SUMMARY

1. §§21-1-1 to 6, Hawaii Administrative Rules, are amended.

2. §21-1-7, Hawaii Administrative Rules, is repealed.

3. §§21-1-8 to 21-1-12, Hawaii Administrative Rules, are amended.

4. New §§21-1-13 to 21-1-14 are added.

5. Chapter 1 is compiled.
HAWAII ADMINISTRATIVE RULES

TITLE 21

HAWAII STATE ETHICS COMMISSION

CHAPTER 1

GENERAL PROVISIONS

Chapter 21-1, Hawaii Administrative Rules, entitled “General Provisions”, is amended and compiled to read as follows:

21-1-1 Purpose
21-1-2 Definitions
21-1-3 Authentication of commission action
21-1-4 Disqualification of commissioners; bias or prejudice
21-1-5 Consolidations
21-1-6 Right to appear
21-1-7 Repealed
21-1-8 Confidential records
21-1-9 Adjudicatory functions
21-1-10 Chairperson and vice-chairperson
21-1-11 Staff
21-1-12 Operations
21-1-13 Stricter rules allowed
21-1-14 Removal of persons from proceedings

Historical Note: This chapter is based substantially upon rules 1, 2, 6, and 9 of the State of Hawaii Ethics Commission Rules and Regulations. [Eff. 1/7/74 and 11/11/78; R July 13, 1981; am and comp]
§21-1-1  Purpose. [This chapter is] (a) Chapters 1 through 20 are intended to carry out the provisions of chapter 84, HRS, relating to standards of conduct for state legislators and employees, and chapter 97, HRS, relating to lobbyists, and to provide for the efficient administration thereof.

(b) General principles. The following general principles apply to every legislator and employee and may form the basis for the standards contained in this part. The prohibitions set forth in these chapters are not intended to create a comprehensive list of unlawful conduct. Where a situation is not covered by the standards set forth in this part, legislators and employees shall apply the principles set forth in this section in determining whether their conduct is proper.

1. Public service is a public trust, requiring legislators and employees to place loyalty to the Constitution, laws, and ethical principles above private gain.

2. To preserve the public’s confidence in the integrity of state government, legislators and employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part.

3. Legislators and employees shall not advance their financial interests at the expense of the conscientious performance of duty, and shall not use public office for private gain.


§21-1-2  Definitions. As used in title 21, chapters 1 through 20, unless the context clearly requires otherwise:

“Advisory opinion” means an opinion rendered by the commission pursuant to a request by any individual as to whether the facts and circumstances of that individual’s particular case violate or will violate any provision of chapter 84, chapter 97, §11-8, or §11-192.5, HRS.

“Agency” includes the State, the legislature and its committees, all executive departments, boards, commissions, committees, bureaus, offices, the University of Hawaii, the Office of Hawaiian Affairs, and all independent commissions and other establishments of the state government.

“Answer” means the written response to a charge filed with or issued by the commission by a respondent.

“Charge” means a document signed under oath before a notary, or a document signed by three or more commissioners, alleging basic facts constituting a violation of one or more provisions of chapters 84 or 97, HRS;
“Commission” means the state ethics commission of the State of Hawaii; “Complainant” means a person who has filed a charge alleging that an employee or legislator has violated chapter 84, HRS. The complainant is a party of record; “Complaint” means the statement of facts of a violation issued to the legislature or to the governor by the commission after due hearing and determination; “Contested case” or “contested hearing” means a proceeding in which the legal rights, duties, or privileges of specific parties are required by law to be determined after an opportunity for a hearing consistent with chapter 91, HRS; “Decision” means the written conclusions of the commission, rendered after a contested hearing on the charge; “Declaratory order” means an order issued after a petition by any interested person as to the applicability of any statutory provision over which the commission has jurisdiction or of any rule or order of the commission; “Deleted opinion or decision” means a summary of a decision, advisory opinion, or informal advisory opinion from which facts disclosing the identity of persons have been omitted; “Disclosure period” means the period from January 1 of the preceding calendar year to the time of filing the disclosure by the person required to file; “Dependent child” means any person who is or could be claimed as a dependent for federal or state income tax purposes, or any child under 19 years old related to the filer for whom the filer is or could be legally obligated to provide financial support; “Employee” means any nominated, appointed, or elected officer of the State, including members of boards, commissions, and committees; any employee of the State; and employees under contract to the State or of the constitutional convention. “Employee” excludes legislators, delegates to the constitutional convention, justices, and judges; “Executive director” means the chief staff member or delegate of the commission; “Participate” means, for the purpose of §§84-14, 84-15, and 84-18, HRS, to take any action other than a purely ministerial action in one’s official capacity as an employee or legislator; “Formal advisory opinion” means the same as advisory opinion; “Purchasing agent” and “fiscal officer” means, for the purposes of §84-17(c)(2), HRS, an employee who exercises significant authority over purchasing or fiscal matters or both. An employee who takes ministerial action will not be considered a purchasing agent or fiscal officer and will not be required to file a disclosure of financial interests pursuant to §84-17, HRS;
“Redacted” or “redaction” means the omission or deletion of facts disclosing the identity of persons; and

