within the school, it may necessitate submission of another good cause exception request.

We also note that, although a good cause exemption is not required in this case, it is uncertain that the school would meet the requirements for such an exemption. The school advertised this position on its own website and social media, has made limited outreach to university teaching departments, and is coordinating a jobs fair, which are healthy recruitment efforts that have yielded a significant number of applicants and final placements in the 2023-24 period. Yet the Nepotism law typically requires a showing of extensive recruitment efforts to demonstrate good cause. For instance, the school might post job listings on more broadly accessed job search websites, or recruit with organizations involved in Hawaiian culture to attempt to find additional candidates. More importantly though, based on the large number of applications received and hires made, the school may have difficulty proving that, but for Mr. Ahuna being hired, the teaching position would not otherwise be filled. The Nepotism law calls for the selection of an applicant who qualifies for a position before the selection of a relative or household member applicant who may be more highly qualified.

Finally, you should be aware of an additional section of the Ethics Code. Hawai'i Revised Statutes § 84-13(a) prohibits state employees from using their state positions to grant themselves or anyone else any unwarranted benefit or advantage. State employees who work alongside relatives must be cautious not to give their relatives special treatment.

Thank you for your request for an exemption. This letter is based on the information you provided. If the information is inaccurate or incomplete, 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

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to the Nepotism Law issued on May 17, 2023, appeal to the full Ethics Commission for reconsideration.<sup>2</sup>

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

Sincerely,

s/ Jennifer M. Yamanuha

Jennifer M. Yamanuha,  
Staff Attorney

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<sup>2</sup> Available at <https://ethics.hawaii.gov/wp-content/uploads/Order-NepotismExceptionProcess.pdf>