



# HAWAI'I STATE ETHICS COMMISSION

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

## Settlement of Investigation

2026-1

(REQ-2024-0059)

### **Department of Education Principal's Violation of Fair Treatment law, Gifts law, and Training law**

**January 21, 2026**

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The Hawai'i State Ethics Commission ("Commission") hereby resolves an Investigation against Kalima Kinney ("Respondent Kinney"), the Principal of Volcano School of Arts and Sciences ("Volcano School"), for alleged violation of the State Ethics Code, Hawai'i Revised Statutes ("HRS") chapter 84.

#### **I. Facts**

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

- a) Respondent Kinney is the Principal at Volcano School of Arts and Sciences ("Volcano School"), a public charter school under the State of Hawai'i Department of Education ("DOE").
- b) Respondent Kinney, at all times relevant herein, was a state "employee" as defined in HRS section 84-3 and was required to comply with the State Ethics Code.
- c) Respondent Kinney last took an Ethics Training in 2020.
- d) On or around May 9, 2022, Respondent Kinney received a gift certificate of \$1,000 to an online food service from approximately five individuals, including a parent and four members of the non-profit organization supporting the school. One of the donors also served on the school's Governing Board. The gift was given for Respondent Kinney's birthday and to show appreciation for her performance as Principal of Volcano School.<sup>2</sup>

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

<sup>2</sup> The Commission also received some evidence that at least one employee contributed to the gift, but Respondent Kinney denies knowledge of that and stated that the gift card was not signed by any school employees.

- e) The gift came as a result of Principal Kinney's state position, and she would not have received it but for her state position.

## 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>3</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.

Following this constitutional mandate, the Legislature enacted the State Ethics Code. It charged the Commission with administering and enforcing the law "so that public confidence in public servants will be preserved."<sup>4</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 employee's actions.

### B. Application of the State Ethics Code to Respondent Kinney

Respondent Kinney is a state employee for purposes of the State Ethics Code,<sup>5</sup> and is bound by the State Ethics Code's Fair Treatment law, HRS § 84-13(a), and Gifts law, HRS § 84-11.

The Fair Treatment law prohibits employees from using their "official position to secure or grant unwarranted privileges, exemptions, advantages, contracts, or treatment, for oneself or others." Additionally, it specifically prohibits employees from receiving compensation for the performance of their official duties "except as provided by law." HRS § 84-13(a)(2). Respondent Kinney obtained the \$1,000.00 gift because of her position as Principal of Volcano School, which is improper under the State Ethics Code.

The Gifts law, HRS § 84-11, also prohibits state employees from accepting any gift "under circumstances in which it can reasonably be inferred that the gift is intended to influence the . . . employee in the performance of the . . . employee's official duties or is intended as a reward for any official action on the . . . employee's part." In determining

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<sup>3</sup> Hawai'i State Constitution, Art. XIV.

<sup>4</sup> HRS Chapter 84, Preamble.

<sup>5</sup> HRS § 84-3.

whether or not a gift may be accepted, the Commission considers several factors, including (1) the relationship between the person or entity offering the gift and the employee being offered the gift, including whether the offeror is subject to official action by the recipient; (2) the value of the gift; and (3) whether the gift is “personal” or provides a “state benefit.” Haw. Admin. R. § 21-7-2(b). Generally, “the higher the value of the gift, the more likely [it] is prohibited,” and generally, “cash gifts do not serve any state purpose and are more likely to be prohibited.” *Id.* §§ (b)(2)-(3).

In this case, the value of the gift is high, and Respondent Kinney received the gift from a group of people she affected or interacted with in her state role as Principal, including a parent, members of the non-profit supporting the school, and a member of the school’s governing board. A reasonable person could conclude that the \$1,000 received by Respondent Kinney was meant to reward her for official action on her part (i.e., the performance of her job duties).

Additionally, the Gifts law allows unsolicited gifts of “nominal value given as a token of appreciation to a teacher, medical professional, or similar kind of service provider, such as a holiday gift given to a teacher by a student or guardian, where the gift is offered by an individual in the individual’s personal capacity, and the gift is given under circumstances in which no reasonable person would conclude that the gift was given to influence the recipient’s state duties with respect to the offeror.” Haw. Admin. R. § 21-7-3(a)(9). However, the gift in this case differs from acceptable gifts of appreciation in several critical respects: (1) the \$1,000 gift is not “nominal;” (2) Respondent Kinney is not a service provider, such as a teacher; and (3) the gift was not given by an individual. While the Commission believes that internal birthday gifts from co-workers or gifts to teachers on teachers’ appreciation day, such as boxes of candy, are acceptable, the \$1,000 gift in this case exceeded what is permissible, given the donors and value of the gift.

Finally, the mandatory ethics training law, HRS § 84-42(b), requires employees to take an ethics training course once every four years, and Respondent Kinney admits that she failed to do so.

### III. Settlement of Investigation

The Commission investigated Respondent Kinney’s actions, and Respondent Kinney admits that she violated the Fair Treatment law, Gifts law, and Mandatory Training law for the reasons stated above, although she asserts that the violations arose from a misinterpretation or misunderstanding of the Gifts and Fair Treatment laws. She has not previously been the subject of a Commission charge or investigation, and cooperated with the Commission’s investigation in this case.

Given the violation of the State Ethics Code, the Commission believes it is reasonable, fair, and in the public interest to resolve the Charge by (1) issuing this Settlement of Investigation; (2) requiring Respondent Kinney to pay restitution of \$1,000 to Volcano School of Arts and Sciences;<sup>6</sup> and (3) requiring Respondent Kinney to pay an administrative penalty of \$500 to the State of Hawai'i.

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<sup>6</sup> The Commission believes restitution to Volcano School is appropriate in this case due to the number of donors and because employees may donate gifts to the state to avoid accepting them personally.