“Respondent” means the person who is a subject of a charge. [allegedly violating chapter 84, HRS;]

[“Ruling” means a summary advisory opinion which may be followed by a full advisory opinion within the original thirty-day period, rendered due to the requestor’s need for an immediate advisory opinion; and]

[“Solely advisory” means a board or commission that can take no significant action to influence the administration of state programs or the exercise of state powers. The description of a board or commission as being advisory does not mean that the board or commission will be considered to be solely advisory.] [Eff. July 13, 1981; am and comp                                           ] (Auth: HRS §§84-31(a)(5), 97-6(a)(5))  (Imp: HRS §§84-3, 84-14, 84-15, 84-17, 84-18, 84-31, 84-32, 84-35, 97-6)

§21-1-3 Authentication of commission action. All decisions of the hearing, declaratory orders, informal advisory opinions, and formal advisory opinions of the commission shall be signed by three or more members of the commission. Commissioners may affix their signatures by authorizing commission staff to affix their electronic signatures. [Eff. July 13, 1981; am and comp                                          ] (Auth: HRS §§84-31(a)(5), 97-6(a)(5))  (Imp: HRS §§84-31, 92-15, 97-6)

§21-1-4 Disqualification of commissioners; bias or prejudice. Any party to a hearing may make and file an affidavit that one or more of the commissioners before whom the hearing is being held has a personal bias or prejudice. The commissioner against whom the affidavit is filed may answer the affidavit or may file a disqualifying certificate with the commission. If the commissioner chooses to answer the affidavit, the remaining commissioners shall decide whether or not that commissioner should be disqualified from proceeding therein. Every affidavit shall state the facts and reasons for the belief that bias or prejudice exists and shall be filed at least ten days before the hearing, or good cause shall be shown for the failure to do so. Commissioners may disqualify themselves by filing with the executive director a certificate, or by informing the other commissioners, that they deem themselves unable for any reason to participate with absolute impartiality in the pending hearing. [Eff. July 13, 1981;
§21-1-5 Consolidations. The commission, upon its own initiation or upon motion, may consolidate for hearing or for other purposes or may contemporaneously consider two or more proceedings which involve substantially the same parties, or issues which are the same or closely related, if it finds that such consolidation or contemporaneous hearing will be conducive to the proper dispatch of its business and to the ends of justice and will not unduly delay the proceedings. [Eff. July 13, 1981; am and comp ] (Auth: HRS §§84-31(a)(5), 97-6(a)(5)) (Imp: HRS §§84-31, 97-6)

§21-1-6 Right to appear. (a) Any person, or the person’s authorized representative, having business with the commission may appear before it. (b) Any person who acts in a manner that prevents the orderly and peaceful conduct of business may be removed upon [unless the commission determines by] a vote of three or more members of the commission [that the person or the person’s representative is acting in a manner which prevents the orderly and peaceful conduct of business]. The right to appear before the commission may be reinstated upon the commission's acceptance of a written statement that the person will abide by the commission’s rules and will not disrupt the orderly and peaceful conduct of its proceedings.

(b) To ensure the reasonable and orderly administration of oral testimony during a commission meeting, the commission may place reasonable time limits for members of the public to present oral testimony. [Charges initiated by the commission shall be prosecuted by the executive director or delegate. When serving as the prosecutor, the associate director shall prosecute without the supervision of the executive director. When the complainant is not the commission, the complainant may request that the executive director or delegate represent the complainant in the matter if the commission joins as co-complainant. This request shall be made in writing within twenty days following personal service of the charge and further statement of alleged violation to the respondent.]

