<table>
<thead>
<tr>
<th>ENROLLMENT BY MAJORS, FALL 2008</th>
<th></th>
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</thead>
<tbody>
<tr>
<td><strong>August 8, 2008</strong></td>
<td>Total</td>
</tr>
<tr>
<td>0000 Undeclared</td>
<td>3</td>
</tr>
<tr>
<td>ABNT Applied Business &amp; Infor Tech</td>
<td>34</td>
</tr>
<tr>
<td>ABRP Auto Body Repair &amp; Painting</td>
<td>18</td>
</tr>
<tr>
<td>ACC Accounting</td>
<td>59</td>
</tr>
<tr>
<td>AEC Architectural Eng &amp; CAD Tech</td>
<td>1</td>
</tr>
<tr>
<td>AG Agriculture</td>
<td>23</td>
</tr>
<tr>
<td>AJ Administration of Justice</td>
<td>23</td>
</tr>
<tr>
<td>AMT Automotive Mechanics Tech</td>
<td>45</td>
</tr>
<tr>
<td>BIOL Biology</td>
<td>1</td>
</tr>
<tr>
<td>BLMP Building Maintenance &amp; Repair</td>
<td>8</td>
</tr>
<tr>
<td>BTEC Business Technology</td>
<td>58</td>
</tr>
<tr>
<td>BUSC Business Careers</td>
<td>122</td>
</tr>
<tr>
<td>CARP Carpentry Technology</td>
<td>10</td>
</tr>
<tr>
<td>COM Communication</td>
<td>1</td>
</tr>
<tr>
<td>DENT Dental Assisting</td>
<td>5</td>
</tr>
<tr>
<td>DISL Diesel Mechanics</td>
<td>2</td>
</tr>
<tr>
<td>ECET Electronics &amp; Comp Engin Tech</td>
<td>40</td>
</tr>
<tr>
<td>EDUC Education</td>
<td>1</td>
</tr>
<tr>
<td>ENGY Sustainable Technology</td>
<td>17</td>
</tr>
<tr>
<td>FSER Food Service</td>
<td>129</td>
</tr>
<tr>
<td>FSHN Food Science &amp; Human Nutrition</td>
<td>2</td>
</tr>
<tr>
<td>FT Fashion Technology</td>
<td>33</td>
</tr>
<tr>
<td>GBUS Business Administration</td>
<td>10</td>
</tr>
<tr>
<td>GEAS General Arts and Sciences</td>
<td>15</td>
</tr>
<tr>
<td>GEN General-Undeclared</td>
<td>1</td>
</tr>
<tr>
<td>HOPE Hotel Operations</td>
<td>2</td>
</tr>
<tr>
<td>HOST Hospitality and Tourism</td>
<td>39</td>
</tr>
<tr>
<td>HSER Human Services</td>
<td>134</td>
</tr>
<tr>
<td>HWST Hawaiian Studies</td>
<td>9</td>
</tr>
<tr>
<td>ICS Information &amp; Computer Sciences</td>
<td>1</td>
</tr>
<tr>
<td>IS Interdisciplinary Studies</td>
<td>3</td>
</tr>
<tr>
<td>JPN Japanese</td>
<td>1</td>
</tr>
<tr>
<td>KES Kinesiology &amp; Exercise Science</td>
<td>1</td>
</tr>
<tr>
<td>LBRT Liberal Arts</td>
<td>1,353</td>
</tr>
<tr>
<td>MARE Marine Science</td>
<td>1</td>
</tr>
<tr>
<td>MICR Microbiology</td>
<td>1</td>
</tr>
<tr>
<td>NAT Nurse Aide</td>
<td>3</td>
</tr>
<tr>
<td>NURS Nursing</td>
<td>48</td>
</tr>
<tr>
<td>PBUS General (Pre-Business)</td>
<td>2</td>
</tr>
<tr>
<td>PNUR General (Pre-Nursing)</td>
<td>1</td>
</tr>
<tr>
<td>POLS Political Science</td>
<td>1</td>
</tr>
<tr>
<td>PRCN Practical Nursing</td>
<td>114</td>
</tr>
<tr>
<td>PREN Pre-Engineering</td>
<td>1</td>
</tr>
<tr>
<td>PRNU Pre-Nursing</td>
<td>11</td>
</tr>
<tr>
<td>SPEA Special - Early Admit</td>
<td>106</td>
</tr>
<tr>
<td>SSCI Social Science</td>
<td>13</td>
</tr>
<tr>
<td>UNCL Unclassified</td>
<td>204</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2,710</strong></td>
</tr>
</tbody>
</table>
Successful Retention –
Students Passing (C or above) and Not-Passing
All courses in F07 & Sp 08

