



HAWAI'I STATE ETHICS COMMISSION

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

NOTICE OF VIOLATION AND ORDER

Hawai'i State Ethics Commission
08-20-2025, 12:43pm

TO (RESPONDENT): Senator Brenton Awa	CASE No. REQ-2024-0222
ADDRESS: 415 S. Beretania St. Honolulu, HI 96813	RE: Instagram Post on October 30, 2024

This Notice of Violation and Order (“Notice and Order”) is an administrative enforcement action initiated by the Hawai'i State Ethics Commission (“Commission”) pursuant to Hawai'i Revised Statutes (“Haw. Rev. Stat.”) Chapters 84 and 91, and Hawai'i Administrative Rules (“HAR”) Title 21, in accordance with the Commission’s authority to investigate and adjudicate violations of the State Ethics Code.

This Notice and Order is issued to you for alleged violations of the State Ethics Code described below.

NOTICE OF VIOLATION

On October 30, 2024, you recorded a video discussing your former office manager (now Senator Samantha DeCorte) during state business hours and in your state office (<https://www.instagram.com/p/DBxQgTovHvR/>). The video, recorded and posted to your official state Instagram account shortly before the 2024 general election, thanks Ms. DeCorte for her service on her last day as your office manager, but then notes that she is campaigning for public office and contains the following statements:

Senator Awa: All jokes aside though, Sam, this is your time for your flowers. On behalf of all of O‘ahu’s north shore and the east side, half of it anyway, we want to thank you for all your dedication to the community, all you've done for us. You've been there to stop that million gallon plus water leak out in Mokule‘ia. You've been the backbone behind the two food tree projects. You’ve been the motor that makes this car run. We’ve been in for about two years now, handcuffed, limited with what we can do, but getting Sam in as Waianae Senator would unlock our full potential in both communities to represent not just there, but represent the entire State of Hawai'i. Sam, any last words?

Samantha DeCorte: Uh, this Tuesday, Election Day, Kapolei Hale.

Senator Awa: You guys know what to do. Aloha.

(Emphases added.)

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Shortly after your post, the Commission received several complaints and contacted you to see if you would voluntarily remove the video from your official Instagram page. You declined to do so.

The Fair Treatment law, Haw. Rev. Stat. § 84-13(a), prohibits the use of state resources to provide yourself or another with an unwarranted benefit. This law specifically prohibits the use of state resources for political campaigns. See Haw. Rev. Stat. § 84-13(a)(3); Informal Adv. Op. 2003-1, at 5-6, available at <https://files.hawaii.gov/ethics/advice/IAO2003-01.pdf> (“The Commission has consistently held that this section prohibits the use of state resources for political campaign purposes . . .”). The Commission has explained this is necessary to prevent incumbent politicians from abusing the state’s power and resources to unfairly perpetuate and favor themselves over other candidates. Informal Advisory Opinion No. 2003-1, at 6 (“[O]ur system of government did not allow incumbents to use the resources of government in order to perpetuate themselves or to promote the candidates that they favored. While state officials could generally express themselves in any manner that they wished in accordance with their legitimate official duties, they could not direct that state resources be used to support or oppose particular candidates.”). The Commission has also previously indicated that state facilities cannot be used for campaign purposes in a manner unavailable to the public, nor may state time be used to participate in campaign activities. See Resolution of Investigation No. 2020-6, at 3, available at <https://files.hawaii.gov/ethics/advice/ROI2020-6.pdf> (concluding that use of the capitol rotunda for campaign purposes when it was closed to the public violated the Fair Treatment law); https://ethics.hawaii.gov/wp-content/uploads/2018/04/quickguide_campaigns.pdf For example, while employees may choose to sign wave or make campaign related social media posts after work hours on their private social media pages, they may not do so during work hours or using state facilities/resources, as this would provide preferential treatment to certain candidates and create the appearance that taxpayer funds are being used to support a private political campaign.

