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IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAI'I

STATE OF HAWAI'I,

CASE NO. \_\_\_\_\_

vs.

J. MARTE MARTINEZ,

Defendant.

)  
) COUNTS 1-2:  
) PERJURY  
) (§710-1060(1), HRS)  
) (AG RPT NOs. 19-3726-1; 19-3726-2)  
)  
) COUNTS 3, 5, 7, 9, 11, 13:  
) TAMPERING WITH A GOVERNMENT RECORD  
) (§§710-1017(1)(a) and/or 710-1017(1)(b) and/or  
) 710-1017(1)(c), HRS)  
) (AG RPT NOs. 19-5014-1; 19-5014-3; 20-1083-1;  
) 19-3764-1; 19-5015-1; 19-5016-1)  
)  
) COUNTS 4, 6:  
) UNSWORN FALSIFICATION TO AUTHORITIES  
) (§710-1063(1)(c), HRS)  
) [AG RPT NOs. 19-5014-2; 19-5014-4]  
)  
) COUNTS 8, 10, 12, 14:  
) UNSWORN FALSIFICATION TO AUTHORITIES  
) (§§710-1063(1)(a) and/or 710-1063(1)(c), HRS)  
) (AG RPT NOs. 20-1083-2; 19-3764-2; 19-5015-2;  
) 19-5016-2)  
)  
) FELONY INFORMATION AND NON-FELONY  
) COMPLAINT; EXHIBIT "A"  
)

**FELONY INFORMATION AND NON-FELONY COMPLAINT**

The Department of the Attorney General charges:

COUNT 1:

1. On or about December 11, 2019, in the City and County of Honolulu, State of Hawai‘i, J. MARTE MARTINEZ testified in an administrative hearing before the Hawaii Labor Relations Board; and
2. The hearing was an official proceeding; and
3. Prior to the commencement of her testimony, J. MARTE MARTINEZ was sworn under an oath required or authorized by law; and
4. While under oath, J. MARTE MARTINEZ intentionally or knowingly made the following underlined materially false statement(s):

Q: And was that included in your submission that your degree or certificate, was that included in your submission to the internal affairs department?

A: The one from NOVA was, everything else was. All the transcripts that are not from a for-profit school are provided.

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Q: You also mentioned that, I think it was June 2019 about you giving your documents to the IA investigator.

A: That is correct. I had to reorder every transcript in a direct sealed envelope.

Q: So, you reordered the transcripts?

A: Yes, ma'am.

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Q: [...] What you gave to the IA investigator would have been a complete file of your personnel file?

A: Of my education, that's correct.

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Q: So the IA file, then, should be complete regarding your educational information?

A: I have provided every transcript that I can get to the IA investigator. That is correct.

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Q: [...] But the IA file is the one that you personally know that you have provided them with every educational information that you were asked to reorder or provide?

A: That is correct. I would believe my – I have email records showing that I said, Why can't we use the ones that I provided previously that are in my file? And they said, We can't find them. That's when they made me go out and order them again.

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Q: And then in 2019 what were the, what was the request for?

A: [...] they gave me another list of things to provide. Employment history, employment records, education records, all training records from everywhere I've ever trained, et cetera. That's what I did.

Q: So that was a basis of your educational experience?

A: Everything was in there, yes, ma'am.

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Q: But you don't have a transcript of what you took at Southern Oregon?

A: Not here. Not with me. Turned in for investigation.

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Q: Do you have transcripts from those institutions?

A: I do have. I don't. They are in the internal affairs investigation file.

Q: Again, your testimony is that you gave over every original copy of anything you had and made no copies of your own to be retained?

A: Sir, on three occasions I've been asked to provide original, sealed copies. I did not open them.