§21-1-7 Repealed. [Rules of evidence. The commission shall not be bound by the strict rules of evidence. Any oral or documentary evidence which is relevant and material to the charge may be admitted. Effect shall be given to the rules of privilege recognized by law.] [Eff. July 13, 1981; R ] (Auth: HRS §§84-31, 91-10) (Imp: HRS §§84-31, 91-10)

§21-1-8 Confidential records. [Disclosures of financial interests which are made confidential by §84-17, HRS, and other matters] Records deemed confidential by law [statute] shall not be [released or inspected] made public except with the written authorization of the person involved or otherwise pursuant to law. [Disclosures of financial interests made available for public inspection by §84-17, HRS, are available pursuant to §21-3-2.] [Eff. July 13, 1981; am and comp ] (Auth: HRS §§84-31, 97-6(a)(5)) (Imp: HRS §§84-17, 84-31, 97-6)

§21-1-9 Adjudicatory functions. Pursuant to §92-6, HRS, the exercise by the commission of its adjudicatory functions is not a meeting within the meaning of §92-2, HRS, and these rules. [Availability of commission documents.]

(a) The public may obtain information on matters relating to chapter 84, HRS, by inquiring during regular business hours at the offices of the commission or by submitting a written request to the commission. A member of the public wishing to obtain information about the contents of a disclosure of financial interests filed with the commission shall follow the procedure outlined in §21-3-2.

(b) The rules of the commission are available for public inspection during regular business hours at the commission offices or the office of the lieutenant governor, state capitol, Honolulu, Hawaii.

(c) The minutes of commission meetings shall be deleted to prevent disclosure of the identity of persons involved in confidential matters under chapter 84, HRS, and shall be available for public inspection at the commission offices during regular business hours.

(d) Deleted advisory opinions and decisions of the commission shall be available for public inspection at the commission offices during regular business hours.

(e) Copies of public records will be furnished to any person upon request and upon payment of a fee set in accordance with chapter 92, HRS. [Eff. July 13,
§21-1-10 Chairperson and vice-chairperson. (a) A chairperson shall be elected by secret ballot vote by a majority of all the members to which the commission is entitled, who shall serve for a term of one year or until a successor is elected, with such term to commence on January 1 of each year.

(b) A vice-chairperson, who shall call and chair meetings in the incapacity or absence of the chairperson, shall be elected by secret ballot vote by a majority of all the members to which the commission is entitled, and shall serve for a term of one year or until a successor is elected, with such term to commence on January 1 of each year. [Eff. July 13, 1981; am and comp (Auth: HRS §84-31(a)(5), 92-6) (Imp: HRS §§92-2, 92-6)]

§21-1-11 Staff. (a) The executive director shall have charge of the commission’s official records and shall be responsible for the maintenance and custody of the files and records of the commission, including the papers, transcripts of testimony and exhibits filed in proceedings, the minutes of all actions taken by the commission, and all its rulings, advisory opinions, decisions, rules, and approved forms. The executive director or delegate shall receive all documents required to be filed with the commission and shall promptly stamp the time and date upon papers filed with the commission, provided that the time and date may be recorded electronically for documents submitted via any electronic filing system. The executive director is responsible for the administration of the office.

(b) The associate director assists the executive director in administrative matters. The associate director shall conduct investigations and prosecute cases as delegated by the executive director. In cases where the executive director serves as counsel to the commission or is recused, then the associate director or the associate director’s delegate shall conduct or prosecute the case without supervision by the executive director.

(c) The commission may delegate to the executive director any duties as appropriate to conduct its operations. The executive director may delegate to commission staff any duties set forth herein. [Eff. July 13, 1981; am and comp (Auth: HRS §§84-31(a)(5), 97-6(a)(5)) (Imp: HRS §§84-31, 97-6)]
§21-1-12 Operations. (a) The offices of the commission are at 1001 Bishop Street, Suite 970, in the Kamamalu Building, 250 South King Street, Honolulu, Hawaii, or such other address where the commission may be located from time to time. All communications shall be addressed to the state ethics commission at its offices, via electronic mail or other electronic means designated by the commission or its staff, or otherwise as directed unless otherwise specifically directed.

(b) The offices of the commission shall be open from 7:45 a.m. to 4:30 p.m. Monday through Friday, except for state holidays unless otherwise directed by the commission or the executive director.