While the Commission undoubtedly agrees that using state resources to thank a staff member on their last day is appropriate, the October 30, 2024 video went well beyond that. The video was created and published just six days before the general election and stated that “getting [Samantha DeCorte] in as Waianae Senator would unlock our full potential” and “This Tuesday, Kapolei Hale. You guys know what to do.”

The video was filmed during official state business hours in a state office, with the assistance of state staff and resources paid for by the public. In this context, a reasonable member of the public would construe the statements in your video as using taxpayer funds to support Ms. DeCorte’s political campaign. This conduct -- using state time, staff, and office space to explicitly support a candidate for public office mere days before an election -- undermines public trust and confers an unfair, taxpayer-funded advantage to one candidate over others. Accordingly, the Commission believes your filming and publication of the video violates the Fair Treatment law, Haw. Rev. Stat. § 84-13(a).

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Even absent explicit use of the words “vote for,” the video’s timing, location, and statements clearly promoted Ms. DeCorte’s candidacy and therefore constituted campaign activity under the State Ethics Code. The Commission takes this violation seriously because it strikes at the heart of the public’s trust in government—that public resources will not be used for private political gain. The use of an official platform, staff time, and government facilities to promote a specific candidate undermines the fairness of our democratic process and violates long-established ethics principles.

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ORDER

RESPONDENT IS HEREBY ORDERED TO PAY THE FOLLOWING ADMINISTRATIVE PENALTY:

Count	Law Section	Description	Fine
1	84-13(a)	<i>Using official position to secure unwarranted privileges, exemptions, advantages, or treatment and to support a political campaign</i>	\$999.99
		Total Administrative Penalties	\$999.99

This Notice of Violation and Order will become final and enforceable, and the administrative penalty specified above will become due and payable twenty (20) days after your receipt of it, unless you submit a written request for a contested case hearing as described in the “REQUEST FOR HEARING” section below.

Payment shall be made by certified check or money order made payable to the “State of Hawai‘i,” and must reference the case number. Payment shall be mailed to:

Hawai‘i State Ethics Commission
1001 Bishop Street, Suite 970
Honolulu, Hawai‘i 96813

Upon receipt of full payment, the Commission will publish this Notice and Order on its website and indicate that this matter has been closed due to payment of the administrative penalty.

REQUEST FOR HEARING:

This Notice and Order becomes final and enforceable, and the penalty becomes due and payable twenty (20) days after your receipt of it, unless you submit a written request for a hearing to the:

Executive Director
Hawai‘i State Ethics Commission
1001 Bishop Street, Suite 970
Honolulu, Hawai‘i, 96813

This hearing will be limited to determining whether your conduct on October 30, 2024, violated the Fair Treatment law under Haw. Rev. Stat. § 84-13(a). Any defenses or justifications unrelated to the facts and issues outlined in this Notice will be considered outside the scope of the hearing.

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Any Request for Hearing must include:

- (1) A reference to the relevant case number and your name.
- (2) A concise summary of the arguments you intend to make at the hearing.
- (3) A copy of any evidence you intend to rely on at the hearing.
- (4) The names and contact information of any witnesses you intend to call at the hearing.
- (5) A summary description of the testimony you intend to introduce from each witness you intend to call.
- (6) The anticipated amount of time you intend to examine each witness.

The hearing will be conducted in accordance with Hawai'i Revised Statutes chapters 84 and 91, and title 21, Chapter 5 of the Hawai'i Administrative Rules. At any hearing, the Parties represent themselves, or they may be represented by attorneys at their own expense. Pursuant to Haw. Rev. Stat. § 91-9(c), the hearing will be held on Zoom or other remote hearing technology at a time to be announced by the Commission after reviewing your request for a hearing.

If you do not request a hearing in accordance with the instructions above within twenty days of receipt of this Notice and Order, this Order will become final and enforceable, and you will owe the administrative penalty above. If you do not pay the administrative penalty, the Commission may refer this matter to the Attorney General's office for collection proceedings.

Dated: Honolulu, Hawai'i, August 20, 2025.



Wesley F. Fong, Chair