



HAWAI'I STATE ETHICS COMMISSION

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

Committee: House Committee on Judiciary & Hawaiian Affairs
Bill Number: HB 1654
Hearing Date/Time: March 3, 2026, 2:00 p.m.
Re: Comments on HB 1654 HD1

Aloha Chair Tarnas, Vice-Chair Poepoe, and Committee Members:

Thank you for the opportunity to provide comments on HB 1654 HD1.

This measure would require the Attorney General to establish a confidential process for anonymous complaints against public employees and would further require departments to report complaint dispositions to the Attorney General for purposes of an annual report to the Legislature.

The Hawai'i State Ethics Commission appreciates and supports the bill's underlying goal of providing members of the public with a meaningful and accessible forum to raise concerns about public service. At the same time, the Commission respectfully offers three areas of concern for the Committee's consideration.

1. **Statutory Confidentiality of Ethics Investigations**

The Commission is required by law to receive, review, and investigate complaints confidentially. Haw. Rev. Stat. § 84-31 mandates that complaints and investigations remain confidential except as otherwise provided by statute, such as when a matter proceeds to a public contested case hearing and results in a published decision.

This confidentiality is not incidental; it is foundational. It protects due process, encourages reporting without fear of retaliation, safeguards reputations in cases where allegations are unsubstantiated, and preserves the integrity of investigations.

HB 1654 HD1 requires reporting of complaint dispositions, "including the findings of any investigation conducted and any disciplinary, remedial, or other action taken." To the extent this language could require disclosure of the existence, status, findings, or resolution of specific ethics complaints, it would conflict with the Commission's statutory confidentiality obligations.

The Commission already provides robust transparency through aggregate reporting in its annual report, including complaint volumes, dispositions, and trends. What it does not – and cannot – disclose are details of individual complaints unless expressly authorized by law. If this measure advances, it should be carefully drafted to avoid compelling disclosure of confidential ethics enforcement information.

2. Constitutional Oversight Authority

Article XIV of the Hawai'i State Constitution establishes the Ethics Commission and grants it authority over all state officers and employees under the State Ethics Code (Haw. Rev. Stat. Chapter 84). This authority extends to employees of the Office of the Attorney General.

Requiring centralized reporting to the Attorney General regarding investigative findings and disciplinary outcomes may create tension where complaints implicate that office. Even the appearance of divided or overlapping oversight could undermine public confidence in the independence of ethics enforcement.

Any statutory framework should therefore preserve the Commission's constitutional role as the independent body charged with enforcing the State Ethics Code.

3. Overlap with Existing Complaint Mechanisms.

The Commission already maintains a confidential and frequently anonymous complaint process that is accessible to the public. In 2025, the Commission received 394 complaints and resolved 392 complaints. Many were submitted anonymously.

Creating an additional confidential complaint pathway through the Attorney General's office may unintentionally lead to duplication, confusion among complainants, inconsistent handling standards, and administrative inefficiencies. Clear delineation of jurisdiction would reduce this risk.

March 3, 2026

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Suggested Clarification.

If the measure proceeds, the Commission respectfully recommends expressly excluding complaints alleging violations of Haw. Rev. Stat. Chapter 84 from the reporting requirements of this bill to avoid statutory conflict and constitutional concerns.

Mahalo for the opportunity to testify on this bill.

Very truly yours,

/S/ Robert D. Harris

Robert D. Harris

Executive Director and General Counsel



**HAWAI'I STATE
ETHICS COMMISSION**

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

2025 Annual Report

Introduction

The Hawai'i State Ethics Commission remains firmly committed to promoting integrity, transparency, and accountability in government. In 2025, that commitment translated into measurable progress. Over 90 percent of all state employees—and nearly all board and commission members—have now completed mandatory ethics training, reflecting a broad and meaningful engagement with the principles that guide public service in Hawai'i. This level of participation marks a significant cultural shift: ethics is no longer peripheral to government work, but an expected and shared responsibility.

At the same time, the Commission took decisive enforcement action where the law was violated. In 2025, the Commission assessed some of the highest administrative penalties in its history. These outcomes are not an end in themselves; they represent a concrete and necessary response to past corruption scandals that undermined public confidence in government. Effective ethics oversight requires both education and accountability. Where guidance and training are insufficient to prevent misconduct, enforcement serves as an essential safeguard for the public trust.

Public confidence in government remains fragile, both nationally and locally. In this environment, ethics compliance cannot be viewed as a technical obligation or a box-checking exercise. It is foundational to democratic governance. The Commission's work—training thousands of public servants, providing timely ethics guidance, and pursuing enforcement when warranted—reflects a balanced approach grounded in prevention, fairness, and transparency.

Looking ahead, the Commission recognizes that continued progress will require sustained investment in ethics education, modern investigative tools, and thoughtful legislative refinement. The milestones reflected in this report demonstrate that meaningful reform is possible when expectations are clear and accountability is real.

The Commission extends its appreciation to the many state employees, officials, and members of the public who have engaged with and supported this work. While challenges remain, the progress documented in this report affirms a shared commitment to ethical government worthy of the people of Hawai'i.

Warmly,
Robert D. Harris
Executive Director & General Counsel

Established in 1968, the Hawai'i State Ethics Commission—the first state ethics commission in the United States—represents Hawaii's commitment to the principles that “public officers and employees must exhibit the highest standards of ethical conduct, and that these standards arise from the personal integrity of each individual in government.” Hawai'i Constitution, Article XIV. The constitution also mandates that the State and its subdivisions establish a code of ethics for public officers and employees.