(c) The commission meets and exercises its powers in any part of the State of Hawaii. Meetings may be called by the chairperson or by two or more commissioners upon notice to the staff and other commissioners, consistent with chapter 92, HRS. Except when considering matters made confidential by chapter 84, HRS, matters otherwise made confidential by law, or matters considered in executive session, meetings are open to the public. [Eff. July 13, 1981; am and comp ] (Auth: HRS §§84-31(a)(5), 97-6(a)(5)) (Imp: HRS §§84-31, 97-6)

§21-1-13 Stricter rules allowed. Any agency may adopt or implement stricter ethical standards of conduct than those set forth in chapters 84 or 97, HRS, or these rules. [Eff. ] (Auth: HRS §§84-31(a)(5), 97-6(a)(5)) (Imp: Haw. Const. art. XIV; HRS §§84-1, 84-31, 84-37, 97-6)

END OF CHAPTER 1
HAWAII ADMINISTRATIVE RULES

TITLE 21

HAWAII STATE ETHICS COMMISSION

AMENDMENT AND COMPILATION OF CHAPTER 21-2
HAWAII ADMINISTRATIVE RULES

MONTH, DAY, 2018

SUMMARY

1. §21-2-1, Hawaii Administrative Rules, is amended.

2. §§21-2-3 to 21-2-6, Hawaii Administrative Rules, are amended.

3. Chapter 2 is compiled.
Chapter 21-2, Hawaii Administrative Rules, entitled “General Provisions”, is amended and compiled to read as follows:

21-2-1 Filing of documents
21-2-2 Computation of time
21-2-3 Continuances or extensions of time
21-2-4 Service of process
21-2-5 Subpoenas
21-2-6 Witnesses and fees
21-2-7 Retention of documents by the commission

Historical Note: This chapter is based substantially upon rule 2 of the State of Hawaii Ethics Commission Rules and Regulations. [Eff. 1/7/74 and 11/11/78; R July 13, 1981; am and comp ]

§21-2-1 Filing of Documents. (a) All disclosures, charges, requests for opinions, pleadings, submittals, reports, petitions, briefs, memoranda, and other documents filed with the commission [in any proceeding] shall be filed with the executive director. [Such papers] Documents may be [sent by mail to the post office box of the commission or mailed or] delivered via electronic mail or in hard copy [or hand-carried] to the commission offices in
Honolulu within the time limit, if any, for such filing unless the commission requires that documents be submitted electronically. The date on which the papers are actually received by the commission shall be deemed to be the date of filing, except as otherwise provided by law.

(b) All papers filed with the commission shall be plainly legible.

(c) All papers shall be signed \textit{in ink} by the person signing the same or the person’s duly authorized agent or attorney. The commission may establish an electronic filing system that allows for digital signature of documents. The signature of the person signing the document constitutes a certification that the person has read the document; that to the best of the person’s knowledge, information, and belief, every statement contained in the instrument is true and no such statements are misleading; and that it is not interposed for delay.

(d) [Only an original of all papers shall be filed with the commission, except that an original and six copies of all] The commission may require that paper copies of pleadings and memoranda submitted for hearing purposes shall be filed with the commission.

(e) The initial document filed by any person in any proceeding shall state on the first page thereof the name, mailing address, \textit{electronic mail address}, and telephone number of the person or persons who may be served with any documents filed in the proceeding. [Eff. July 13, 1981; am and comp](Auth: HRS §§84-31(a)(5), 97-6(a)(5)) (Imp: HRS §§84-31, 97-6)

\section*{§21-2-2 Computation of time.} In computing any period of time prescribed or allowed either by these rules or by order of the commission, or by any applicable statute, the day of the act, event, or default after which the designated period of time is to run, is not to be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday or legal holiday in the State of Hawaii, in which event the period runs until the next day which is neither a Saturday, Sunday nor a holiday. [Eff. July 13, 1981; comp](Auth: HRS §§84-31(a)(5), 97-6(a)(5)) (Imp: HRS §§84-31, 97-6(a))

\section*{§21-2-3 Continuances or extensions of time.} Whenever a person or agency has a right or is required to take action within the period prescribed or allowed by these rules, or by order of the commission, the person or agency may apply to the executive director or [a member of] the commission for an extension
§21-2-4 Service of process. (a) The commission shall cause to be served all orders, notices, and other papers issued by it, together with any other papers which it is required by law to serve. Pleadings and memoranda relating to charges or hearings shall be served by the party filing them.

(b) All papers served by either the commission or any party shall be served upon all counsels of record at the time of such filing and upon parties not represented by counsel or upon their agents designated by them or by law. Any counsel entering an appearance subsequent to the initiation of the proceedings shall notify all parties of that fact.

