



HAWAI'I STATE ETHICS COMMISSION

Komikina Ho'opono Kulekele o Hawai'i Moku'āina

Settlement of Charge 2025-1

(COMPL-C-19-00310-01/REQ-2024-0053)

Former Department of Transportation Auto Mechanic Supervisor's Misuse of State Time and Leave

October 15, 2025

The Hawai'i State Ethics Commission ("Commission") hereby resolves a Charge against David Kaio ("Respondent Kaio"), a former Automotive Mechanic Supervisor II with the Department of Transportation, for alleged violations of the State Ethics Code, Hawai'i Revised Statutes ("HRS") chapter 84.

On July 17, 2024, the Commission issued a Charge against Respondent Kaio for alleged violations of the Fair Treatment law, HRS 84-13, based on his actions while he was employed by the State of Hawai'i.

I. Facts

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

- a) Respondent was employed by the State of Hawai'i Department of Transportation ("DOT"), as an Automotive Mechanic Supervisor II.
- b) Respondent, at all times relevant herein, was a state "employee" as defined in HRS § 84-3, and was required to comply with the State Ethics Code.
- c) On multiple instances, Respondent used state time, vehicles, and other state resources for personal and/or medical-related appointments during his state work hours.
- d) These appointments occurred three times a week over an extended period beginning in late 2018 through 2020, with each appointment lasting several hours.

¹ This Settlement does not make formal findings, and instead relies on the facts admitted by Respondent Kaio.

- e) Respondent did not request or obtain vacation or sick leave for the total amount of time he actually used for these appointments.
- f) Respondent's use of state time, vehicles, and other state resources did not comply with DOT and state policies and procedures.

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

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 State Ethics Code applies to all state elected officials, state employees, and members of state boards and commissions, and shall be liberally construed to promote high standards of ethical conduct in state government.⁴ It is in this context that the Commission examines every state employee's actions.

B. Application of the State Ethics Code to Respondent Kaio

At the time of the alleged events, Respondent Kaio was a state employee and was bound by the requirements of the State Ethics Code.⁵

The Fair Treatment law, HRS § 84-13(a) prohibits state employees from using their state position to obtain unwarranted privileges, advantages, or benefits for themselves or others. The purpose of this law is to prevent state employees from misusing state resources and their official state positions for either their own personal gain or for the benefit of others.

² Hawai'i State Constitution, Art. XIV.

³ HRS Chapter 84, Preamble.

⁴ HRS §§ 84-1 and -2.

⁵ HRS § 84-3.

In this case, Respondent Kaio admits to using state time, vehicles and other state resources for personal appointments and other non-official purposes without obtaining the required state-approved leave, such as accrued vacation, sick leave, compensatory time-off, or unpaid leave. These incidents regularly occurred over an extended period between late 2018 through 2020, and likely involved significant number of hours that were not properly documented and approved by DOT.

State time and leave policies are designed to ensure that employees accurately report their work hours and manage public resources with integrity, thereby maintaining the trust of the taxpayers. By failing to comply with these requirements, Respondent Kaio misused state time, resources, and his official position for personal benefit, in violation of the Fair Treatment law.

III. Settlement of Charge

Respondent Kaio admits that he violated the Fair Treatment law, HRS § 84-13(a). He has not been the subject of a previous ethics charge or ethics investigation. The Commission also notes that he has fully cooperated with the Commission's investigation and accepted responsibility for his actions.

Based on the factual circumstances and violations of the State Ethics Code, the Commission believes it is reasonable, fair, and in the public interest to resolve this matter by (1) issuing this Settlement of Charge, and (2) requiring Respondent Kaio to pay an administrative penalty of \$10,000.00 to the State of Hawai'i.