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Hawaii News

Court clears charter school employee of ethics rap

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Posted July 20, 2016

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The Hawaii Supreme Court ruled Tuesday in favor of a Hilo charter school employee, saying he was not subject to the state Ethics Code and should not have been held liable for violating conflict-of-interest laws.

The court directed the state Ethics Commission to dismiss all charges against William Eric Boyd, an administrative assistant at Connections Charter School. Boyd had been fined \$10,000 in 2013 by the commission for alleged violations that occurred in 2006 and 2007, but he challenged the decision in court.

"Eric and I are very grateful that the Supreme Court looked carefully at our case," said Boyd's attorney, Ted Hong. "We're just very relieved the court found merit to the argument that we made from the beginning. It's taken a very hard toll on Eric physically and emotionally and also personally."

Boyd contended that he was an employee of the local school board that governed the charter school, not a state employee, so ethics rules for state employees did not apply to him. He also said he had not been told he was subject to the Ethics Code or trained on its provisions.

The Ethics Commission considered Boyd a state employee and found he violated conflict-of-interest laws in ordering and approving purchases for the school from businesses owned by himself and his wife, Erika. The school contracted with the Boyds' company to provide school lunches and also bought items from their Amway business.

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The Circuit and Intermediate courts sided with the commission. But the Supreme Court, in a unanimous decision, found that the commission did not have the authority to fine Boyd because charter schools had autonomy to set their own ethics rules for employees at the time.

"We are disappointed, obviously, but we have not had a chance yet to review the entire opinion," Susan Yoza, the commission's interim executive director, said Tuesday. "We will be doing so and also will be consulting with the attorney general's office."

The court ruled that the section of the law covering charter schools conflicted with the Ethics Code, so Boyd was exempt from the latter. Otherwise, it said, "that employee would have been subject to two separate conflict of interest standards."

The Supreme Court found the school followed its own procurement and ethics procedures under the guidance of its principal and local school board. Charter schools are public schools whose employees are paid with state funds, but they are governed by their own volunteer boards.

Legislation passed in 2012 made it explicit that charter school employees are state employees subject to the Ethics Code. Hong said he and Boyd were especially appreciative that the Supreme Court took the case, considering that it won't set a precedent and affects just one person.

"This issue won't come up again, yet they spent that time and the resources to mete out justice to this one individual," he said. "As a lawyer, that really brightens my heart in terms of our system of justice."