MISSION & DUTIES

ETHICS OVERSIGHT

The Commission oversees the State Ethics Code, Haw. Rev. Stat. Ch. 84, which includes oversight over the acceptance and reporting of gifts, confidential information, fair treatment (the prohibited misuse of an official position), conflicts of interest, state contracts, post-employment restrictions, and nepotism. It also requires certain state individuals to file financial disclosure statements.

LOBBYIST REGULATION

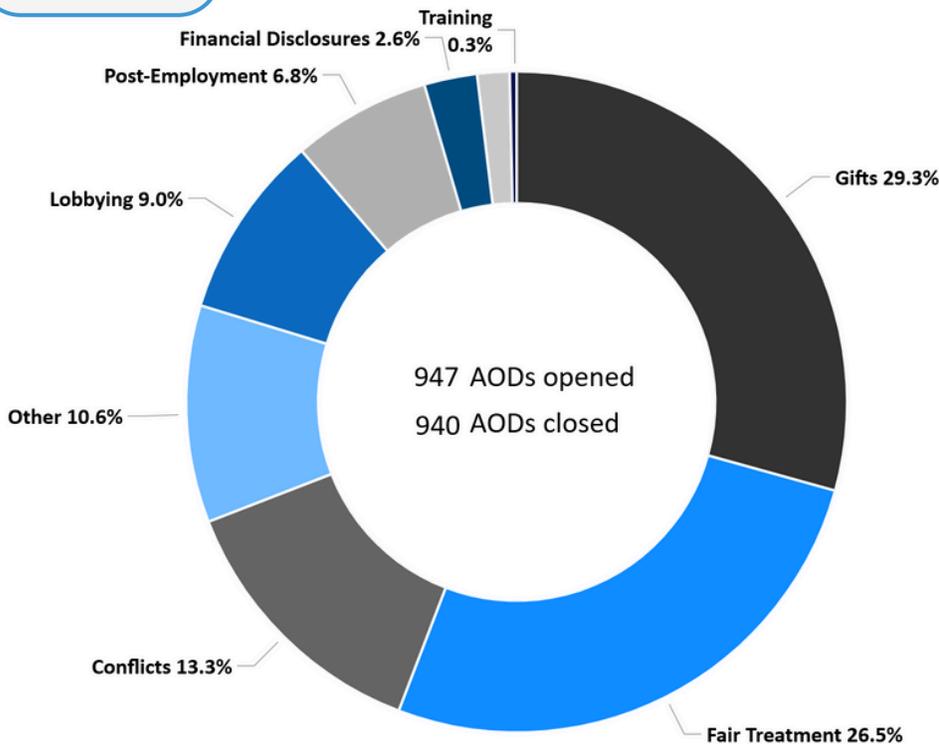
The Commission also oversees the State Lobbyist Law, Haw. Rev. Stat. Ch. 97, which applies to lobbying activities at the state level. Lobbyists must register with the Commission and report lobbying expenditures and contributions. Effective in 2025, lobbyists must also disclose which specific bills or items they lobbied on. The Commission has jurisdiction over 616 lobbyists representing 470 organizations that lobby the state legislature or executive branch.

ETHICAL GUIDANCE

Through its “attorney of the day” service, the Commission ensures that requests for guidance are promptly and efficiently addressed. Requestors may obtain a written summary and share it as needed. Requests are otherwise confidential.

2025

ATTORNEY OF THE DAY TRENDS



GIFTS	260
FAIR TREATMENT	235
CONFLICTS	118
POST EMPLOYMENT	60
LOBBYING	80
FINANCIAL DISCLOSURES	23
NEPOTISM	14
TRAINING	3
OTHER*	94

* “Other” includes any matter that does not fall neatly into an assignable ethics category