<table>
<thead>
<tr>
<th>Department</th>
<th>Total Grades</th>
<th>Pass Grades</th>
<th>No-Pass Grades</th>
<th>Percent Pass</th>
<th>Percent No-Pass</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allied Health</td>
<td>1683</td>
<td>1613</td>
<td>70</td>
<td>95.8%</td>
<td>4.2%</td>
</tr>
<tr>
<td>Humanities</td>
<td>2892</td>
<td>2161</td>
<td>731</td>
<td>74.7%</td>
<td>25.3%</td>
</tr>
<tr>
<td>Outreach</td>
<td>938</td>
<td>696</td>
<td>242</td>
<td>74.2%</td>
<td>25.8%</td>
</tr>
<tr>
<td>Business &amp; Hospitality</td>
<td>3004</td>
<td>2227</td>
<td>777</td>
<td>74.1%</td>
<td>25.9%</td>
</tr>
<tr>
<td>Social Science</td>
<td>2166</td>
<td>1554</td>
<td>612</td>
<td>71.7%</td>
<td>28.3%</td>
</tr>
<tr>
<td>Career-Tech</td>
<td>845</td>
<td>593</td>
<td>252</td>
<td>70.2%</td>
<td>29.8%</td>
</tr>
<tr>
<td>Sci, Tech, Math</td>
<td>3641</td>
<td>2467</td>
<td>1174</td>
<td>67.8%</td>
<td>32.2%</td>
</tr>
<tr>
<td>English</td>
<td>1923</td>
<td>1292</td>
<td>631</td>
<td>67.2%</td>
<td>32.8%</td>
</tr>
</tbody>
</table>

Weekend college student information as of Monday, August 4, 2008:

Attended informational sessions 46
Took English essay exam 15
To take English essay exam today 12
Have credits (3 to 50) 26*
Have no credits 20
Expected to be in cohort 21-26
Expected to take sociology in Fall 08 35
Expected to take English 100 in Fall 08 20-23

*Working with individual counselors; as many as possible being placed in evening classes; will take weekend college cohort classes when appropriate.
### Maui Community College - Preliminary G - Fund and TSFS Allocations

#### FY 2009

<table>
<thead>
<tr>
<th></th>
<th>FY08 Appr</th>
<th>FY09 B Appr</th>
<th>FY 09 Supp Appr</th>
<th>Prev CB Avg</th>
<th>TOTAL</th>
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</thead>
<tbody>
<tr>
<td><strong>General Funds</strong></td>
<td>13,970,180</td>
<td>581,733</td>
<td>333,047</td>
<td>218,403</td>
<td>15,153,363</td>
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<tr>
<td><strong>ESTIMATED GENERAL FUND REDUCTION AND RESTRICTION</strong></td>
<td>-235,082</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Fall 2005 projection</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>TSFS FY 2002</td>
<td>1,123,023</td>
<td>1,072,178</td>
<td>2,195,201</td>
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<td></td>
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<tr>
<td>TSFS FY 2003</td>
<td>1,190,404</td>
<td>1,138,602</td>
<td>2,329,006</td>
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<td></td>
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<tr>
<td>TSFS FY 2004</td>
<td>1,183,985</td>
<td>1,239,339</td>
<td>2,423,324</td>
<td></td>
<td></td>
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<tr>
<td>TSFS FY 2005</td>
<td>1,306,500</td>
<td>1,279,000</td>
<td>2,585,500</td>
<td></td>
<td></td>
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<tr>
<td>TSFS FY 2007 (65%)</td>
<td>1,498,251</td>
<td>1,432,685</td>
<td>2,930,936</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TSFS FY 2009 (67%)</td>
<td>2,320,622</td>
<td>2,011,242</td>
<td>4,332,044</td>
<td></td>
<td></td>
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<tr>
<td>Adjusted TSFS Target</td>
<td>0</td>
<td></td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kamalama Schools FY 09</td>
<td>58,402</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>MAUCC'S CHANCELLOR'S PRELIMINARY TOTAL G-FUND + TSFS</strong></td>
<td>19,309,747</td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

