



HAWAI‘I STATE ETHICS COMMISSION

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

Resolution of Investigation **2021-3**

(COMPL-21-00015)

Hawai‘i House of Representatives, Representative Takashi Ohno Alleged Violation of Fair Treatment Law and Conflicts of Interests Law

March 3, 2021

The Hawai‘i State Ethics Commission (“Commission”) has resolved the investigation of Takashi Ohno (“Respondent Ohno”), Representative, House of Representatives, for alleged violation of the State Ethics Code, Hawai‘i Revised Statutes (“HRS”) chapter 84.

I. Facts

Respondent Ohno admitted and declared, under penalty of perjury, that the following facts are true and correct:¹

- (a) Respondent Ohno, at all times relevant herein, was an elected member of Hawaii’s House of Representatives.
- (b) The House of Representatives is a “state agency” as defined by HRS § 84-3. Respondent Ohno, at all times relevant herein, was a state legislator and was therefore required to comply with the State Ethics Code.
- (c) On January 26, 2021, Respondent Ohno used a campaign e-mail address to inform recipients about a fundraiser event, entitled “How Best To Testify To Lawmakers and Get Your Way,” to be held on February 3, 2021. A copy of that email is attached as Exhibit 1 hereto. The e-mail solicited donations to Respondent Ohno’s political campaign by stating the following:

I want to share what I’ve learned about the lawmaking process with you. Join my Zoom fundraiser to hear

¹ This Resolution does not make formal findings, but relies on the facts admitted by Respondent Ohno.

how you can best testify to lawmakers and get your way.

It would be impossible to count the number of hours I've sat in committee hearings listening to testifiers try to sway legislators to support (or kill) a bill. I've taken note of successful efforts, and I've been putting a lot of thought into best practices when preparing to give testimony to elected officials.

So here's what I hope you'll do: click on this link, make a contribution of any amount to my campaign (seriously any amount!), and I'll send you a Zoom invite to my webinar fundraiser. It'll be worthwhile, I promise!

- (d) On January 28, 2021, Commission staff contacted Respondent Ohno via e-mail, notifying him that the Commission had received a complaint regarding this solicitation and recommending he either cancel the event or make the event free for the public. Less than two hours later, Respondent Ohno contacted Commission staff and stated that he would change the event to make it free to the public.

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.”² 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.”³ 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 legislator's actions.

² Hawai'i State Constitution, Art. XIV.

³ HRS Chapter 84, Preamble.

B. Application of the State Ethics Code to Respondent Ohno

As a legislator, Respondent Ohno is required to comply with the State Ethics Code.⁴ Pursuant to HRS § 84-13(a)(2), the Fair Treatment law, legislators are prohibited from “[a]ccepting, receiving, or soliciting compensation or other consideration for the performance of the legislator’s . . . official duties or responsibilities except as provided by law[.]” Pursuant to HRS § 84-14(d), the Conflicts of Interests law:

No legislator . . . shall assist any person or business . . . for a fee or other compensation to secure passage of a bill . . . in which the legislator . . . has participated or will participate as a legislator . . . , nor shall the legislator . . . assist any person or business . . . for a fee or other compensation on such bill . . . or proposal before the legislature[.]

Respondent Ohno’s campaign solicitation implicates both the Fair Treatment law and the Conflicts of Interests law. The solicitation gives the impression that Respondent Ohno is “soliciting compensation” for performing a function as a legislator – educating the public about the legislative process, using his inside knowledge as a legislator – in violation of HRS § 84-13(a)(2). Similarly, the solicitation gives the impression that Respondent Ohno is assisting others for pay in matters before the Legislature, in violation of HRS § 84-14(d). Respondent Ohno maintains that this was not his intention, but he recognizes the ethics concerns with the way he framed the event. Upon being notified of the ethics concern by Commission staff, Respondent Ohno took immediate steps to change the event and takes full responsibility for the error.

III. Resolution of Investigation

Respondent Ohno has not previously been the subject of a Commission charge or investigation and cooperated with the Commission in its investigation.

The Commission concludes that, based on the facts admitted above, Respondent Ohno likely violated the Fair Treatment law and the Conflicts of Interests law. Therefore, the Commission believes it is reasonable, fair, and in the public interest to resolve this investigation by (1) issuing this Resolution of Investigation, and (2) requiring Respondent Ohno to pay an administrative penalty of \$250.00 to the State of Hawai‘i.

⁴ HRS § 84-2.