169 Written Summaries Issued
12 Guidance Letters Issued

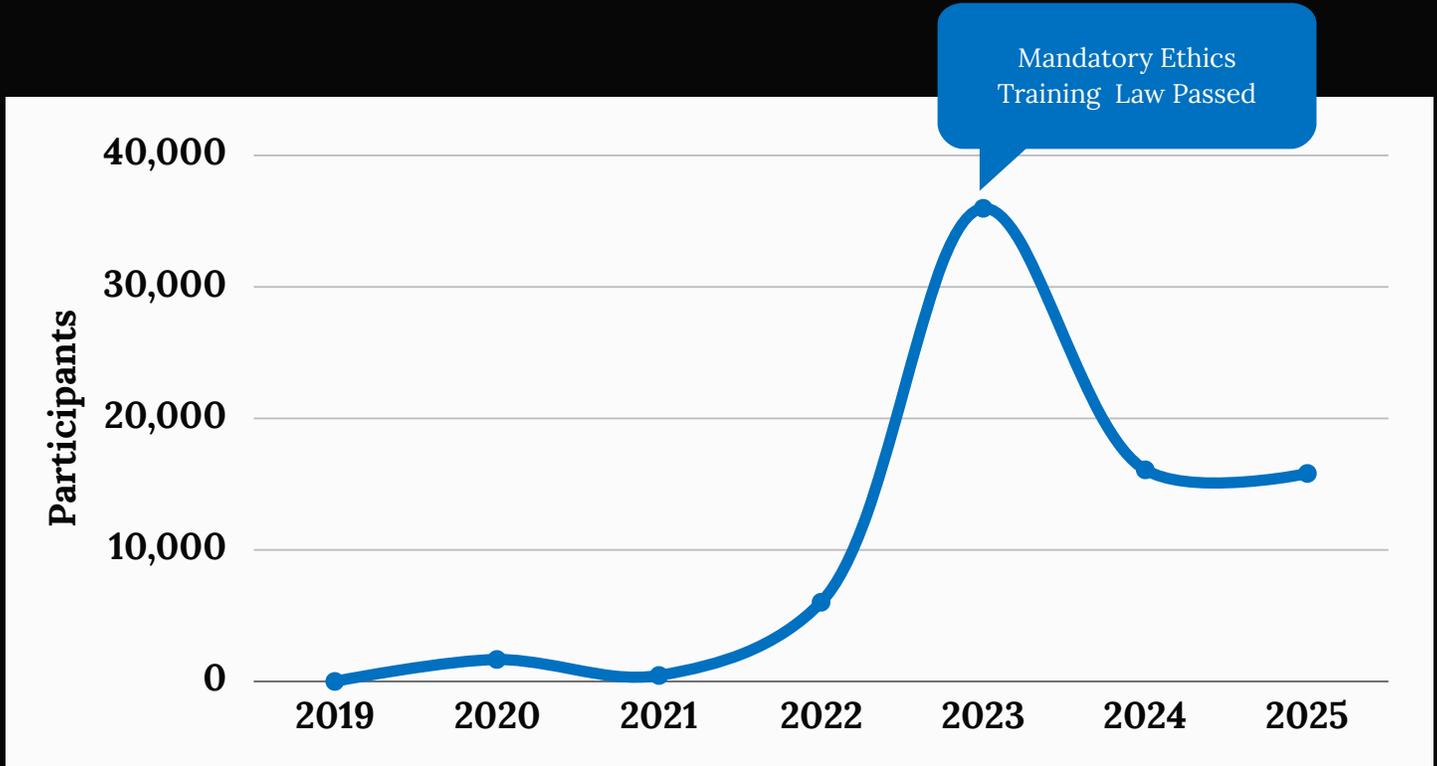
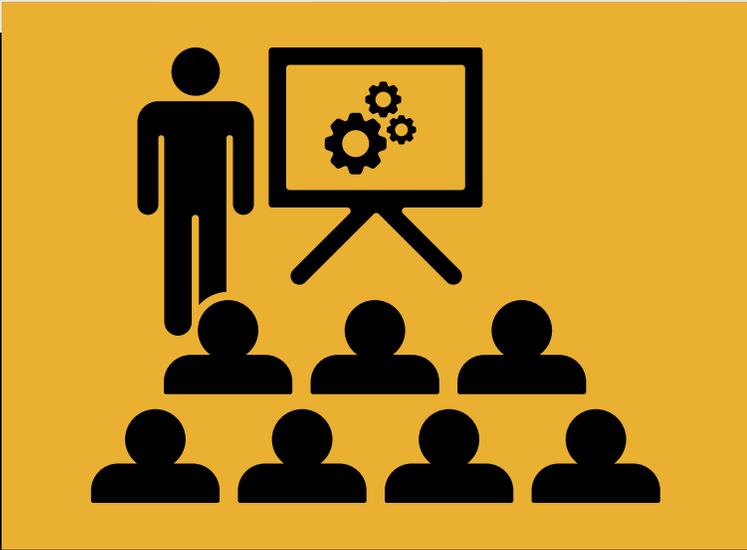
ADVISORY OPINION

The Commission also issued an informal advisory opinion ([2025-1](#)). It stands for the proposition that the Commission will defer to established personnel procedures absent specific ethics concerns.

**947 ATTORNEY
OF THE DAY
REQUESTS IN
2025**

MANDATORY ETHICS TRAINING

A mandatory training law took effect in March 2023, requiring each state employee to complete an ethics training within 90 days of employment and at least once every four years thereafter. In 2025, the Commission delivered ethics education and training to more than 16,000 state officials and lobbyists through its online training module, as well as in-person and webinar sessions. In 2025, approximately 93% of state employees and 97% of board members have completed ethics training at least once.



