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# HAWAII STATE ETHICS COMMISSION

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

## **Resolution of Charge** **2023-1**

**(COMPL-C-14-00222)**

### **Department of Education, Public Charter School Employee's Violation of the Fair Treatment law**

**March 24, 2023**

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The Hawai'i State Ethics Commission ("Commission") hereby resolves a Charge issued against Laara Allbrett ("Respondent Allbrett"), former Director, Halau Lokahi Public Charter School ("Halau Lokahi"), Department of Education, for alleged violations of the State Ethics Code, Hawai'i Revised Statutes ("HRS") chapter 84.

#### I. Facts

Respondent Allbrett does not contest the following facts:<sup>1</sup>

- a) Respondent Allbrett was employed as the Director of Halau Lokahi Public Charter School ("Halau Lokahi"), Department of Education, from 2001 through July 2014.
- b) At all times relevant herein, as Director of Halau Lokahi, Respondent Allbrett was a state employee as defined in HRS § 84-3 and was required to comply with the State Ethics Code.
- c) As Director of Halau Lokahi, Respondent Allbrett oversaw administration of Halau Lokahi. Respondent Allbrett had the authority to purchase, authorize the purchase of, and/or approve the purchase of goods and/or services, using state funds appropriated for Halau Lokahi for legitimate state purposes. As Director of Halau Lokahi, Respondent Allbrett was ultimately responsible for all Halau Lokahi purchases.

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<sup>1</sup> This Resolution does not make formal findings; instead, the recited facts are not contested by Respondent Allbrett.

- d) On or around December 21, 2013, Respondent Allbrett's son graduated from the University of Hawai'i Hilo.
- e) In December 2013, Respondent Allbrett and others, including Respondent Allbrett's family members, flew from Honolulu to Hilo to attend the graduation of Respondent Allbrett's son. Respondent Allbrett purchased, authorized the purchase of, and/or approved the purchase of Halau Lokahi funds to purchase airline tickets for Respondent Allbrett and others for this trip.
- f) In or around December 2013, Respondent Allbrett repeatedly purchased, authorized the purchase of, and/or approved the purchase of other goods and services using Halau Lokahi funds related to this trip. Including the cost of the airline tickets, Respondent Allbrett spent approximately \$2,048.43 of Halau Lokahi funds on this trip.
- g) In or around July 2014, Respondent Allbrett resigned from her position as Director of Halau Lokahi. Respondent Allbrett has not been employed by the State since the time of her resignation.
- h) In January 2015, The Hawai'i State Public Charter School Commission revoked the charter contract with Halau Lokahi for failure to meet generally accepted standards of fiscal management and the resulting legal and contractual violations.
- i) On or about October 30, 2017, the State initially charged Respondent Allbrett with felony theft in the second degree relating to the use of Halau Lokahi funds to purchase airline tickets for this trip. This initial charge was dismissed without prejudice on or about April 23, 2019. The State subsequently refiled the charge on or about August 26, 2019.
- j) On or about April 13, 2022, Respondent Allbrett pled no contest with a deferred acceptance of pleas to the criminal charge of theft in the third degree. As part of the plea agreement, Respondent Allbrett was required to pay restitution to the State in the amount of \$940.00.

## 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 Hawai'i 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."<sup>2</sup> To this end, the Hawai'i

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<sup>2</sup> Hawai'i State Constitution, Art. XIV.

Constitution further directs that the Legislature enact a code of ethics that applies to all appointed and elected state officers and employees.

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.”<sup>3</sup> Additionally, 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 Allbrett

At all times relevant herein, Respondent Allbrett was a state employee<sup>4</sup> and was bound by the State Ethics Code’s Fair Treatment law, HRS § 84-13(a), which provides in relevant part:

**§84-13 Fair treatment.** (a) No . . . employee shall use or attempt to use the . . . employee's official position to secure or grant unwarranted privileges, exemptions, advantages, contracts, or treatment, for oneself or others. . . .

Respondent Allbrett does not contest that she violated the Fair Treatment law, HRS § 84-13(a), by using state funds appropriated for Halau Lokahi, for personal purposes relating to the December 2013 trip to Hilo to attend her son’s graduation. Respondent Allbrett does not contest that she purchased, authorized the purchase of, and/or approved the purchase of goods and/or services relating to this trip in the amount totaling approximately \$2,048.43. Use of state funds for an employee’s personal benefit is a clear violation of the Fair Treatment law.

III. Resolution of Charge

Respondent Allbrett pled no contest with a deferred acceptance of plea in a related criminal case. As part of that plea agreement, Respondent Allbrett is required to pay restitution to the State in the amount of \$940.00.

Given the violations of the State Ethics Code, the Commission believes it is reasonable, fair, and in the public interest to resolve this Charge by (1) issuing this Resolution of Charge, and (2) requiring Respondent Allbrett to pay an administrative penalty of \$2,500 to the State of Hawai‘i.

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<sup>3</sup> HRS Chapter 84, Preamble.

<sup>4</sup> HRS § 84-3.