(c) The final opinion, decision, or any other paper required to be served by the commission upon a party shall be served upon the party’s counsel of record, if any, or the party or an agent designated by the party or by law to receive service of such papers.

(d) The service of charge, [and] further statement of charge of alleged violation, and notice of contested hearing shall be made:

(1) personally upon the respondent;

[or, in case the respondent cannot be found, by leaving copies thereof at the respondent’s dwelling house or usual place of abode with some person of suitable age and discretion then residing therein, or]

(2) by delivering a copy to an agent designated by that person or by law to receive service of such papers[;]

(3) by registered or certified mail, return receipt requested; or

(4) by any method agreed to by the parties.

If service by one of the above means is not made because of the refusal to accept service or the commission and its agents have been unable to ascertain the address of the party after reasonable and diligent inquiry, service may be effected as ordered by the circuit court pursuant to section 84-31(b), HRS, or otherwise provided by statute.

(e) Service of notice of the failure to file a disclosure of financial interests as required by section 84-17, HRS, shall be made by in-person service, electronic mail to the person’s state electronic mail address, or first class mail.
(f) Service of all other papers required to be served shall be made by delivering a copy to counsel of record, if any, or to the person or an agent designated by the person or by law to receive service of such papers, or by mailing a copy to the person’s last known address, or by other means agreed to by the parties. Delivery of a copy within this subsection means handing it to the person’s attorney or to the person directly or leaving it at the person’s office, with the person’s secretary, clerk, or other person in charge thereof; or, if there is no one in charge, leaving it in a conspicuous place therein; or, if the office is closed or the person to be served has no office, leaving it at the person’s dwelling house or usual place of abode with some person of suitable age and discretion then residing therein. Service by mail is complete upon mailing. Service by personal delivery or mailing shall be indicated by a certification of time and place of delivery or mailing, filed with the commission. [Eff. July 13, 1981; am and comp ] (Auth: HRS §§84-31(a)(5), 97-6(a)(5)) (Imp: HRS §§84-17, 84-31, 97-6)

§21-2-5 Subpoenas. (a) Subpoenas requiring the attendance of witnesses or the production of documentary evidence from any place within the State of Hawaii at any designated place of hearing, or at any designated place of an investigatory interview by the executive director, may be issued by any member of the commission.  

(b) Application Requests for subpoenas shall be made in writing to the commission. [The application] Requests for subpoenas shall be reasonable in scope and specify as clearly as possible documents or data desired, and show their general relevancy.  

(c) For production of documentary evidence or appearance of witnesses at a hearing or at an investigatory interview, [application] requests for subpoenas shall be made at least three days prior to the hearing or interview. If application for a subpoena for a hearing is made at a later time, the commission may, in its discretion, continue the hearing or any part thereof.  

(d) Enforcement of obedience to subpoenas issued by the commission and served pursuant to this chapter will be effected by written application of any commissioner to any circuit judge. [Eff. July 13, 1981; am and comp ] (Auth: HRS §§84-31(a)(5), 92-16, 97-6(a)(5)) (Imp: HRS §§84-31, 92-16, 97-6)
§21-2-6 Witness fees. Witnesses summoned for contested case hearings shall be paid the same fees and mileage as are paid to witnesses in courts of the State of Hawaii and shall be paid by the party at whose instance witnesses appear. [Eff. July 13, 1981; am and comp ] (Auth: HRS §§84-31(a)(5), 97-6(a)(5)) (Imp: HRS §§84-31, 97-6)

§21-2-7 Retention of documents by the commission. All documents filed with or presented to the commission may be retained by the commission. However, the commission may permit the withdrawal of original documents upon submission of properly authenticated copies to replace such documents. [Eff. July 13, 1981; comp ] (Auth: HRS §§84-31(a)(5), 97-6(a)(5)) (Imp: HRS §§84-17, 84-31, 97-6)

END OF CHAPTER 2
HAWAII ADMINISTRATIVE RULES

TITLE 21

HAWAII STATE ETHICS COMMISSION

AMENDMENT AND COMPILATION OF CHAPTER 21-3
HAWAII ADMINISTRATIVE RULES

MONTH, DAY, 2018

SUMMARY

1. §21-3-1, Hawaii Administrative Rules, is re-numbered to §21-3-2 and is amended. A new §21-3-1 is added.

2. §21-3-2, Hawaii Administrative Rules, is re-numbered to §21-3-4 and is amended.