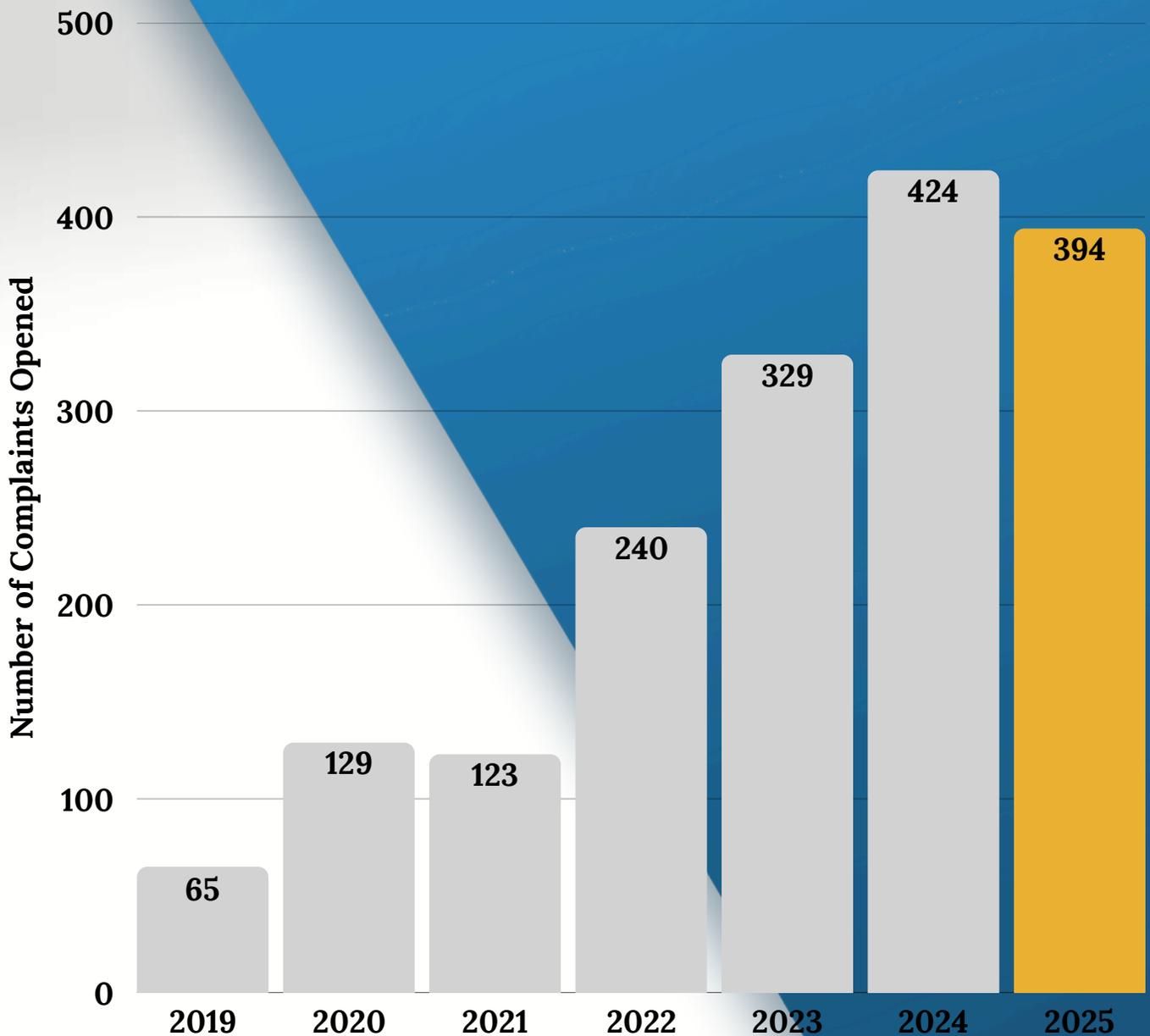
*Act 165 (2023) requires all state employees to take ethics training every 4 years

ENFORCEMENT

25

Median Days to Close

The Commission receives and investigates complaints alleging ethics and lobbying law violations confidentially. When warranted, the Commission initiates formal charges against individuals who appear to have violated the law. Most cases are settled with terms made public, although where necessary the Commission may hold a public contested case hearing.