**Continuing Collective Bargaining Augmentation (units 03, 08 to FY08 at)**
- 770,743

**FY08 Collective Bargaining Augmentation (units 01, 03, 05 for FY08)**
- 196,287

**FY09 Collective Bargaining Augmentation- 943,657-180.00 (fac 3%) x 80%**
- 610,926

**Banner System Assessment**
- 0

**UH System Assessments - Risk Management**
- 32,746

**UH System Assessments - UH Foundation (incl 50% Foundation Offc S)**
- 92,452

**UH CC Assessments - Sys Marketing**
- 19,989

**Shortfall Workers Compensation and Unemployment Insurance**
- 96,000

**Mandatory Financial Aid Need Based Student Scholarships**
- 337,000

**Non-Mandatory Merit Based Student Scholarships (42.19910 split (need/merit)**
- 20,000

**Diversity and Equity Awards FY09**
- 0

**SYS Add'l Enrollment Growth Supp't Funds**
- 0

**SYS Disability Funds**
- 0

**APT Merit 1% matching (allocated 20,000 in FY08)**
- 20,000

**Reallocation from UH Stud Affairs for Students with Disabilities**
- 0

**RTRF support for Marketing + Sustainability (105K + 100K)**
- 205,000

**Prior Years Carryover Balance**
- 49,100

**PRELIMINARY TOTAL G-FUND + TSFS PLANNING BUDGET**
- 19,569,534

**MCC - FY 2009 - PROJECTED OPERATING EXPENDITURES**
- 19,579,588

**PROJECTED ADD'L BUDGET REQUIREMENT**
- 10,064

**5% CONTRIBUTION FROM SPECIAL & REVOLVING FUNDS**
- 212,050

**PROJECTED CARRY-OVER BALANCE**
- 201,586
<table>
<thead>
<tr>
<th>Position #</th>
<th>FTE</th>
<th>Name or Item</th>
<th>Pay Range</th>
<th>Fall Credits</th>
<th>Spring Credits</th>
<th>A Regular Employees Salary</th>
<th>A CB Adjust</th>
<th>A Regular Overload Salary</th>
<th>A L Lecturers Salary Fall</th>
<th>A L Lecturers Salary Spring</th>
<th>A Q Casual Hire Salary</th>
<th>A 1 Student Help Salary</th>
<th>Subtotal A</th>
<th>B Operating Expenses Cost</th>
<th>C Equipment</th>
<th>Subtotal O</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.00</td>
<td>Institutional Support (G 071)</td>
<td>2,373,645</td>
<td>86,659</td>
<td>54,960</td>
<td>9,108</td>
<td>9,108</td>
<td>43,000</td>
<td>19,000</td>
<td>2,595,481</td>
<td>3,707,376</td>
<td>0</td>
<td>3,707,376</td>
<td>6,302,857</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0.00</td>
<td>Public Service (G 072)</td>
<td>375,845</td>
<td>25,591</td>
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<td>0</td>
<td>138,345</td>
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<td>0</td>
<td>539,781</td>
<td>15,000</td>
<td>135,000</td>
<td>150,000</td>
<td>689,781</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>0.00</td>
<td>Student Services (G 073)</td>
<td>1,181,228</td>
<td>75,157</td>
<td>3,600</td>
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<td>0</td>
<td>14,000</td>
<td>25,000</td>
<td>1,298,985</td>
<td>74,120</td>
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<td>74,120</td>
<td>1,373,105</td>
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<tr>
<td>0.00</td>
<td>Student Services - Marketing</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>145,000</td>
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<tr>
<td>0.00</td>
<td>Instruction (G 074)</td>
<td>7,026,892</td>
<td>628,378</td>
<td>31,576</td>
<td>376,608</td>
<td>305,924</td>
<td>36,755</td>
<td>56,954</td>
<td>8,463,087</td>
<td>546,367</td>
<td>91,890</td>
<td>638,257</td>
<td>9,101,344</td>
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<td>23.25</td>
<td>Academic Support (G 075)</td>
<td>1,481,817</td>
<td>84,758</td>
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<td>0</td>
<td>60,000</td>
<td>36,857</td>
<td>1,663,432</td>
<td>212,847</td>
<td>91,232</td>
<td>304,079</td>
<td>1,967,511</td>
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<tr>
<td>6.00</td>
<td>University Center (Budgeted in Academic Support)</td>
<td>295,058</td>
<td>17,472</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>40,000</td>
<td>0</td>
<td>352,540</td>
<td>60,001</td>
<td>0</td>
<td>60,001</td>
<td>412,541</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
What if every resident was required by Law to take a class every (6) month?

- We would need to recruit people to go into Education and need to Pay them more Money.
- Highly Educated Community
- More creative to solutions to Comm. Problems and Challenges, more Flexible
  Approaches to Delivery.
- Maui CC would Grow more creating Opportunity.
- Community would discover clear benefits to higher education, more education inst.
- Bookstores would benefit.
- MCC might be facing increased competition; MCC might explore expansion in other
  Regional Areas.
- We would need to handle more students with Disabilities.
- Business could make certain classes a requirement.
- More relevant Credit & Non-Credit offerings.
- Need to change academic Calendar to meet these new needs.
- Need more Faculties.
- Training would be more current, would need to adjust Resident TFSF Rates.

What if People didn’t need to sleep?

- Business would stay open and make more money
- More would come to school, more breaks in the day.
- We would have more classes in the evening.
- No Beds, More night Activities, longer work hours, we would eat more.
- More time to Fulfill Goals.
- No need for sleepwear.
- Need more food and more Energy. Get more done.
- Possibly more Stress due to lack of Downtime.
- People would be more active.
- Could offer class 24 hours and (7) days a week.
- Happy woman, No snoring husbands.
- More social life and fun.
- Sleep Dysfunctions would not exist-no sleep dysfunction centers.
- Palaeua would be conveyed by end of 2008.