3. A new §21-3-3 is added.

4. New §§ 21-1-5 through 21-3-11, Hawaii Administrative Rules, are added.

5. Chapter 3 is compiled.
Chapter 21-3, Hawaii Administrative Rules, renamed “Financial Disclosure Requirements”, is amended and compiled to read as follows:

21-3-1 Definitions
21-3-2 Financial disclosure filing procedures
21-3-3 Financial interests
21-3-4 Public access to disclosure statements
21-3-5 Disclosure period
21-3-6 Amended Disclosures
21-3-7 Newly elected or appointed officials; interim or acting officials.
21-3-8 Changes in position; exit disclosure
21-3-9 Administrative fine for failure to file
21-3-10 Payment of fine or request for waiver; good cause
21-3-11 Disposition of financial disclosures

Historical Note: This chapter is based substantially upon rule 3 of the State of Hawaii Ethics Commission Rules and Regulations. [Eff. 1/7/74 and 11/11/78; R July 13, 1981; am and comp    ]

§21-3-1 Definitions. As used in this chapter, unless the context clearly requires otherwise:
“Deputy director” means any individual who is subordinate only to the head of an agency and who exercises supervisory authority over subordinate employees;

“Disclosure” means, for purposes of this chapter, a disclosure of financial interests that is required to be filed pursuant to §84-17, HRS;

“Division chief” means, for those agencies that have divisions, the head of a division who exercises supervisory authority over subordinates;

“Executive director” and “executive secretary” means the highest-ranking staff member of an agency, and includes wardens of correctional centers;

“Filer” or “filers” means all persons who are required to file a disclosure pursuant to §84-17(c), HRS;

“Financial interests” means information that is required to be reported pursuant to §84-17(f), HRS, and these rules;

“Fiscal officer” and “purchasing agent” means any person with delegated authority to enter into and administer contracts and make written determination with respect thereto;

“Solely advisory” means a board or commission that can take no significant action to influence the administration of state programs or the exercise of state powers. In determining whether a board or commission is solely advisory, the commission may consider whether the board or commission exercises adjudicatory powers; adopts and implements state programs; develops and monitors program standards; and has authority to hire and fire employees, enter into contracts, issue permits or licenses, promulgate rules, receive gifts, or spend state funds. The agency’s description of a board or commission as being advisory is not dispositive as to whether the board or commission will be considered to be solely advisory;

“State position” means one of the positions enumerated in §84-17(c), HRS, for which a disclosure is required to be filed with the commission.

In determining whether an individual is a deputy director, division chief, executive director, or executive secretary, the commission may consider the individual’s responsibility to hire, fire, and supervise personnel; the individual’s responsibility for fiscal and budgetary matters; and the individual’s responsibility for programmatic matters. The agency’s title for an individual is not dispositive as to whether the individual will be required to submit a disclosure.

[Eff. §84-31(a)(5)] (Auth: HRS §§84-17, 84-17.5, 84-31)

[§21-3-1] §21-3-2 Financial disclosure filing [Filing] procedures.

(a) [The] All persons holding those positions enumerated in §84-17(c), HRS, shall
file annually with the commission a disclosure [of financial interests] within the applicable time periods set forth in §84-17(b), HRS, and this chapter, using a form or filing system so designated by the commission.

(b) Disclosures shall be filed:
   (1) electronically using the commission’s electronic filing system;
   (2) in person at the commission’s office during regular business hours;
   (3) by e-mail, mail, or fax; or
   (4) by any other process established by the commission.

(c) Disclosures that are filed electronically through the commission’s electronic filing system or by email shall be deemed filed as of the time and date when the documents are electronically received by the commission. Disclosures that are submitted in person, or via mail, fax, or other process shall be deemed filed as of the date when the documents are received by the commission.

(d) In addition to those financial interests required to be reported by §84-17(f), HRS, the disclosure [statement filed with the commission] shall contain [the full name of the person filing the disclosure, the state agency which the person serves and the person’s position with the agency, the names of the person’s spouse and dependent children, and the date of the person’s disclosure]:
   (1) the filer’s full name and personal contact information, including the filer’s residential address, work address, personal telephone number, work telephone number, personal e-mail address, and work e-mail address;
   (2) the filer’s state position and the name of the agency, board, or commission the filer serves; and
   (3) the names of the filer’s spouse or civil union partner, and dependent children.

(e) The disclosure shall be signed, digitally or otherwise, by the person required to file the disclosure. This signature constitutes a certification that the person has read the document and that to the best of the person’s knowledge, information, and belief every statement contained in the instrument is true and no such statements are misleading. [For commission records only, the commission requires that the person filing the disclosure provide the person’s business and residence addresses and business and home telephone numbers.