2025 COMPLAINT STATISTICS

Fair Treatment 40%

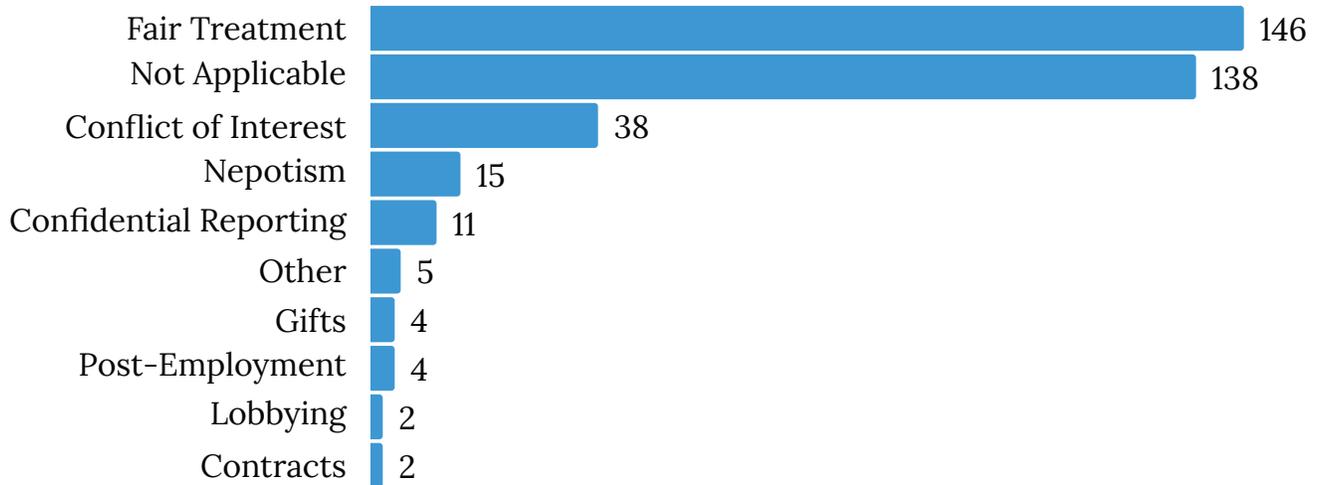
Not Applicable 38%

Conflict of Interest 10%

Nepotism 4%

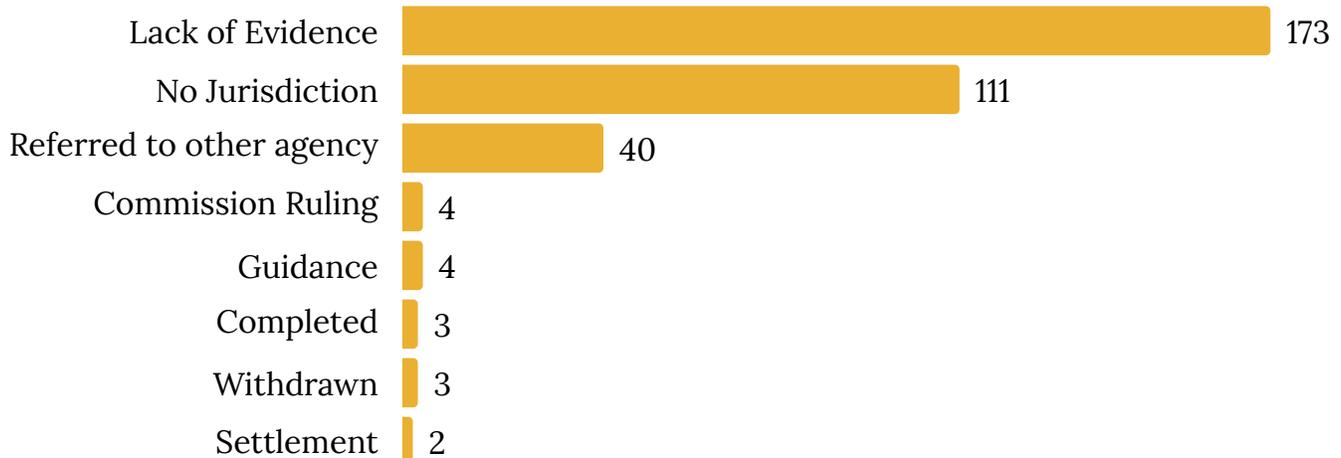
Gifts 1%

Type of Alleged Violations Received



How Were the Complaints Resolved?

Number of Complaints



ENFORCEMENT STATISTICS

ETHICS COMPLAINTS RECEIVED

394

Total number of complaints received from sourced or anonymous sources

TOTAL CASES CLOSED

392

Matters resolved due to lack of jurisdiction, guidance, or advice given, or settlements/enforcement successfully pursued

FORMAL INVESTIGATIONS

12

All complaints are investigated. Where a matter is unable to be resolved and a subpoena may be required, the Commission may launch a formal investigation



CHARGES ISSUED

4

Situations where the Commission initiated a formal charge into an alleged ethics code violation



Penalties Assessed:

\$22,999.99

FRAUD, WASTE, AND ABUSE HOTLINE

In partnership with the Department of the Attorney General, the Commission hosts an anti-fraud hotline to identify fraud, waste, and abuse of government funds. The agencies developed a website and online complaint form (antifraud.hawaii.gov), a dedicated phone hotline (808.587.0000), and a dedicated email address (antifraud@hawaii.gov) where individuals can confidentially report suspected violations.



69

Anti-Fraud
Complaints Received

NEPOTISM

The Commission enforces an anti-nepotism law that generally prohibits state employees from taking employment actions regarding their relatives or household members. However, exceptions can be granted for “good cause.” To obtain such an exception, the employee or agency must show that complying with the nepotism law is impractical. The Commission’s analysis of each exception request, whether granted or denied, is made public.

