



HAWAI‘I STATE ETHICS COMMISSION

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

Resolution of Charge 2024-1

(COMPL-C-23-00123)

Glenn S. Nitta, Former Athletics Director, Mililani High School, Department of Education, Alleged Violations of Conflicts of Interests Law and Fair Treatment Law

March 20, 2024

The Hawai‘i State Ethics Commission (“Commission”) hereby resolves a Charge against Glenn S. Nitta (“Respondent Nitta”), former Athletic Director at Mililani High School, for alleged violations of the State Ethics Code, Hawai‘i Revised Statutes (“HRS”) chapter 84 by imposing an administrative fine of \$274,500. Respondent Nitta pleaded “no contest” to similar allegations brought in a criminal matter. See State v. Glenn S Nitta, 1CPC-23-0000268.

The Commission issued Charge No. COMPL-C-23-00123 (the “Charge”) against Respondent Nitta on June 21, 2023, after becoming aware of evidence of egregious and continuing actions taken by Respondent Nitta, specifically, longtime ongoing theft and embezzlement of funds belonging to the Mililani High School Athletic Booster Club (the “Booster Club”). The Charge alleged that Respondent Nitta used the Booster Club’s bank account to write checks to himself and his family members, make monthly payments on personal credit card accounts belonging to himself and his son, withdraw cash from ATMs in Las Vegas for his personal use, and pay off personal bills, loans, and entertainment and travel expenses for himself and others. The Charge was supported by extensive Booster Club bank account records, including 65 account statements and 1,235 cleared checks.

The Charge further alleged that Respondent Nitta exploited his authority in other ways, such as by opening an unauthorized after-school business selling food items to students in the school gymnasium, which was operated by Respondent Nitta’s wife and family, and by selecting his son’s company to make and sell fundraiser polo shirts for the Mililani High School Athletic Program without going through any bid process. When interviewed by school administrators, Respondent Nitta admitted to all of the above allegations.

Prosecutors in the criminal matter had also charged Respondent Nitta with “skimming” off the top of any cash proceeds raised at Mililani High School football games and other fundraising events, and with failing to pay taxes on this ill-gotten income. Respondent Nitta pleaded no contest to all of the criminal charges.

In addition to being forthright about his actions, Respondent Nitta expressed deep remorse. In a letter response to the Charge, Respondent Nitta took responsibility for his action and noted he was pleading no contest to the criminal charges. He also noted the community came together to help raise the full \$406,000 restitution amount set forth in the criminal charges. On the day of his court sentencing, Respondent Nitta publicly apologized for his actions.

Despite the remorse expressed by Respondent Nitta, the Commission is deeply concerned with the blatant self-enrichment in which he is implicated. Respondent Nitta used Booster Club funds for personal benefit, compromising the well-being of the students under his care. With a two-decade tenure as Mililani High School’s Athletics Director, he held a position of significant authority over a major program and was perceived as a dedicated and responsible administrator. Having directly engaged with numerous students, parents, and faculty as a coach, mentor, advisor, and role model, his unethical conduct has eroded the trust and faith placed in him by generations of young people and has had a profound impact on the community.

The Commission is tasked with administering the State Ethics Code, which serves as a legal framework to ensure the trustworthiness and integrity of public servants. Empowered to enforce penalties for violations of these laws, the Commission retains concurrent jurisdiction to ensure public officials and state employees are held to the highest standards of ethical conduct. Although Respondent Nitta has made full restitution to Mililani High School, a substantial financial penalty of \$274,500 is hereby imposed to take into account the impact of his actions on the Mililani High School Athletics Program, the students under his influence, the supportive community, and the public trust in Hawaii’s state employees. This decision is made in alignment with the Commission’s commitment to upholding ethical standards and maintaining public confidence in the conduct of state personnel.

I. Admitted Facts

Respondent Nitta admits the following facts:

- a) Respondent Nitta was employed by the State of Hawaii Department of Education from 1971 to 2021 and was at all times relevant therein, a state employee as defined in HRS § 84-3.
- b) Respondent Nitta began working at Mililani High School when it opened in 1973 and held the position of Mililani High School’s Athletic Director from 2001 until his retirement in 2021.