What If High School students designed our Campus- What would it be like?

- More social activities - more "College Life".
- More Four year Degrees (MCC becomes UH maui College), more Opportunity.
- Inter-collegiate sports - sports facilities, (activities).
- Longer Food service hours/ lowe food priced items more variety (choices).
- Longer Library, TLC, Computer lab hours & weekends too.
- Digital media hubs, Coffee shop environment, more gathering places.
- More off-campus Paid internship (opportunity).
- More individual support for Learning Needs.
- More Off-island and International opportunities.
- More on-campus Jobs opportunities.
- Shorter, condensed semesters Closer connection between career's campuses.

What if human life expectancy were 200 years?

- Find alternatives to candles for birthday cake.
- Over population- Global conflict, Food shortages.
Stay active longer, do what Abraham accomplished.
Different sense of time, opportunity for more discoveries, experience many different
career options.
Woman would have children later in life.
More active long-term care facilities.
Need better understanding of health and wellness issues relating to 200 years old.
Longer careers and more of them.
Need to offer more training and upgrades for 100% different careers.
More experienced teachers / Counselors available.
Revamp social security

What If Local Businesses designed our campus- what would it be like?

• Transportation to and from work.
• One place to go to get everything you need.
• More Collaboration between local businesses and faculty.
• Campus offers what customers want.
• Clear directional signs and more high tech equipments.
• Well-trained graduates to work for them.
• Testing grounds for new concepts to products.
• Responsive Job placement and internship program.
• More high tech with systems business could pilot before getting for their business.
• Might be more efficient, more facility from local business, campus would cover whole
community.
• Classes would really align to business needs and business projects in classes would be
like projects at work.
• Classes would assist workers schedules.

1. Global Internet T.V Ads
2. Establish outreach sites outsides of Maui County
3. Enlisting all part time residents as recruiters for Non- resident students.
4. Use MVB websites as recruiting Path.
5. Request all employers in current and projected workforce shortage areas to become
recruiters.
6. Intensity partnership with institutions outside of Maui.
7. Develop new curriculum for aging population.
8. Develop new curriculum for growing Hispanic Pop.
10. Provide classes to long-term care institutions - Face Makua etc.
11. Providing classes to 1st time Pre-natal mothers.
12. Providing classes for cardiac rehab Patients.
13. Providing classes for organic agriculture.
15. Develop contracts for invasive species control.
17. Strengthening new international institution from emerging countries.
18. Take Public MCC to private to expand enrollment potential.
19. Providing incentives to Faculty and staff to assist with recruitment.
20. Linking of cultural organizations to Faculty and staff to assist with recruitment.
21. Hispanic student satisfaction by requesting assistance with home country recruitment.

Maui Community College

• Business Centers
• Private support vs. Public support
• Health and Gerontology
• Sustainable and Environmental Program.
• International
• Returning and retraining students.

**Raise**

1. Number of Programs in living wage areas.
2. Percentage of grad satisfaction of education prep for career.
3. Increase involvement in continuous improvement process; students and faculty need to be involved in planning.
4. Increase faculty and staff buy-in and motivation for success (i.e., rewards, recognition, travel, survey professional development).
5. Improve/ Increase student" ownership" of learning experience; more student leadership opportunities, mentors, etc.
6. Raise resources (Private/ Public).
7. Heighten profile of successful programs.

**Reduce**

1. Reduce barriers to our application process-2
2. Reduce Bureaucracy-2
3. Reduce numbers of students who don't complete their degree-2
4. Reduce programs and services that do not meet community and student needs. -3
5. Reducing consumption of resources - electric/ travel/ office supplies/water.

<table>
<thead>
<tr>
<th>Eliminate</th>
<th>Students</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Attitude Handling</strong></td>
<td></td>
</tr>
<tr>
<td>1. Eliminate us vs. them</td>
<td>1. Seat time</td>
</tr>
<tr>
<td>1. Programs not needed</td>
<td>2. Drop outs</td>
</tr>
<tr>
<td>2. Cynicism</td>
<td>3. Stop outs</td>
</tr>
<tr>
<td>2. Bureaucratic approval</td>
<td>4. Tradition more valuable than creativity</td>
</tr>
<tr>
<td>3. MCC stigma of last resort</td>
<td>4. Programs and services that do not focus on being the best.</td>
</tr>
<tr>
<td>3. Waste</td>
<td></td>
</tr>
</tbody>
</table>

**Create**

Campus culture: Level environment that promotes open exchange of ideas by staff, faculty, and students.

Campus Services: Create concierge services and course schedules that meet student needs.

New programs: Off island students, aligned by business/ community needs. Student who need to finish degrees, New hi- technology.