NO “GOOD
CAUSE”
Exceptions Were
Granted in 2025



2025 LOBBYING REPORT

616

Registered Lobbyists

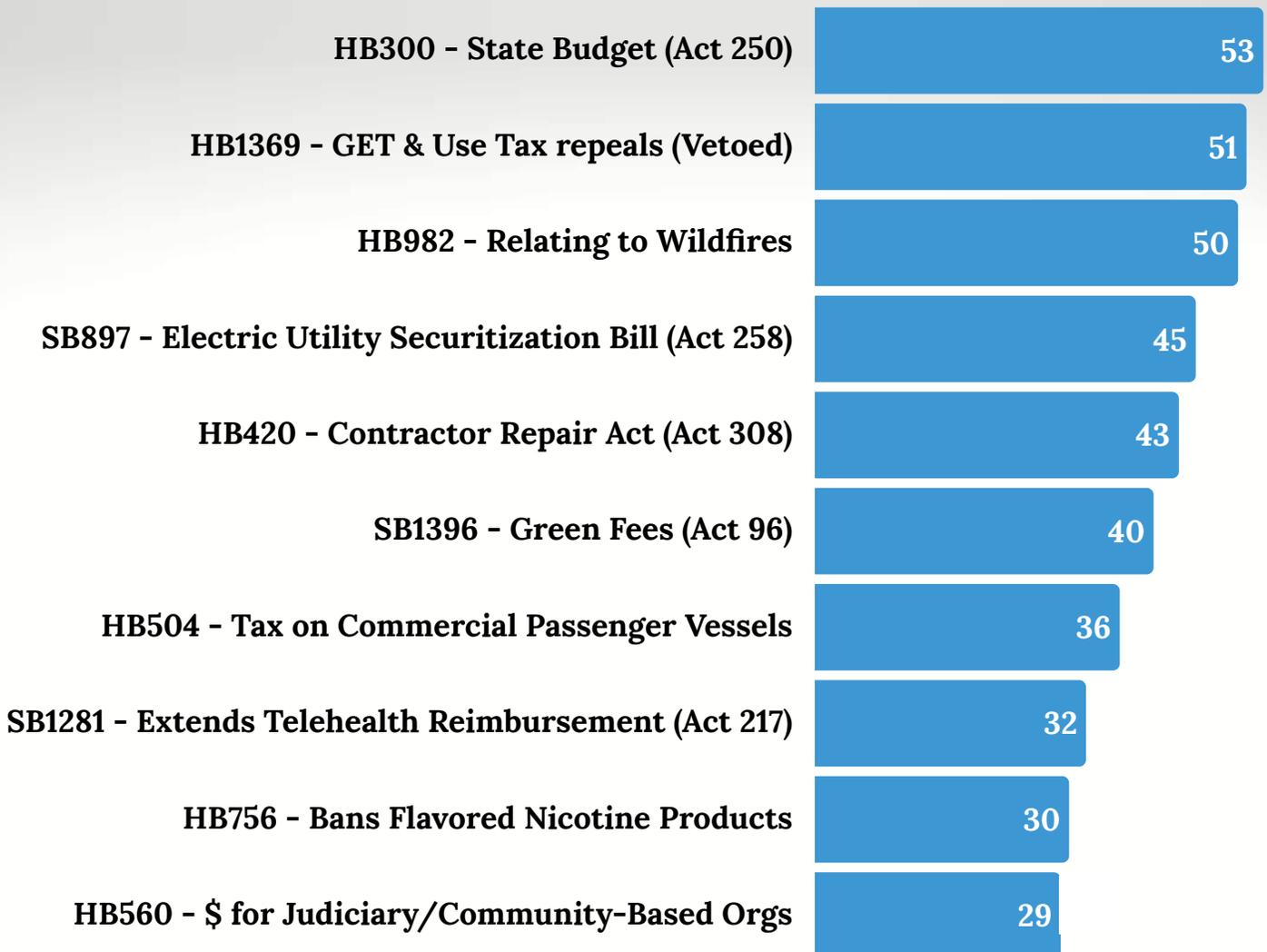
470

Lobbying Organizations

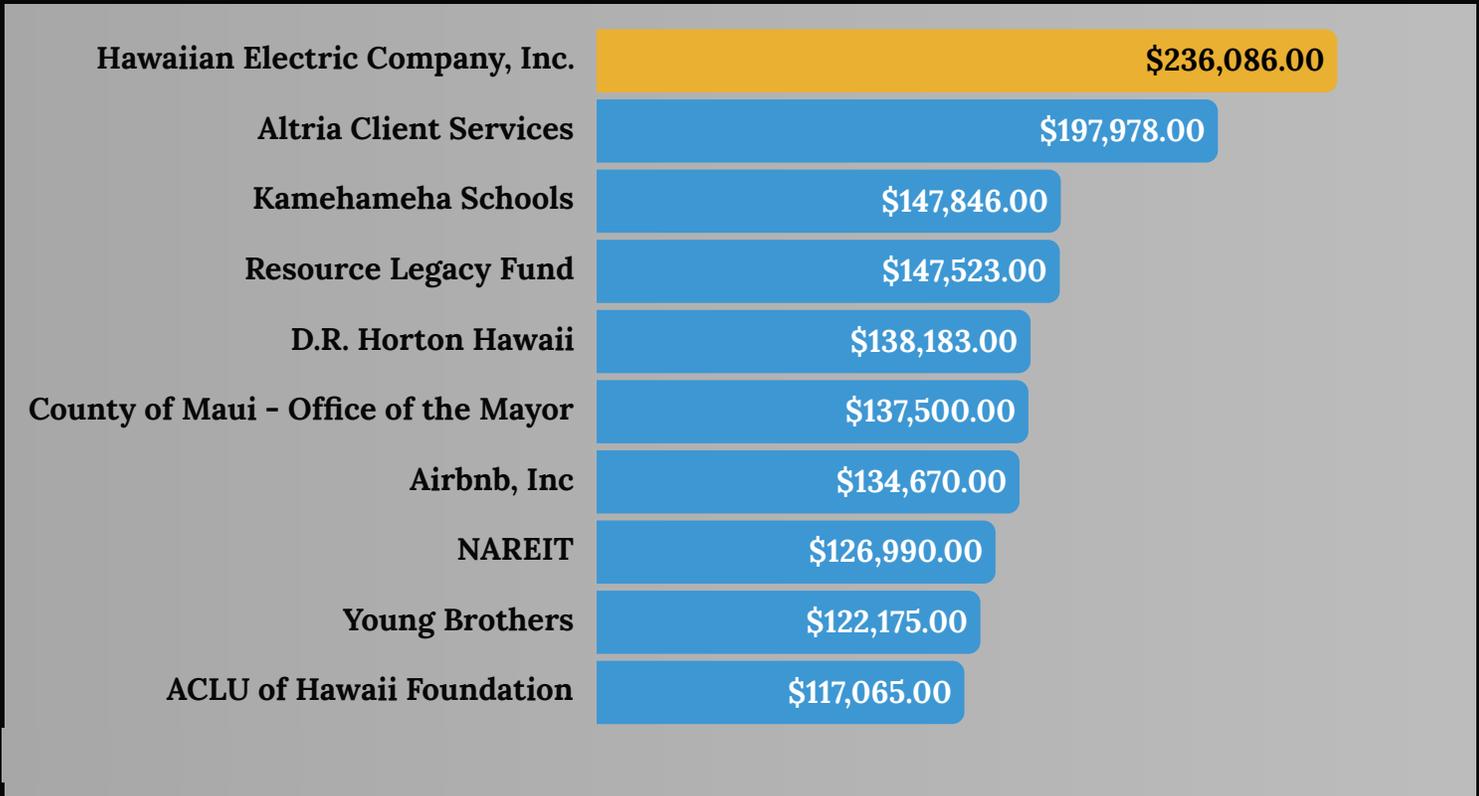
\$10,246,356

Total Lobbyist Compensation

Top 10 Bills Lobbied On



TOP SPENDING ORGANIZATIONS



TOP PAID LOBBYIST



*Total \$ amount reported as of 2/2/2026

COMMISSIONERS & Staff

The Commission comprises five members nominated by the State Judicial Council and appointed by the Governor for four-year terms. The Commission's current members are Wesley Fong (Chair) (till June 30, 2026), Robert Hong (till June 30, 2026), Cynthia Thielen (till June 30, 2027), Roderick Becker (till June 30, 2028), and Moya Gray (till June 30, 2029).

As of December 2025, the Commission employs twelve staff members: Executive Director Robert D. Harris, Compliance Director Bonita Chang, Enforcement Director Kee Campbell, three staff attorneys (Nancy Neuffer, Jennifer Yamanuha, and Jodi Yi), Investigator Jared Elster, Investigatory Analyst Barbara Gash, Computer Specialist Patrick Lui, Office Manager Caroline Choi, Secretary Lynnette O'Ravitz, and Administrative Assistant Melissa Vomvoris.



Wesley F. Fong
Chair



Robert Hong
Vice Chair



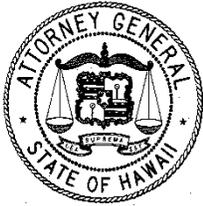
Cynthia Thielen



Roderick Becker



Moya Gray



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2026**

ON THE FOLLOWING MEASURE:

H.B. NO. 1654, H.D. 1, RELATING TO PUBLIC EMPLOYEES.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

DATE: Tuesday, March 3, 2026 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Diana Sumarna, Deputy Attorney General, or
Fiamma M. Rago, Deputy Attorney General

Chair Tarnas and Members of the Committee:

The Department of the Attorney General (Department) strongly opposes this bill.

This bill requires the Attorney General to establish a confidential process for individuals to anonymously file complaints against public employees, serve as the intermediary for necessary communications between the appropriate department and complainant, and submit annual reports to the Legislature.

The Department appreciates the revisions made to the bill in House Draft 1, but this bill still has major obstacles to implementation.

In our testimony to the House Committee on Labor, we emphasized that a system allowing anonymous complaints could be subject to challenge under existing constitutional and statutory mandates, potentially violate collective bargaining law, and create a system for harassing public servants without accountability.

