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# HAWAI‘I STATE COMMISSION

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

## **Resolution of Investigation** **2022-2**

**(COMPL-I-22-00194)**

**Maile Shimabukuro, Senator, Hawai‘i State Senate,  
Alleged Violation of  
Fair Treatment Law**

**September 21, 2022**

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The Hawai‘i State Ethics Commission (“Commission”) hereby resolves an investigation of Maile Shimabukuro, Senator, Hawai‘i State Senate, for alleged violations of the State Ethics Code, Hawai‘i Revised Statutes (“HRS”) chapter 84.

### I. Facts

Respondent Shimabukuro admitted and declared, under penalty of perjury, that the following facts are true and correct:<sup>1</sup>

- a) Respondent Shimabukuro, at all times relevant herein, was an elected member of the Hawai‘i State Senate (“Senate”). As a member of the Senate, Respondent Shimabukuro is a state legislator and was required to comply with the State Ethics Code.
- b) Respondent Shimabukuro is running for re-election in 2022.
- c) Respondent Shimabukuro represents Senate District 21, which includes the Nanakuli area.
- d) The Nanakuli area includes Nanakuli High and Intermediate School (“Nanakuli School”). On June 4, 2022, the Nanakuli community held a parade to celebrate several Nanakuli School student athletic teams. Respondent Shimabukuro arranged with the parade organizers to attend the parade in her official capacity in order to present legislative certificates

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<sup>1</sup> This Resolution does not make formal findings but relies on the facts admitted by Respondent Shimabukuro.

to the student athletes and to make a short speech congratulating the students.

- e) The day before the parade, on June 3, 2022, Respondent Shimabukuro called one of her legislative aides who had taken personal leave on that day. The legislative aide was also an occasional volunteer for Respondent Shimabukuro's reelection campaign. Respondent Shimabukuro asked the legislative aide to put together small "goodie bags" containing snacks to distribute to the Nanakuli School student athletes at the parade.
- f) The legislative aide purchased the snacks and assembled approximately seventy goodie bags. The bags were clear plastic and filled with several types of snacks. The legislative aide assembled the goodie bags while on personal time and did not use any state resources. Respondent Shimabukuro used her personal funds to reimburse the legislative aide for the cost of the goodie bags.
- g) While assembling the goodie bags, the legislative aide attached a small card used by Respondent Shimabukuro's candidate campaign committee to each goodie bag. The card featured a photograph of Respondent Shimabukuro, the name of her campaign committee, "Friends of Maile Shimabukuro," and contact information for the campaign committee. The cards were taped to each goodie bag and were clearly visible.
- h) Respondent Shimabukuro and the legislative aide maintain that Respondent Shimabukuro did not suggest or direct that the cards be placed in the goodie bags. Respondent Shimabukuro accepts responsibility for their placement in the bags and the distribution of the bags at the parade.
- i) On the morning of June 4, 2022, Respondent Shimabukuro met the legislative aide at the beginning of the parade route at Nanakuli School. The legislative aide brought the goodie bags she had assembled and placed them on a table provided by the parade organizers.
- j) Respondent Shimabukuro stood near the table with the goodie bags and made a short speech congratulating the student athletes. She presented the legislative certificates and invited the student athletes to take a goodie bag. Respondent Shimabukuro did not mention her reelection campaign nor her campaign committee during her speech.
- k) Respondent Shimabukuro had access to the table and was able to present the goodie bags to the student athletes solely because of her position as a member of the Senate who attended the parade for an official purpose. The parade organizers did not want the parade to be

politicized and therefore did not invite other candidates for election to display or distribute campaign materials at the parade.

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.”<sup>2</sup> 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.”<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 legislator’s and employee’s actions.

B. Application of the State Ethics Code to Respondent Shimabukuro

As a member of the State Senate, Respondent Shimabukuro was required to comply with the State Ethics Code, including the Fair Treatment Law (HRS § 84-13(a)).

The Fair Treatment Law, HRS § 84-13(a), prohibits a legislator from using his or her state position to secure or grant an unwarranted benefit or advantage for himself, herself, or anyone else. A legislator is prohibited from using his or her position as a legislator to unfairly benefit the legislator’s candidate campaign committee. The Commission’s investigation showed that Respondent Shimabukuro attended the parade in her official capacity as a member of the Senate. She then displayed and distributed campaign material at the parade. By using her official position to gain access to parade resources and participants and then promoting her candidate campaign, Respondent Shimabukuro violated the Fair Treatment Law.

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

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

III. Resolution of Investigation

Respondent Shimabukuro admits she violated the Fair Treatment Law (HRS § 84-13(a)). She cooperated fully with the Commission in its investigation and was forthright and candid in speaking with the Commission's staff.

Given the violations of the State Ethics Code, the Commission believes it is reasonable, fair, and in the public interest to resolve the investigation by (1) issuing this Resolution of Investigation, and (2) requiring Respondent Shimabukuro to pay an administrative penalty of \$300 to the State of Hawai'i.