- c) The year Respondent Nitta became Mililani High School's Athletic Director, he incorporated and registered a domestic nonprofit corporation with the State of Hawai'i Department of Commerce and Consumer Affairs Business Registration Division, called Mililani High School Athletic Booster Club, Incorporated (the "Booster Club"). Respondent Nitta recorded the Booster Club's purpose as "Fundraising to Support Athletic Programs at the School." The Booster Club's officers and directors consisted of Respondent Nitta and his family members. The street address of Mililani High School was listed for the Booster Club's mailing and agent addresses.
- d) When Mililani High School administrators interviewed Respondent Nitta on February 17, 2021 (the "Interview") regarding theft allegations, Respondent Nitta admitted he used Booster Club funds for personal purposes including:
- i. to reimburse himself for charges made on his personal credit card;
 - ii. to pay travel expenses for his wife and a trainer when the football team traveled;
 - iii. to fund trips to Las Vegas for him and his wife;
 - iv. to compensate his family and friends with cash and gifts for working and "volunteering" in positions he put them in, such as concession stand service, custodians, "gate people," announcers, food preparation staff, Junior Reserve Officers' Corps representatives, security guards and other positions, at football games and other events associated with the Mililani High School athletics program;
 - v. to pay for his and others' lunches;
 - vi. to pay for members of his church to join one of two golf teams at a golf tournament;
 - vii. to have an end-of-year banquet for his "core people," and to provide them appreciation gifts such as gas cards, turkeys at Thanksgiving, and complimentary Christmas trees.
- e) Respondent Nitta stated in the Interview that he "usually didn't keep the receipts" and that he "[hasn't] really kept records" because the former Athletic Director never taught him how to keep records.
- f) Respondent Nitta admitted in the Interview that he, together with his wife, his sister-in-law, and his mother-in-law, opened and operated an after-school concession stand in the gymnasium selling food items to students, and used the profits to compensate themselves and to buy more food supplies to sell.
- g) Respondent Nitta also admitted in the Interview that he selected his son's company Ka'imiokekai LLC to make fundraiser polo shirts to sell to Mililani High School faculty, that there had not been a contract bid process, that he did not know if Ka'imiokekai LLC was on the school's approved vendor list, and that the planned partnership was a verbal agreement between himself and Ka'imiokekai LLC.

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.”¹ 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.

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.”² Additionally, the legislature explicitly directed that the State Ethics Code be liberally construed to promote high standards of ethical conduct in state government.³ It is in this context that the Commission examines every employee’s actions.

B. Applicable Sections of the State Ethics Code

The State Ethics Code’s Conflicts of Interests Law⁴ prohibits a state employee from taking any official action directly affecting his personal financial interest, and from acquiring financial interests in any business or other undertaking which he has reason to believe may be directly involved in official action he takes.

The State Ethics Code’s Fair Treatment Law⁵ prohibits an employee from using or attempting to use his official position to secure or grant unwarranted privileges, advantages, contracts, or other favored treatment for himself or others, including by receiving compensation or other consideration for performing his official duties or responsibilities or using state time, equipment or other facilities for private business purposes.

C. Application of the State Ethics Code to Respondent Nitta

As an Athletic Director at a Department of Education public high school, Respondent Nitta was a state employee for purposes of the State Ethics Code.⁶ As a state employee, Respondent Nitta was required to comply with the State Ethics Code, including the Conflicts of Interests Law and the Fair Treatment Law. As discussed above, Respondent Nitta admits that his actions, which included using Booster Club funds for the benefit of himself and others, allowing his relatives to sell food items to

¹ Hawaii State Constitution, Art. XIV.

² HRS Chapter 84, Preamble.

³ HRS § 84-1.

⁴ HRS § 84-14(a) and (b).

⁵ HRS § 84-13(a).

⁶ HRS § 84-3.

students, and unfairly advantaging his son's company, violated the Fair Treatment and Conflicts of Interests laws. These are serious violations that shook the public's faith in the integrity of state government.

III. Resolution of Charge

The Commission believes that, based on the facts admitted above,⁷ Respondent Nitta likely violated the Conflicts of Interests Law and the Fair Treatment Law. Given the likely violations of the State Ethics Code and their severity, the Commission believes it is reasonable, fair, and in the public interest to resolve this matter without further administrative action by (1) issuing this Resolution of Charge; and (2) requiring Respondent Nitta to pay an administrative penalty of \$274,500⁸ to the State of Hawai'i.

Charge number COMPL-C-23-00123 against Respondent Nitta is hereby dismissed.

⁷ This Resolution of Charge does not make formal findings but relies on the facts admitted by or uncontested by Respondent Nitta.

⁸ The \$274,500 administrative penalty amount does not reflect the actual number of State Ethics Code violations by Respondent Nitta, but is an estimated value for settlement based on evidence supporting at least 338 discrete actions taken by Respondent Nitta to transfer Booster Club funds to himself and others between September 11, 2015, and January 4, 2021 and the fact that on June 22, 2017 the maximum penalty amount provided in the State Ethics Code increased from \$500 to \$1000.