First, the bill raises due process concerns. Public employees in the civil service have a constitutionally protected property interest in their employment. Andrade v. County of Hawai'i, 145 Hawai'i 265 (2019). An anonymous complaint system that prevents employees from confronting their accusers irrespective of the circumstances or the nature of the allegations undermines the process due to civil servants and procedural safeguards.

The Hawai'i Supreme Court has emphasized that due process requires "meaningful notice of the complaints" and "an opportunity for [employees], by and through their union representatives, to respond to the complaints against them." Minton v. Quintal, 131 Hawai'i 167 (2013). When employees are not "formally provided with an exhaustive list" of complaints but only "generally provided with notice," courts scrutinize whether the overall process provided adequate protection. Id. A broad system for anonymous complaints may prevent employees from receiving the specific, detailed notice necessary to mount an effective defense, which would include the ability to challenge the credibility of their accusers.

Public employees covered by collective bargaining agreements have negotiated specific procedures that govern disciplinary matters and grievances. An anonymous complaint system that bypasses or contradicts the negotiated terms of a collective bargaining agreement, including specific notice requirements, investigation protocols, and due process protections, could constitute prohibited practices under Hawaii's collective bargaining law, which makes it unlawful for public employers to "violate the terms of a collective bargaining agreement." Section 89-13(a)(8), HRS.

A system of broad anonymity removes accountability from the complaint process, creating conditions that encourage frivolous, retaliatory, or malicious allegations. When complainants can make allegations under the cover of anonymity, irrespective of the circumstances or the nature of the case, the system becomes vulnerable to abuse.

Additionally, civil service employees who suffer adverse employment actions, but cannot grieve such actions under collective bargaining agreements, may challenge such actions in appeals to the Merit Appeals Board. In this forum, "[B]oth the appealing employee and the appointing authority shall have the right to be heard publicly, present evidence and be represented by counsel, who shall have the right to examine and cross-examine witnesses." Section 76-47(e), HRS. This right cannot be exercised if the complainant, who would be a key witness in most proceedings, remains anonymous.

