



HAWAI‘I STATE ETHICS COMMISSION

State of Hawai‘i · Bishop Square, 1001 Bishop Street, ASB Tower 970 · Honolulu, Hawai‘i 96813

April 30, 2024

Via email: john.wataoka@k12.hi.us

Principal John Wataoka
Wai‘anae Intermediate School
85-626 Farrington Hwy,
Waianae, HI 96792

Re: Request for a Good Cause Exception to Nepotism Prohibition (OTH-24-00252)

Dear Principal Wataoka:

Thank you for contacting the Hawai‘i State Ethics Commission (“Commission”) to request a good cause exception to the Nepotism Law. As the principal of Wai‘anae Intermediate School (“Wai‘anae Intermediate”), you seek a good cause exception to hire your son, Elijah Wataoka, as a part-time technical support employee. As noted below, we do not believe you are required to establish a good cause exception under the Nepotism law because you did not participate in your son’s hiring and will not supervise him. Therefore, the Nepotism Law does not prohibit Wai‘anae Intermediate from hiring Elijah Wataoka. However, we believe that you and Wai‘anae Intermediate should take steps to avoid the appearance of impropriety and consider reopening the position again in one-year to determine if other applicants are available.

The Nepotism Law prohibits state employees from taking employment action affecting relatives or household members.¹ Employment action includes hiring, evaluating, demoting, or supervising a relative or household member. The law further provides that the Ethics Commission may grant an exception to this law upon good cause shown. Good cause may include a demonstrated lack of qualified employees or candidates.

In both your application for a good cause exception and during a subsequent call, you provided the following details:

- Wai‘anae Intermediate faces difficulty filling vacant positions due to its geographic location;
- Wai‘anae Intermediate is hiring a part-time technical support position to assist it in repairing computers and devices. There are currently approximately three

¹ The Nepotism Law is available here: [Act 261 \(2023\)](#). For more information, please refer to the quick guides posted on the Ethics Commission’s website: [Nepotism Quick Guide](#).

hundred computers and electronic devices at Wai‘anae Intermediate that need repair, and a part-time technical support employee will assist in making those repairs and servicing the school’s equipment;

- The part-time technical support position was advertised on the school’s website from March 1-14, 2024. Elijah Wataoka was the only applicant. The position was then advertised again from March 15 to April 4 on the school’s website, Monster.com, and Craigslist.com. Again, Elijah Wataoka was the only applicant;
- You did not participate in the hiring process, which was led by two school user support technicians who will directly supervise the part time technical support position;
- Elijah Wataoka has previously volunteered as a student helper in Wai‘anae Intermediate’s tech department, and the hiring team identified him as qualified for the position and recommended his employment;
- You do not have authority to set the salary of the part time technical support assistant; the salary is determined by a Department of Education salary schedule;
- In the event of hiring, two user support technicians would directly supervise Elijah Wataoka, and they would report to the Vice Principal. You indicated that you are amenable to having the Vice Principal report to the Complex Area Superintendent regarding any employment issues involving your son; and
- You have indicated that if your computer or another device needs servicing or repair, another user support technician could handle those requests rather than your son.

From the details presented, it does not appear that a good cause exception to the Nepotism law is necessary. You do not intend to supervise your son, nor did you participate in the hiring process. The Nepotism Law expressly allows an individual to recuse themselves from taking any official action directly affecting the relative or household member. In this specific case, you have agreed to voluntarily recuse yourself from such responsibilities, and other school personnel can supervise Elijah Wataoka.² If circumstances change, such as you find yourself in a position of supervising or taking official action directly affecting Elijah Wataoka or if he were to apply or switch to a different position, it may necessitate submission of another good cause exception request.

² Commission staff note this good cause exception limited to the hiring of Elijah Wataoka to this position. Should he choose to apply to a different or permanent position, a new good cause application may need to be submitted.

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Additionally, the Nepotism law permits a good cause exception in cases with a “demonstrated lack of qualified personnel or applicants.” While in this case, you have established that Wai‘anae Intermediate has difficulty hiring individuals, we do not believe the advertising process necessarily establishes good cause to avoid the Nepotism law altogether. In particular, we suggest that in the future Wai‘anae Intermediate advertise part-time positions on the Department of Education’s internal application system. Additionally, Wai‘anae Intermediate could consider additional avenues to advertise the position, such as through other websites that require a paid subscription.

Thank you for your request for an exemption. This letter is based on the information provided by you and other employees of the Department of Education. If any of this information is inaccurate, please inform us as soon as possible as this may affect our decision. Further, if you disagree with any portion of this letter, you may, pursuant to the Order Regarding Applications for Good Cause Exceptions to the Nepotism Law issued on May 17, 2023, appeal to the full Ethics Commission for reconsideration.³

If you have questions or would like to discuss this matter further, please contact me at (808) 587-0460.

Sincerely,



Kee M. Campbell
Enforcement Director

KMC/lis

³ Available at <https://ethics.hawaii.gov/wp-content/uploads/Order-NepotismExceptionProcess.pdf>