

# REQUEST TO ACCESS A GOVERNMENT RECORD

DATE: April 12, 2022

TO: Hawai'i State Ethics Commission

FROM: Vanessa Ott

Name or Alias email: **MsVOtt@gmail.com** USPS: 2825 S. King, #2901

Contact Information phone: 808-854-1018 Honolulu, HI 96826

Although you are not required to provide any personal information, you should provide enough information to allow the agency to contact you about this request. The processing of this request may be stopped if the agency is unable to contact you. Therefore, please provide any information that will allow the agency to contact you (name or alias, telephone or fax number, mailing address, e-mail address, etc.).

## **I WOULD LIKE THE FOLLOWING GOVERNMENT RECORD:**

Describe the government record as specifically as possible so that it can be located. Try to provide a record name, subject matter, date, location, purpose, or names of persons to whom the record refers, or other information that could help the agency identify the record. A complete and accurate description of the government record you request will prevent delays in locating the record. Attach a second page if needed.

See Attachment and Request for Waiver of Fees in the Public Interest.

**I WOULD LIKE:** (please check one or more of the options below)

- To inspect the government record.**
- A copy of the government record:** (Please check one of the options below.) See the back of this page for information about fees that you may be required to pay for agency services to process your record request. Note: Copying and transmission charges may also apply to certain options.

- Pick up at agency (**date and time**): \_\_\_\_\_
- Mail *I request this list be delivered in electronic format as an attachment sent to my email address in either \*.doc, \*.docx, \*.xlsx, \*.csv, or*
- Fax (toll free and only if available) *\*.pdf format whereby text can be copied.*
- Other, if available (please specify): \_\_\_\_\_

- If the agency maintains the records in a form other than paper, please advise in which format you would prefer to have the record.

Electronic  Audio  Other (please specify): \_\_\_\_\_  
to: **MsVOtt@gmail.com**

- Check this box if you are attaching a request for waiver of fees in the public interest (see waiver information on back).

**SEE BACK FOR IMPORTANT INFORMATION**

## **FEES FOR PROCESSING RECORD REQUESTS**

You may be charged fees for the services that the agency must perform when processing your record request, including fees for making photocopies and other lawful fees. **The first \$30 of fees charged for searching for a record, reviewing, and segregating will not be charged to you. Any amount over \$30 will be charged to you.** Fees are as follows:

Search for a Record	\$2.50 for 15 minutes
Review and Segregation of a Record	\$5.00 for 15 minutes

## **WAIVER OF FEES IN THE PUBLIC INTEREST**

Up to \$60 of fees for searching for, segregating and reviewing records may be waived when the waiver would serve the public interest as described in section 2-71-32, Hawaii Administrative Rules. If you wish to apply for a waiver of fees in the public interest, you must attach to this request a statement of facts, including your identity as the requester, to show how the waiver of fees would serve the public interest. The criteria for this waiver, found at section 2-71-32, Hawaii Administrative Rules, are:

- (1) The requested record pertains to the operations or activities of an agency;
- (2) The record is not readily available in the public domain; and
- (3) The requester has the primary intention and the actual ability to widely disseminate information from the government record to the public at large.

## **AGENCY RESPONSE TO YOUR REQUEST FOR ACCESS**

The agency to which you addressed your request must respond within a set time period. The agency will normally respond to you within 10 business days from the date it receives your request; however, in *extenuating circumstances* the agency must respond within 20 business days from the date of your request. If you have questions about the response time, you may contact the agency's UIPA contact person. If you are not satisfied with the agency's response, you may call the Office of Information Practices at 808-586-1400.

## **REQUESTER'S RESPONSIBILITIES**

You have certain responsibilities under §2-71-16, Hawaii Administrative Rules. You may obtain a copy of these rules from the Lieutenant Governor's Office or from the Office of Information Practices. These responsibilities include making arrangements to inspect and copy records, providing further clarification or description of the requested record as instructed by the agency's notice, and making a prepayment of fees, if assessed.