Finally, implementing an anonymous complaint system would require substantial administrative infrastructure and resources. This bill obligates the Attorney General to

receive complaints from any person against any public employee, then forward the complaints to the appropriate departments, as defined in section 76-11, HRS, regardless of jurisdiction. However, each jurisdiction already has processes in place to receive complaints that are tailored to their specific jurisdictions. Importantly, each jurisdiction has processes to substantively review and resolve complaints against public employees. Anonymous complaints can make departmental investigations extraordinarily difficult when investigators cannot assess complainants' credibility, follow up on vague allegations, or obtain clarifying information. The departments' investigations can rarely be fair or thorough when the source of allegations remains hidden. Each department with public employees or the personnel department for each jurisdiction would need to develop entirely new procedures, train personnel, and allocate substantial funding to manage an anonymous complaint processing system that fundamentally conflicts with existing due process requirements.

Additionally, the bill's requirement that the Attorney General not only receive all anonymous complaints, but also assess them for specific criteria, redact all identifying information, refer them to departments in multiple jurisdictions, and serve as an intermediary for communications between the anonymous complainants and the departments, will result in Department personnel becoming involved, as witnesses, in numerous investigations and legal and administrative proceedings across the State. It would tie up resources that the Department needs to fulfill its existing statutory obligations and would likely require the funding of new positions to be able to accommodate these additional responsibilities. Thus, this bill would impose unsustainable administrative and financial burdens on the State.

We therefore respectfully ask the Committee to hold this bill. Thank you for the opportunity to testify.



HAWAII STATE AFL-CIO

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Telephone: (808) 597-1441 • Fax: (808) 593-2149

March 3, 2026

The Thirty-Third Legislature
The House of Representatives
Committee on Judiciary & Hawaiian Affairs

SUBJECT: TESTIMONY IN SUPPORT OF HB1654 HD1 – RELATING TO PUBLIC EMPLOYEES

Chair Tarnas, Vice Chair Poepoe, and members of the committee:

The Hawaii State AFL-CIO supports HB1654 HD1 because public accountability and due process in the workplace must exist together, not in opposition to one another.

Public employees serve in positions that directly affect community well-being. Members of the public must have confidence that concerns about misconduct will be addressed in a timely and responsible manner. At the same time, public employees are entitled to the protections guaranteed under collective bargaining agreements and state law.

A clear and confidential complaint structure reinforces that balance by ensuring concerns are handled through established procedures rather than through informal or politically motivated channels.

We respectfully urge the committee to pass HB1654 HD1.

Respectfully submitted,

A handwritten signature in black ink that reads "Randy Perreira".

Randy Perreira
President
Hawaii State AFL-CIO



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirty-Third Legislature, State of Hawaii
The House of Representatives
Committee on Judiciary and Hawaiian Affairs

Testimony by
Hawaii Government Employees Association

March 3, 2026

H.B. 1654, H.D. 1 — RELATING TO PUBLIC EMPLOYEES

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the concept of H.B. 1654, H.D. 1, which requires the Attorney General to establish a confidential process for people to anonymously file complaints against public employees.

Each department or agency has its own process in accepting anonymous complaints – some departments or agencies have a publicly available page on their website to file an anonymous complaint against an employee. However, there is no uniform process or policy to accept and verify an anonymous complaint, there's no requirement to leave your name and contact information in case additional follow up is necessary. This opens the door for individuals to file baseless complaints against employees while maintaining complete anonymity. While these complaints may be investigated and found to be unsubstantiated, there remains the likelihood that it damages an employee's reputation. Oftentimes, these baseless complaints are investigated, taking unnecessary time and resources away from the employees conducting the investigation.

In some instances, we acknowledge that individuals, including employees, may be placed into circumstances where they rightly feel compelled to file a legitimate anonymous complaint. In these instances, we support establishing a standardized process to protect the interests of the whistleblower. The process as outlined in this measure, begins the conversation about establishing a balanced approach to verifying an anonymous complaint and discourages baseless complaints that harm an employee's reputation. In balance, however, this bill creates a uniform process aimed at protecting the anonymity of individuals who choose to file legitimate anonymous complaints.

Thank you for the opportunity to provide testimony in support of H.B. 1654, H.D. 1.

Respectfully submitted,

Randy Perreira
Executive Director



UNITED PUBLIC WORKERS

AFSCME Local 646, AFL-CIO

**HOUSE OF REPRESENTATIVES
THE THIRTY-THIRD LEGISLATURE
REGULAR SESSION OF 2026**

COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair
Rep. Mahina Poepoe, Vice Chair

Tuesday, March 3, 2026, 2:00 PM
Conference Room 325 & Videoconference

Re: Testimony on HB1654, HD1 – RELATING TO PUBLIC EMPLOYEES

Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

The United Public Workers, AFSCME Local 646, AFL-CIO (“UPW”) is the exclusive bargaining representative for approximately 14,000 public employees, which includes blue collar, non-supervisory employees in Bargaining Unit 1 and institutional, health, and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties.

UPW supports HB1654, HD1, which requires the Attorney General to establish a confidential process for persons to anonymously file complaints against public employees.

The lack of a uniform process or policy for agencies to receive and verify anonymous complaints has created a system susceptible to abuse. Because there is no requirement to provide contact information, or even sufficient information that an employee has the contractual right to refute, these complaints can exhaust time and resources. In some situations, an employee can be put on administrative leave pending an investigation, which, even if the allegation proves to be meritless, can tarnish their reputation in the workplace.

While we recognize that anonymity is often necessary for legitimate complaints, we believe the standardized process proposed in this measure strikes a balance between receiving valid complaints and discouraging frivolous ones.

Mahalo for this opportunity to testify in support of this measure.

HEADQUARTERS

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