**Path 1**

• Look at other industries that "better" themselves.
• How are programs are aligned, do they help get jobs?
• Look at social and environmental changes.
• Faculty viewpoints and how they align to workforce.
• Student challenges and what they face on a daily basis.
• Emerging technology needs
• Student fulfillment in all areas.

Path 4
Pain points to eliminate:

2. During- Competing responsibilities (e.g. family, jobs)
   Non-availability of specific courses/ programs.
3. After- aligning ed/ training skills with industry needs.

Path 5
Reconstructing Market Boundaries

1. By changing the traditional methods Delivery.
2. Branding and services.

Path 6

1. Internet/ Tech
2. Aging Population
3. Economic Recession

IMPACT

1. Enrollment
2. Curricular Relevancy
3. Responsive

CUSTOMER UTILITY

1. Concierge services
2. Course schedule (meets student needs and community needs.
3. Bureaucratic Process
4. Raise resources

Ideas for Convocation

• Achieving the Dreams
• Building Bridges
• Collaboration
• Decisions
• Excellence
• Faculty
• Great ideas
• Help
• Innovation
• Joining
• Kinship
• Lively
• Movement
• New
• Opportunity
• Pleasure
• Questions
• Response
• Summer
• Timing
• Uplifting
• Vibrant
• World
• Examples
• Yells
• Zestful
This flyer lists restrictions contained in the State Ethics Code, Chapter 84, Hawaii Revised Statutes ("HRS"), for state officials, employees, and board and commission members. (Justices and judges are excluded, as they are subject to their own ethics board.) Those subject to the State Ethics Code should review this list, and contact the State Ethics Commission ("Commission") for advice when needed. Though the list is intended to be comprehensive, those subject to the State Ethics Code should not hesitate to contact the Commission whenever ethics issues arise. Further, our office should be contacted if there are any questions regarding the scope of the following restrictions. Contact us at: telephone number (808) 587-0460, fax number (808) 587-0470, or e-mail address ethics@hawaiietics.org. Our website address is www.hawaii.gov/ethics. Mailing address: P.O. Box 616, Honolulu, Hawaii 96809.

**Gifts:** Do not accept or solicit gifts unless you are sure of the application of the gifts section of the State Ethics Code, HRS § 84-11.

**Gifts Disclosure:** If you receive more than $200 of legally acceptable gifts from a single source between June 1 of one year and June 1 of the following year, check with our office as to whether you need to file a gifts disclosure form.

**Confidential Information:** Do not disclose, or use confidential information for your, or anyone’s, personal benefit.

**Favoritism; Fair Treatment:** Do not use, or attempt to use, your official position to give yourself or anyone any preferential treatment or any unwarranted advantage.

**Supplemental Compensation:** Do not accept extra pay or anything of value in conjunction with the performance of your official duties, unless provided for by law.

**State Resources:** Do not use state time, equipment (computers, e-mail, etc.), facilities, personnel, the state seal, office supplies or other state resources for private business purposes or political campaigning. The term “business” includes non-profit organizations.
Financial Transactions With Subordinates: Do not engage in substantial financial transactions with subordinates, or persons or businesses you inspect or supervise. Check with our office as to the meaning of "substantial," as the application of the term may be different depending on the circumstances.

Conflicts of Interests: Do not take official action if the action affects your financial interests, or a business or undertaking in which you have a financial interest, unless you are sure of the application of the State Ethics Code. The financial interests of a spouse or dependent child are treated the same as your financial interests. Also, do not take action affecting an undertaking in which you, in your private capacity, represent a person or business. (Note: This section does not apply to legislators.)

Acquiring New Employment or Financial Interests: Do not accept new employment, or new financial interests without checking with our office, if the business or undertaking you will work for, or have a financial interest in, may be subject to official action by you. (Note: This section does not apply to legislators.)

Contingent Compensation: Do not assist or represent a person or business before a state or county agency for contingent compensation. (Note: Courts are not considered state agencies.)

Representing or Assisting Persons or Businesses: Do not assist or represent (1) a person or business for compensation before your own department or agency, or (2) on matters you have been officially involved in, or (3) on matters you will be officially involved in.

State Contracts: (1) If you contract with the State, or have a significant interest in a company that contracts with the State, make sure the contract is awarded in accordance with HRS § 84-15(a). (2) Check with our office before privately assisting or representing a person or business trying to obtain a state contract, if you have been involved officially with the contract or its subject matter.

Financial Interests Disclosure Statement: File this statement at the appropriate times if required by the position you hold in state government.