## ATTACHMENT

Whereas, the EE&C (Ethics and Conflicts Committee) *Representation Recommendation Memo Drafting Guidelines* (rev. August 2019) specifies in section E<sup>1</sup> that the Department of the Attorney General may represent state employees when they are sued in their individual capacity if the claims are based on events that occurred while the employee was acting in the scope and course of his or her state employment; and

Whereas, the primary function of the EE&C<sup>2</sup> is to develop a consistent process and forum through which the department reviews, evaluates, and makes recommendations concerning requests for Attorney General representation from state employees who have been sued in their individual capacities; and

Whereas, I am aware that the Department of the Attorney General has represented at least one State of Hawai'i Department of Education Teacher in his or her individual capacity in a matter concerning defamation;

**I request the documentation that details the scope and course of employment for all State of Hawai'i Department of Education Teachers that the EE&C uses when making recommendations concerning requests for Attorney General representation from State of Hawai'i Department of Education Teachers.**

Note: None of the exceptions cited in HRS §92F-13 apply to this Request for a Government Record. This government record applies to all recommendations made by the E&CC concerning all State of Hawai'i public school teachers who are sued in their individual capacities for actions taken while on the job.

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<sup>1</sup> E&CC (Ethics and Conflicts Committee) Representation Recommendation Memo Drafting Guidelines (rev. August 2019).

E. ATTORNEY GENERAL'S AUTHORITY TO REPRESENT INDIVIDUAL STATE OFFICERS AND EMPLOYEES

The Attorney General is authorized, but not required, by § 662-16, HRS, to defend state officers and employees when they are sued in their individual capacities for damages resulting from property loss or bodily injuries, including death, in connection with their performance of their state duties and responsibilities.

The Attorney General may offer representation if the Attorney General is satisfied that the claims are based on events that occurred while the employee was acting in the scope and course of his or her state employment.

<sup>2</sup> E&CC (Ethics and Conflicts Committee) Representation Recommendation Memo Drafting Guidelines (rev. August 2019).

D. FUNCTION OF THE ETHICS AND CONFLICTS COMMITTEE (E&CC)

The primary function of the E&CC is to develop a consistent process and forum through which the department reviews, evaluates, and makes recommendations on issues relating to attorney ethics, and conflicts of interest generally. This includes evaluation of requests for Attorney General representation from state employees who have been sued in their individual capacities.

## WAIVER OF FEES IN THE PUBLIC INTEREST

Requester: Vanessa Ott, Author

I intend to widely distribute the requested government record because it is of interest to all of the people of Hawai'i who interact with public education teachers, *and* I have the means to make the information available to the public via my informational website:

FreeSpeech4US.com

I created *FreeSpeech4US.com* over 12 years ago to share information on a variety of topics of interest to the public, especially the residents of Hawai'i.

Registry Expiration: 2024-01-30 10:48:15 UTC  
Updated: 2022-01-31 14:55:24 UTC  
Created: 2010-01-30 10:48:15 UTC

Registry information for FreeSpeech4US.com from Internet Corporation for Assigned Names and Numbers (ICANN) Lookup:  
<https://lookup.icann.org/lookup?q=freespeech4us.com&t=a>

I have been a professional author since the 1980s, and a website developer and educator since the 1990s. I have the capacity to deliver this information to the public. My Curriculum Vitae is posted on my website homepage.

Documentation that details the scope and course of employment for all State of Hawai'i Department of Education Teachers pertains to the operations and/or activities of the State Department of Education, the State Department of the Attorney General, and the Ethics & Conflict Commission.

This record is not readily available in the public domain. I could not find the information. If it is available in the public domain, then, please tell me where I can find it.

Documentation that details the scope and course of employment for all State of Hawai'i Department of Education Teachers is in the public interest so that the people of Hawai'i know precisely what are the roles and responsibilities of its public school teachers.

 12 April 2022