



HAWAI‘I STATE ETHICS COMMISSION

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

Resolution of Charge **2020-02**

(COMPL-C-17-00433)

**Board Member of the Island Burial Council of Maui/Lanai,
Violation of Financial Disclosure Law**

January 30, 2020

The Hawai‘i State Ethics Commission (“Commission”) has resolved a Charge and Further Statement of Alleged Violation issued against Johanna Kamaunu, a board member of the Island Burial Council of Maui/Lanai (“Board”), for alleged violations of the State Ethics Code, Hawai‘i Revised Statutes (“HRS”) chapter 84.

On June 21, 2018, the Commission issued Charge No. COMPL-C-17-00433 against Respondent Kamaunu, alleging that she violated the State Ethics Code, Chapter 84, Hawai‘i Revised Statutes (“HRS”) by failing to timely file her 2017 financial disclosure statement. The Commission issued a Further Statement of Alleged Violation on February 21, 2019. The “Charge” refers collectively to Charge No. COMPL-C-17-00433 and the Further Statement of Alleged Violation.

I. Facts

- a) Respondent Kamaunu, at all times relevant herein, was a board member of the Island Burial Council of Maui/Lanai (“Board”), which is a state board under the State of Hawai‘i. She has served on the Board from 2014 to present.
- b) Respondent Kamaunu, at all times relevant herein, was a state employee as defined in HRS § 84-3. As a state employee, Respondent Kamaunu was required to comply with the State Ethics Code, including HRS § 84-17, the Financial Disclosure law.
- c) Respondent Kamaunu was required to file her 2017 financial disclosure statement by May 31, 2017; her 2018 financial disclosure statement by May 31, 2018; and her 2019 financial disclosure statement by May 31, 2019.
- d) Respondent Kamaunu failed to timely file her 2017 financial disclosure statement by May 31, 2017. A Notice of Failure to File Financial Disclosure

Statement and Assessment of \$50 Penalty (“Fine Notice”) was hand delivered to Respondent Kamaunu on May 16, 2018.

- e) The Fine Notice notified Respondent that: (a) the Ethics Commission had not received her 2017 financial disclosure statement; (b) a \$50 penalty was assessed against Respondent for failure to file her financial disclosure statement; (c) the State Ethics Code still required Respondent to file her financial disclosure statement; and (d) if Respondent failed to file the delinquent financial disclosure statement within ten days, an additional penalty of \$10 per day would be assessed against Respondent for each day the financial disclosure statement remained unfiled.¹
- f) Respondent admitted under penalty of perjury that she did not file her 2017 financial disclosure statement until October 27, 2019, and Respondent has not yet paid the \$5,210 penalty assessed by operation of law by HRS § 84-17(i).²
- g) Respondent also failed to timely file her 2018 and 2019 financial disclosure statements, both of which were filed with the Commission on October 27, 2019.

II. The State Ethics Code, HRS Chapter 84

A. Constitutional Mandate and Statutory Purpose

The State Ethics Code arises from the declaration contained in the State 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.”³ To this end, the Hawai‘i Constitution further directs that the legislature enact a code of ethics that applies to all appointed and elected state officers and employees.

¹ HRS § 84-17(i) states that if “a disclosure of financial interests has not been filed within ten days of the due date, an additional administrative fine of \$10 for each day a disclosure remains unfiled shall be added to the administrative fine.” (Emphasis added.)

² Respondent owed \$50 for initially missing the filing deadline plus \$5,160 for filing 516 days after May 29, 2018, which is ten days after the Fine Notice was hand delivered to Respondent. See HRS § 84-17(i).

³ Hawai‘i State Constitution, Art. XIV.

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.”⁴ The legislature explicitly directed that the State Ethics Code be liberally construed to promote high standards of ethical conduct in state government. HRS § 84-1. It is in this context that the Commission examines every employee’s actions.

B. Application of the State Ethics Code to Respondent Kamaunu

As a member of the Island Burial Council of Maui/Lanai, Respondent Kamaunu was required to comply with the State Ethics Code and file an annual financial disclosure statement by May 31 of each calendar year. HRS § 84-17. If a state official fails to timely file her or his financial disclosure statement, the official is assessed a \$50 fine⁵ and is notified that failure to file the disclosure statement within ten days will result in an additional \$10/day penalty for each day it remains unfiled. HRS 84-17(i).

In this case, Respondent Kamaunu failed to file her 2017 financial disclosure statement by the May 31, 2017 deadline, and instead filed it on October 27, 2019, which is over 500 days after the Fine Notice was delivered to her. Additionally, Respondent Kamaunu filed both her 2018 and 2019 financial disclosure statements on October 27, 2019, well past the May 31 filing deadlines for 2018 and 2019, respectively.

III. Resolution of Charge

Respondent Kamaunu admits that she violated the Financial Disclosure law, HRS § 84-17.

Given the violation of the State Ethics Code, the Commission believes it is reasonable, fair, and in the public interest to resolve the Charge and Respondent’s late filing of her 2018 and 2019 financial disclosure statements by (1) issuing this Resolution of Charge; and (2) requiring Respondent Kamaunu to pay an administrative penalty of \$450 to the State of Hawai‘i.

⁴ HRS Chapter 84, Preamble.

⁵ The penalty for failing to file a financial disclosure statement was increased to \$75 effective June 22, 2017.