Post Employment: After leaving your state agency or department, (1) do not disclose confidential information or use such information for your, or anyone's, personal benefit; (2) for one year do not personally represent any person or business for compensation on matters before your former agency or department unless you are sure of the application of the State Ethics Code; and (3) for one year, do not personally represent a person or business for compensation regarding matters you have participated in officially. Note: Parts (2) and (3) apply to those who served the State for more than 180 days. Call our office regarding the definition of the term “personal representation.”
INTRODUCTION: The following restrictions on campaign activities are based on section 84-13, Hawaii Revised Statutes (HRS), entitled the "Fair Treatment" section of the State Ethics Code. In general, section 84-13 prohibits the preferential use of state resources or incidents of state office. Examples of campaign activities, described below, that violate or may violate the ethics code are for illustration only and are not meant to be all-inclusive.

STATE OFFICIALS AND EMPLOYEES WHO MUST COMPLY WITH THE RESTRICTIONS: All state officials, state employees, state legislators, and state board and commission members. State justices and judges are not subject to the jurisdiction of the State Ethics Commission, but are subject to the Commission on Judicial Conduct.

CAMPAIGN RESTRICTIONS

THE FOLLOWING ACTIVITIES BY STATE OFFICIALS AND STATE EMPLOYEES VIOLATE THE STATE ETHICS CODE:

1. Using state time, equipment, supplies, or state premises for campaign activities or campaign purposes.

State time means the actual time during which a state official or employee, etc., is supposed to be performing his or her state duties. State time thus excludes lunch time, break time, vacation time, and so forth.

State equipment includes, for example, copy machines, fax machines, telephones, typewriters, computers, and vehicles such as trucks and cars.

State supplies include stationery, paper, stamps, and other office supplies.

State premises include state offices, conference rooms, working areas, and so forth. State premises or facilities that are available to the public for use (e.g., for holding meetings or conducting business) may also be used for campaign activities on the same basis as the facilities are available to the public.

Campaign activities or campaign purposes include: (a) selling, purchasing, or distributing campaign fundraiser tickets, including complimentary tickets; (b) conducting campaign meetings; (c) distributing campaign literature or materials; (d) soliciting campaign assistance or support; or (e) producing campaign literature or materials or storing such materials.
2. Using state personnel during state time for the purpose of performing campaign tasks or activities.

3. Using the state mail or messenger service for campaign purposes.

4. Using state computers or e-mail accounts for campaign purposes.

5. Soliciting campaign contributions or campaign assistance by sending letters addressed to state officials or employees at their state offices.

6. Using one's state position to give unwarranted advantages or preferential treatment to campaigns. The State Ethics Code prohibits state officials, employees, legislators, and board and commission members from using their official positions to coerce campaign contributions or campaign assistance from anyone. State officials, employees, legislators, and board and commission members should also avoid combining official business with campaign solicitations.

7. Selling fundraiser tickets to, or soliciting the purchase of fundraiser tickets from, subordinates or businesses or persons supervised or inspected.

8. Candidates walking through state agencies to meet with state employees for campaign purposes. The State Ethics Commission believes that the State Ethics Code prohibits candidates from being allowed to walk through state agencies to meet with state employees for campaign purposes.

STATE SEAL: The state seal may not be used by a state official or employee in conjunction with campaigning if such use gives the state official or employee or another any unwarranted advantage or preferential treatment in violation of section 84-13, HRS. State officials and employees are advised to contact the State Ethics Commission for advice before using the state seal on campaign materials. Anyone using the state seal in conjunction with a campaign may also wish to contact the Office of the Attorney General regarding the application of section 5-6, HRS.

MISDEMEANOR FOR FUNDRAISING IN GOVERNMENT FACILITIES: In addition to the State Ethics Code, HRS section 11-203.5 makes it a misdemeanor for any person to solicit a campaign contribution in a government facility used for official duties by a state or county employee. This law does not apply to certain government facilities that are permitted to be used for political activities. HRS section 11-203.5 is part of the campaign spending law. Questions concerning this law should be directed to the State Campaign Spending Commission.

PENALTIES FOR VIOLATION OF THE STATE ETHICS CODE: An administrative fine of up to $500 for each violation. Disciplinary action such as reprimand, probation, demotion, suspension, or discharge. Any favorable state action is voidable, and the Attorney General may pursue all legal and equitable remedies.

FURTHER INFORMATION/COMPLAINTS: Anyone in need of further information or who wishes to report an apparent violation of the State Ethics Code may call the State Ethics Commission at (808) 587-0460.

1001 Bishop St., American Savings Bank Tower 970 • P. O. Box 616 • Honolulu, HI 96809
Visit our website at http://www.hawaii.gov/ethics

(Revised: 7/06)
MEMORANDUM

TO: Department Heads

FROM: Daniel Mollway
Executive Director and General Counsel

SUBJECT: Use of State E-Mail for Campaign Purposes

DATE: January 12, 2001

At its December 20, 2000 adjudicatory meeting, the Hawaii State Ethics Commission considered a situation in which a state e-mail account was used to forward a message advocating the election of certain candidates for state office. The State Ethics Commission took appropriate action in the case and asked that I send a memorandum to all state department heads to ask that they remind the state officials and employees within their departments that state resources, including state e-mail accounts, may not be used for political campaigning.

