

INSTRUCTIONS FOR FILING GIFTS DISCLOSURE FORM

WHO SHOULD FILE THIS FORM

The State Ethics Code, chapter 84, Hawaii Revised Statutes ("HRS"), requires you to file a gifts disclosure statement if you are a state legislator, state employee, or state board or commission member, and if all of the following conditions are met:

- (1) During the period covered by the gifts disclosure statement (see When To File below), you or your spouse or your dependent child receives, directly or indirectly, from one source: (a) any gift valued in excess of \$200, or (b) two or more gifts whose combined value is in excess of \$200. This applies to all gifts, including a gift in the form of money, service, goods, travel (for example, airline trips to the mainland or to foreign countries), entertainment, or in any other form.
- (2) The source of the gift or gifts has interests that may be affected by official action that you take in your state capacity. "Official action" means a decision, recommendation, approval, disapproval, or other action, including inaction, which involves discretionary authority.
- (3) The gift is not exempted by law from the reporting requirements. See Exempted Gifts below.

If all of the above conditions are met, you must file a gifts disclosure statement with the State Ethics Commission.

EXEMPTED GIFTS

You do not have to report the following gifts, which are exempted by law from the reporting requirements:

- (1) Gifts received by will or intestate succession;
- (2) Gifts received by distribution of any inter vivos or testamentary trust established by a spouse or ancestor;
- (3) Gifts from a spouse, fiance or fiancée, any relative within four degrees of consanguinity, or the spouse, fiance or fiancée of such a relative. A gift from any such person is a reportable gift if the person is acting as an agent or intermediary for someone who is not covered by this paragraph. For purposes of this paragraph, relatives "within four degrees of consanguinity" include the following: Your parents, grandparents, and great grandparents; your children, grandchildren, and great-grandchildren; your brothers/sisters, uncles/aunts, great uncles/aunts, nephews/nieces, grand nephews/nieces, and first cousins;
- (4) Political campaign contributions that comply with state law;
- (5) Anything that is available to, or distributed to, the public generally without regard to the official status of the recipient;
- (6) Gifts that, within 30 days after receipt, are returned to the giver or delivered to a public body or to a bona fide educational or charitable organization without the donation being claimed as a charitable contribution for tax purposes; and
- (7) Exchanges of approximately equal value on holidays, birthdays, or special occasions.

WHEN TO FILE

Gifts disclosure statements must be filed by **June 30** of each year. Each report covers gifts received during the period from June 1 of the preceding calendar year through June 1 of the year of the report.

WHERE TO FILE

By mail: Hawaii State Ethics Commission
P.O. Box 616
Honolulu, HI 96809

By personal delivery: Hawaii State Ethics Commission
1001 Bishop Street, Pacific Tower Suite 970
Honolulu, HI

INSTRUCTIONS FOR COMPLETING THE GIFTS DISCLOSURE STATEMENT FORM

A filer must provide the following information on his or her gifts disclosure statement:

- (1): **Donor.** The name of each person, business entity, or organization from whom, or on behalf of whom, a gift was received by the filer, the filer's spouse or dependent child.
- (2): **Description of gift.** A description of each gift that the filer, the filer's spouse or dependent child received.
- (3): **Date received.** The date on which each gift was received.
- (4): **Gift value.** A good faith estimate of the fair market value of each gift.
- (5): **Aggregate value.** This item applies only if the filer, the filer's spouse or dependent child receive more than one gift from the same donor during the reporting period. The filer must report the value of each gift received (under Item No. 4, above) **AND** the filer must also report the aggregate or combined value of the gifts (under this Item No. 5). The aggregate value of gifts from the same donor need only be entered once on the form. (See sample gifts disclosure statement form.) Please note that if only one gift was received from a donor, no aggregate value need be reported.

PUBLIC RECORDS

Gifts disclosure statements that are filed with the State Ethics Commission are public records and are available for public inspection.

FAILURE TO FILE

Failure of a legislator, employee, or board or commission member to file a gifts disclosure statement as required by the State Ethics Code constitutes a violation of state law. Persons who violate the State Ethics Code may be reprimanded, put on probation, demoted, suspended, or discharged from state office. In addition, the State Ethics Commission may issue a public finding of a violation and the State, by the Attorney General, may recover any gift received by any person as a result of a violation of the State Ethics Code.

APPLICABILITY OF GIFTS LAW, §84-11, HRS

Section 84-11, HRS, prohibits a state legislator, employee, and board or commission member from accepting any gift under circumstances in which it can reasonably be inferred that the gift is intended to influence or reward official action. Under many circumstances, section 84-11 may prohibit a state employee or official from accepting a gift of even a relatively small amount in value. The gifts disclosure law should not be interpreted to automatically allow gifts of a value less than \$200. Nor should the gifts disclosure law be interpreted to automatically allow gifts that are reported on a gifts disclosure statement. Any gift exceeding a nominal amount (such as a moderately priced box of candy or cookies) should be checked with the State Ethics Commission before acceptance.

QUESTIONS ABOUT GIFTS DISCLOSURE LAW OR GIFTS LAW

Persons with questions about the gifts disclosure statement, the gifts disclosure law, or about the gifts law, section 84-11, HRS, should contact the State Ethics Commission at 587-0460.