

**Settlement of Investigation**  
**2025-1**

(COMPL-I-24-00502) (REQ-2024-0005)

Department of Land and Natural Resources Conservation and Resources Enforcement  
Officer's Violation of the Fair Treatment Law

March 19, 2025

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The Hawai'i State Ethics Commission ("Commission") has resolved the Investigation of Fagota Tataipu, Jr. ("Respondent"), Conservation and Resources Enforcement Officer of the Department of Land and Natural Resources ("DLNR") for an alleged violation of the State Ethics Code, Hawai'i Revised Statutes ("Haw. Rev. Stat.") Chapter 84.

I. Facts

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

- a) The State Department of Land and Natural Resources ("DLNR") is a state agency.
- b) Respondent was, at all times relevant herein, a Conservation and Resources Enforcement Officer ("CREO") employed by the DLNR.
- c) Respondent was, at all times relevant herein, a state "employee" as defined in Haw. Rev. Stat. § 84-3 and was subject to the State Ethics Code.
- d) Respondent supervised other CREO employees.

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

- e) Respondent received monies from employees whom he supervised on at least two occasions. On or around 2018, Respondent received a \$1,000 loan from a CREO under his supervision. He said he was just short of cash and he would pay the money back. He needed it for “emergency reasons” and he paid it back in installments over several months. The loan was not made on company premises. On a second occasion, Respondent was offered \$200 from another CREO. He considered it a personal matter since that employee is close to Respondent’s in-laws and offered the money “whenever you need it” in response to a family medical issue. Respondent accepted the money.
- f) The monies loaned to Respondent were substantial financial transactions.
- g) Prior to the investigation, Respondent paid back the loans from the employees whom he supervised.

II. The State Ethics Code, Haw. Rev. Stat. 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 Hawai‘i 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> 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> It is in this context that the Commission examines every employee’s actions.

B. Application of the State Ethics Code to Respondent Tataipu

Respondent Tataipu is a state employee for purposes of the State Ethics Code,<sup>4</sup> and is bound by the Fair Treatment law, Haw. Rev. Stat. § 84-13.

Pursuant to Haw. Rev. Stat. § 84-13(a)(4), no employee shall use or attempt to use his official position to secure unwarranted privileges, including “otherwise engaging in a substantial financial transaction with a subordinate . . .” The purpose of this provision is to

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

<sup>3</sup> Haw. Rev. Stat. Chapter 84, Preamble.

<sup>4</sup> Haw. Rev. Stat. § 84-3.

prevent subordinate employees from feeling coerced or pressured to engage in substantial financial transactions in which they do not wish to participate. See Advisory Opinion 512.

The Fair Treatment law prohibited Respondent from accepting \$1,200 from employees under his supervision.

III. Settlement of Investigation

Respondent admits he violated the Fair Treatment law (Haw. Rev. Stat. § 84-13(a)(4)). He has previously been the subject of a Commission investigation and fine for using state time and equipment for personal reasons. See Resolution of Investigation 2021-9. He fully cooperated with the Commission's investigation, was contrite when informed that his conduct violated the Fair Treatment law, and accepted responsibility for his actions. Additionally, Respondent had already paid the loans back.

Given the violations 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 Settlement of Investigation, and (2) requiring Respondent to pay an administrative penalty of \$1,500 to the State of Hawai'i.