The use of state resources for political campaigning is prohibited by Hawaii Revised Statutes ("HRS") section 84-13, the Fair Treatment section of the State Ethics Code. This section reads:

§ 84-13 Fair treatment. No legislator or employee shall use or attempt to use the legislator’s or employee’s official position to secure or grant unwarranted privileges, exemptions, advantages, contracts, or treatment, for oneself or others; including but not limited to the following:

(1) Seeking other employment or contract for services for oneself by the use or attempted use of the legislators or employee’s office or position.

(2) Accepting, receiving, or soliciting compensation or other consideration for the performance of the legislator’s or employee’s official duties or responsibilities except as provided by law.
(3) Using state time, equipment, or other facilities for private business purposes.

(4) Soliciting, selling, or otherwise engaging in a substantial financial transaction with a subordinate or a person or business whom the legislator or employee inspects or supervises in the legislator’s or employee’s official capacity.

Nothing herein shall be construed to prohibit a legislator from introducing bills or resolutions, serving on committees or making statements or taking action in the exercise of the legislator’s legislative functions. Every legislator shall file a full and complete public disclosure of the interest or transaction which the legislator believes may be affected by legislative action.

HRS section 84-13 prohibits state employees and legislators from using their state positions to give themselves or anyone else any unwarranted benefit or preferential treatment. HRS subsection 84-13(3) prohibits state employees and legislators from using any state time, equipment, or facilities for private business purposes. For example, state employees may not use the state telephone, state fax machine, state computers, or the state internal mail system for private business purposes. For purposes of this section, the State Ethics Commission has determined that campaigning for state office is a private business activity, since candidates who win elections are generally compensated in their new employment. Further, their campaign organizations would generally be considered private businesses, as the term business is defined in the State Ethics Code. In any event, HRS section 84-13 bars preferential treatment, and thus state resources must be used for state purposes and not unfairly to promote one candidate over another. Thus, e-mail accounts that are provided by the State and supported by the State may not be used for political campaigning.

On behalf of the State Ethics Commission, I would like to ask you to circulate this memorandum or otherwise inform the state employees and officials in your department that the use of a state e-mail account for political campaigning violates the State Ethics Code. If there are questions regarding this matter, please do not hesitate to contact our office at 587-0460.

On behalf of the State Ethics Commission, I would like to thank you for your assistance in this matter.
April 27, 2000

MEMORANDUM

To: State Officials, Department Heads, Agency Heads and State Employees

From: Daniel J. Mollway
Executive Director and General Counsel
Hawaii State Ethics Commission

Subject: Candidate Campaign Walk-Throughs

At its meeting held on April 26, 2000, the Hawaii State Ethics Commission voted unanimously that the practice of state officials and state employees allowing candidates for elective office to walk through state agencies to meet with state officials and state employees for campaign purposes, would violate the State Ethics Code, set forth in chapter 84 of the Hawaii Revised Statutes ("HRS").

The section of the State Ethics Code relevant to this issue is HRS section 84-13, entitled "Fair Treatment." Section 84-13 provides, in pertinent, part as follows:

§84-13 Fair treatment. No legislator or employee shall use or attempt to use the legislator's or employee's official position to secure or grant unwarranted privileges, exemptions, advantages, contracts, or treatment, for oneself or others; including but not limited to the following:

(3) Using state time, equipment or other facilities for private business purposes.

The State Ethics Commission has generally interpreted HRS section 84-13 and HRS section 84-13(3) to prohibit state officials and employees from using state resources for campaign purposes. The State Ethics Commission has interpreted these two laws in the past to prohibit campaign activities during state time, in state facilities, with the use of state equipment, or with the use of other state resources. The only exception to this has been that the State Ethics Commission determined in 1986 that state officials and employees could allow candidates, in conjunction with their campaigns, to walk through state agencies to meet with state officials and employees without violating Hawaii's state ethics laws, so long as all candidates were accorded equal and fair treatment.
When the State Ethics Commission decided this issue in 1986, the Commission perceived candidates walking through state agencies, or "candidate walk-throughs" as this activity came to be called, as being simple and innocuous.

However, after the State Ethics Commission issued its flyer on campaign ethics guidelines in 1986 and noted that campaign walk-throughs were allowed (although other campaigning would not be allowed) a number of inquiries and complaints were brought to the attention of the State Ethics Commission concerning the campaign walk-throughs. Many state employees (and state supervisors as well) complained that the walk-throughs were intrusive, and coercive in nature. Since 1986, during every election season, the State Ethics Commission has received numerous complaints about the walk-throughs.