The commission shall provide a form for full financial disclosure and a short form of disclosure for subsequent annual filing in those instances where the financial interests of the person disclosing are substantially the same as those reported for the preceding disclosure period.

(e) The disclosure of financial interests required by §84-17, HRS, shall be filed between January 1 and April 30 of each year or within thirty days of the election or appointment of a person to a position enumerated in §84-17(c), HRS.
(d) A person who is required by §84-17, HRS, to file a financial disclosure shall file such disclosure with the commission pursuant to §21-2-1.

(e) A person who is required to file a disclosure of financial interests may be granted an extension of fifteen days by the commission for good cause shown. The request for an extension shall be directed to a commissioner and shall be received at the commission’s offices before the filing deadline for the person’s disclosure.

(f) Upon receipt of a disclosure, the executive director shall indicate thereon the date and time of receipt. The disclosure will be reviewed by the commission for conflicts of interest. If no conflict exists, the commission will acknowledge receipt of the disclosure and file it without further action. If a conflict is found, the commission will acknowledge the receipt of this disclosure and advise the person of the conflict and the person’s obligations and responsibilities to avoid violation of the state ethics law. Where the situation has precedential value, the commission will proceed as though the disclosure were a request for an advisory opinion.

(g) Filers shall promptly notify the commission regarding any changes in their contact information.

§ 21-3-3 Financial interests. (a) As provided by §84-17(f), HRS, financial interests to be disclosed include, but are not limited to:

(1) rental income;

(2) stocks, exchange traded funds, and other similar financial instruments, which shall be individually disclosed as ownership interests in a business, provided that filers need not disclose the contents of mutual funds;

(3) trust assets, including a description of the specific assets contained within the trust, unless the filer’s control over the trust or ability to benefit from the trust is such that there is an insignificant risk that those assets may give rise to a conflict of interest pursuant to §84-14, HRS.

(b) Filers need not disclose ownership of or income from the following:

(1) money market funds, savings and checking accounts, and certificates of deposit:
(2) tax deferred retirement accounts such as the State deferred compensation plan, Individual Retirement Accounts, and 401k plans;
(3) tax deferred qualified tuition plans such as 529 college savings plans;
(4) tax deferred health savings accounts;
(5) Social Security or other government benefits.
(c) Filers need not disclose consumer credit card debt or automobile lease agreements.

[Eff. ] (Auth: HRS §84-31(a)(5)) (Imp: HRS §§84-14, 84-17, 84-31)

§21-3-4 Public access to disclosure statements. Information regarding the filer’s residential address and telephone number, business address and phone number, email address, as well as the names of the filer’s spouse or civil union partner and dependent children, shall not be publicly disclosed. Disclosures that are designated as confidential pursuant to §84-17(e), HRS, shall not be made available for public inspection or duplication, except with written authorization of the filer. (a) An exact copy of the financial disclosure statements of the persons holding those positions designated in §84-17(b), HRS, shall be available for public inspection at the commission offices during regular business hours within two working days following the receipt and review of the disclosure by the commission. For purposes of public inspection, a financial disclosure statement shall not include the business and home addresses and telephone numbers of the person disclosing, although they will appear on the original form. The disclosures of those persons who are required by §84-17, HRS, to file but who do not hold positions designated in §84-17(d), HRS, are confidential, and the commission shall not release the contents of the disclosures except as permitted by chapter 84, HRS, and §21-1-8.

(b) Any person wishing to inspect a disclosure statement which is available for public inspection pursuant to §84-17, HRS, shall complete and file a form listing:
   (1) The name of the person requesting the inspection and the person's business or residence address;
   (2) The name and address of any person or organization for whom the person requesting the inspection is acting;
   (3) The name of the person whose statement is to be inspected;
   (4) The date of the inspection.
A copy of the form shall be kept in the file of the person who disclosure was inspected. The form shall be available for inspection by the person whose disclosure statement was inspected, the commission, and the commission staff. A statement indicating this procedure shall appear plainly on all request forms provided by the commission.

