



HAWAI‘I STATE ETHICS COMMISSION

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

Resolution of Investigation **2021-8**

(COMPL-I-20-00098)

Conservation and Resources Enforcement Officer’s Violation of the Fair Treatment law

July 26, 2021

The Hawai‘i State Ethics Commission (“Commission”) has resolved the investigation of David Keawe (“Respondent Keawe”), a Conservation and Resources Enforcement Officer for the Department of Land and Natural Resources, Division of Conservation and Resources Enforcement (“DOCARE”), for an alleged violation of the State Ethics Code, Hawai‘i Revised Statutes (“HRS”) chapter 84.

The Commission received a complaint that Respondent Keawe improperly assisted a subordinate employee in repairing his personal vehicle during state time and on state property. The Commission investigated this matter, and subsequently entered into a settlement agreement to resolve this investigation without further administrative proceedings.

I. Facts

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

- a) Respondent Keawe is employed as a Conservation and Resources Enforcement Officer for the Department of Land and Natural Resources, Division of Conservation and Resource Enforcement (“DOCARE”), and is required to comply with the State Ethics Code, HRS chapter 84.
- b) On or around July 11, 2020, Respondent Keawe was the supervising officer at DOCARE’s Waimano Base Yard. A subordinate DOCARE officer drove his personal vehicle, which was damaged but operable, to

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

the base yard. That officer, who was under Respondent Keawe's supervision, asked Respondent Keawe whether he (Respondent Keawe) would assist him in repairing the vehicle. Respondent Keawe assisted in the repairs, which took several hours and occurred during state business hours and on state property.

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 employee's actions.

B. Application of the State Ethics Code to Respondent Tataipu

Respondent Keawe is a state employee,⁴ and is bound by the State Ethics Code's Fair Treatment law, HRS § 84-13(a). Pursuant to HRS § 84-13(a), "No legislator or employee shall use or attempt to use the legislator's or employee's official position to secure or grant unwarranted privileges, exemptions, advantages, contracts, or treatment, for oneself or others[.]" The use of state resources, such as state time and facilities, for personal gain constitutes a violation of the Fair Treatment law.

The Commission investigated Respondent Keawe's actions, and he admits that he violated the Fair Treatment law by using state time and facilities to repair a subordinate employee's personal vehicle. Additionally, as a supervisor, Respondent Keawe violated the Fair Treatment law by permitting a subordinate employee to repair personal property during state time and on state property.

² Hawai'i State Constitution, Art. XIV.

³ HRS Chapter 84, Preamble.

⁴ HRS § 84-3.

III. Resolution of Investigation

Respondent Keawe admits that he violated the Fair Treatment law (HRS § 84-13(a)). Respondent Keawe cooperated with the Commission's investigation and has not previously been the subject of a Commission charge.

Given the violation of the State Ethics Code, the Commission believes it is reasonable, fair, and in the public interest to resolve this Investigation by (1) issuing this Resolution of Investigation, (2) requiring Respondent Keawe to pay an administrative penalty of \$500 to the State of Hawai'i, and (3) referring this matter to DLNR/DOCARE for disciplinary action as appropriate.