The candidates who wished to walk through state agencies for campaign purposes also raised a number of very difficult issues for the State Ethics Commission. Immediately an issue arose as to who would "escort" the candidate through the state agency. Would it be the department head in some cases, or a "lesser" individual in other cases. Candidates also wanted to know if they could bring other individuals along with them as they walked through state agencies. Thus, though the Commission in 1986 thought that only a candidate would be passing through a state agency, the situation was in fact much more complex. Many candidates wished to be accompanied by an entourage of prominent and influential individuals.

Candidates also asked the State Ethics Commission whether they could pass out campaign literature, as well as campaign tokens or gifts such as pens, buttons, and so forth. A question also arose as to how much time candidates would be accorded for the walk-throughs. The State Ethics Commission also received questions as to whether other individuals, such as family members, could conduct a campaign walk-through in place of a candidate. Other issues arose as well, for example, whether the walk-throughs could be filmed or pictures taken.

All of these issues and complaints made it clear to the State Ethics Commission that the campaign walk-throughs were not simple and innocuous but rather constituted serious campaigning. The State Ethics Commission believed that the campaign walk-throughs thus violated Hawaii’s ethics laws regarding the use of state resources for campaign purposes. At its meeting of April 26, 2000, the State Ethics Commission also concluded that it was simply not possible for candidate walk-throughs to be conducted in a manner that was fair and equal for all, given all the variations under which the candidate walk-throughs might be conducted.

It should be noted that the State Ethics Commission is required under the State Ethics Code to interpret the State Ethics Code "liberally" to promote high standards of ethical conduct in state government. HRS section 84-1, entitled "Construction," provides as follows:
§84-1 Construction. This chapter shall be liberally construed to promote high standards of ethical conduct in state government.

Given this mandate to liberally construe the State Ethics Code to promote high standards of ethical conduct in state government, and given the history of campaign walk-throughs since 1986, the State Ethics Commission believes that campaign walk-throughs are violative of HRS section 84-13. Thus, the State Ethics Commission believes that state officials or employees who allow campaign walk-throughs would be in violation of Hawaii's state ethics laws, set forth in chapter 84, HRS. Anyone with questions regarding campaign walk-throughs or campaigning in the state workplace should contact the State Ethics Commission at 587-0460.

Signature Block

Daniel J. Mollway
Executive Director
and General Counsel

DJM/mk
MEMORANDUM

TO: All Department Heads

FROM: Daniel J. Mollway
Executive Director

DATE: November 13, 2000

At its November 8, 2000, adjudicatory meeting, the Hawaii State Ethics Commission reviewed a case in which a state official circulated sign-up sheets for employees in the state official’s department to purchase fundraiser tickets in order to raise money for a private organization.

On November 8, the State Ethics Commission took appropriate action with regard to the fundraising case it had before it for consideration, but asked that I send a letter to department heads to ask that the department heads again remind the state officials and employees within their departments that private fundraising is prohibited under the State Ethics Code, chapter 84, Hawaii Revised Statutes (HRS).

In particular, HRS section 84-13, entitled the “Fair Treatment” section of the State Ethics Code, prohibits state officials from giving themselves or others any unwarranted advantage. Further, HRS section 84-13(3) prohibits the use of state time, equipment, and facilities for a private business purpose. HRS section 84-13 is set out in its entirety below:

§84-13 Fair treatment. No legislator or employee shall use or attempt to use the legislator’s or employee’s official position to secure or grant unwarranted privileges, exemptions, advantages, contracts, or treatment, for oneself or others; including but not limited to the following:

(1) Seeking other employment or contract for services for oneself by the use or attempted use of the legislator’s or employee’s office or position.
(2) Accepting, receiving, or soliciting compensation or other consideration for the performance of the legislator’s or employee’s official duties or responsibilities except as provided by law.

(3) Using state time, equipment or other facilities for private business purposes.

(4) Soliciting, selling, or otherwise engaging in a substantial financial transaction with a subordinate or a person or business whom the legislator or employee inspects or supervises in the legislator’s or employee’s official capacity.

Nothing herein shall be construed to prohibit a legislator from introducing bills and resolutions, serving on committees or from making statements or taking action in the exercise of the legislator’s legislative functions. Every legislator shall file a full and complete public disclosure of the nature and extent of the interest or transaction which the legislator believes may be affected by legislative action.

The State Ethics Commission has long maintained that the initial paragraph of HRS section 84-13 and HRS section 84-13(3) prohibit state officials and employees from using state time, equipment, facilities, and personnel for fundraising purposes for a private entity or business. The State Ethics Commission has long held that a state official or employee violates HRS section 84-13 by conducting fundraising activities for a private enterprise or business within his or her state department.

On behalf of the State Ethics Commission, I would like to ask you to circulate this memorandum or otherwise inform state officials and employees in your department that fundraising activities for private enterprises and businesses violate the State Ethics Code. If there are questions regarding whether certain fundraising activities may be permissible, please do not hesitate to contact our office at 587-0460.

On behalf of the State Ethics Commission, I would like to thank you for your assistance in regard to this matter.