[Eff. July 13, 1981; §21-3-2; am, ren §21-3-4, and comp (Auth: HRS §84-31(a)(5)) (Imp: HRS §§84-17, 84-31)]

§21-3-5 Disclosure period. Filers shall disclose all financial interests held during the applicable disclosure period. For initial disclosures and candidates, the disclosure period includes January 1 of the preceding calendar year to the date of filing. All disclosures filed thereafter include the date of the previous filing to the date of filing, excluding amended filings, except that income reported shall be for the previous calendar year. [Eff. July 13, 1981; am and comp (Auth: HRS §84-31(a)(5)) (Imp: HRS §§84-17, 84-31)]

§21-3-6 Amended Disclosures. If a filer files a disclosure that contains inaccurate information or omits information regarding the filer’s financial interests, the filer shall promptly file an amended disclosure with the commission. [Eff. (Auth: HRS §84-31(a)(5)) (Imp: HRS §§84-17, 84-31)]

§21-3-7 Newly elected or appointed officials; interim or acting officials. Newly elected or appointed officials required to submit a disclosure pursuant to §84-17(b), and persons serving in an interim or acting capacity in positions that require filing a disclosure, shall file a disclosure within thirty days of the first day in office or the first day in which the person takes any official action, whichever comes first, unless otherwise ordered by the commission. [Eff. (Auth: HRS §84-31(a)(5)) (Imp: HRS §§84-17, 84-17.5, 84-31, 84-31.5)
§21-3-8 Changes in position; exit disclosure. (a) Filers transferring to a position requiring the filing of a confidential disclosure are not required to file a new confidential disclosure if a timely annual filing has been submitted for the previously held position.

(b) Filers transferring to a position requiring the filing of a public disclosure are not required to file a new public disclosure if a timely annual filing has been submitted for the previously held position.

(c) Filers transferring from a position requiring the filing of a confidential disclosure to a position requiring the filing of a public disclosure shall file a public disclosure within thirty days of the first day in office or the first day in which the person takes any official action, whichever comes first;

(d) Filers shall file a disclosure within thirty days of any filer’s final date in state office or employment, unless the filer filed a disclosure within 180 days of the final date of state office or employment.

[Eff. ] (Auth: HRS §84-31(a)(5)) (Imp: HRS §§84-17, 84-17.5, 84-31, 84-31.5)

§21-3-9 Administrative fine for failure to file. (a) The commission shall notify filers of the failure to timely file a disclosure and the applicable administrative fine. The commission may notify such individuals by electronic mail to the person’s state electronic mail address, first-class mail, or personal service.

(b) If notice is sent via electronic mail, the ten-day period described in §84-17(i), HRS, shall run from the date the e-mail is sent. If notice is sent via first-class mail, the ten-day period shall begin two business days after the notice is mailed, unless the notice is mailed to an address outside the State, in which case the ten-day period shall begin four business days after the notice is mailed.

[Eff. ] (Auth: HRS §84-31(a)(5)) (Imp: HRS §§84-17, 84-17.5, 84-31, 84-31.5)

§21-3-10 Payment of fine or request for waiver; good cause. (a) An individual who receives a notice of administrative fine and subsequently files a disclosure shall, within ten days of filing the disclosure, pay the assessed administrative fine or request a waiver from the commission.

(b) Payment of the administrative fine is deemed made when received by the commission.
(c) Any individual requesting a waiver of administrative fine shall submit a written request to the commission. The request shall contain the filer’s name, address, e-mail address, telephone number, and state position; a clear and concise statement regarding the factual basis for the filer’s request for a waiver, including the reasons or circumstances why the filer was unable to file by the applicable due date; and any documents or evidence in support of the filer’s request for a waiver.

(d) The commission may waive any administrative fines for good cause shown. The filer has the burden to establish good cause. Good cause may be found if the requester faced an unexpected crisis such as a serious medical issue, a death in the family, or a theft or destruction of financial documents that prevented the individual from filing the disclosure by the relevant deadline. Good cause generally may not be found by inadvertence or oversight.

(e) The commission may issue a charge against any individual who fails to file a disclosure by the relevant deadline.

§21-3-11 Disposition of financial disclosures. (a) Disclosures shall be destroyed six years after the filer leaves state office or employment, regardless of whether the filer later returns to state office or employment, unless otherwise provided by statute.

(b) A disclosure filed by a candidate for state elective office shall be destroyed upon the expiration of six years after an election for which the candidate filed the disclosure.

(c) In destroying disclosures, all paper copies shall be shredded, all electronic copies shall be deleted from the commission’s record-keeping system, and all public disclosures shall be removed from the commission’s website. [Eff. ] (Auth: HRS §84-31(a)(5)) (Imp: HRS §§84-17, 84-17.5, 84-31, 84-31.5)