5. J. MARTE MARTINEZ did not believe the foregoing statement(s) to be true; and

6. Thereby committing the offense of Perjury, in violation of Section 710-1060(1) of the Hawai'i Revised Statutes.

COUNT 2:

1. On or about December 11, 2019, in the City and County of Honolulu, State of Hawai'i, J. MARTE MARTINEZ testified in an administrative hearing before the Hawaii Labor Relations Board; and

2. The hearing was an official proceeding; and
3. Prior to the commencement of her testimony, J. MARTE MARTINEZ was sworn under an oath required or authorized by law; and
4. While under oath, J. MARTE MARTINEZ intentionally or knowingly made the following underlined materially false statement(s):

Q: Where do you have a degree from?

A: I have a degree from El Dorado, a degree from NOVA, Northern Virginia.

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Q: Let's see. So, what other colleges did you go to that you received a degree from?

A: I received a degree from?

Q: I'll narrow it down.

A: I was going to say. There's a lot. I have a certificate --

Q: Why don't I even narrow it down further.

A: Okay.

Q: I'm going to narrow it down to accredited four-year college or university.

A: Accredited four-year college or university. The last one I attended was accredited four-year university liberal arts was Northern Virginia University. And at the time they were accredited. They lost their accreditation several years after that. And they folded.

Q: Did you graduate from there?

A: Yes, I did. And I have my transcripts and certificate provided to my employer.

Q: What was the degree that you graduated with? What was the degree you graduated with?

A: Liberal arts.

Q: What year was that?

A: 2007, 2006, '07...

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Q: Was there another accredited university you attended?

A: I attended but did not graduate from.

Q: Graduated from. So the only one that you attend and graduated from was the Northern Virginia University?

A. That is correct.

Q: Liberal arts in 2006, 2007?

A: Uh-huh.

5. J. MARTE MARTINEZ did not believe the foregoing statement(s) to be true; and

6. Thereby committing the offense of Perjury, in violation of Section 710-1060(1) of the Hawai'i Revised Statutes.

COUNT 3: On or about August 15, 2019, in the City and County of Honolulu, State of Hawai'i, J. MARTE MARTINEZ did, acting knowingly, falsely make a purported government record, or falsely complete or alter a government record or a true copy thereof, and/or did knowingly present or use a government record or a purported government record, or a true copy thereof, knowingly that it has been falsely made, completed, or altered, with intent that it be taken as genuine, and/or did knowingly record, file, or offer for recordation or filing, in a governmental office or agency, a statement, document, or record, in written or printed form, which has been falsely made, completed, or altered, or which contains a false statement or false information, thereby committing the offense of Tampering With A Government Record in violation of section 710-1017(1)(a) and/or 710-1017(1)(b) and/or 710-1017(1)(c) of the Hawai'i Revised Statutes.

Count 3 relates to J. MARTE MARTINEZ's conduct committed on or about the date referenced above, in which J. MARTE MARTINEZ, as a Public Safety Training Officer, a public employee, submitted to the State of Hawai'i Department of Public Safety a transcript purported to be from the Southern Oregon University, which was falsely made, completed, or altered.

The offense alleged herein was not discovered prior to August 15, 2019 by either the State of Hawai'i Department of Public Safety or by a person who has a legal duty to represent

the State of Hawai‘i Department of Public Safety. Section 701-108(3) of the Hawai‘i Revised Statutes.

The offense alleged herein is based on misconduct committed by J. MARTE MARTINEZ, a public employee or public officer, while in public employment or public office. Section 701-108(3) of the Hawai‘i Revised Statutes.

COUNT 4: On or about August 15, 2019, in the City and County of Honolulu, State of Hawai‘i, J. MARTE MARTINEZ did, with intent to mislead a public servant in the performance of the public servant’s duty, intentionally submit or invite reliance on any statement, document, or record, in written, printed, or electronic form, which J. MARTE MARTINEZ knew to be falsely made, completed, or altered, thereby committing the offense of Unsworn Falsification to Authorities, in violation of section 710-1063(1)(c) of the Hawai‘i Revised Statutes.

Count 4 relates to J. MARTE MARTINEZ’s conduct committed on or about the date referenced above, in which J. MARTE MARTINEZ, as a Public Safety Training Officer, a public employee, submitted to the State of Hawai‘i Department of Public Safety a transcript purported to be from the Southern Oregon University, which was falsely made, completed, or altered.

The offense alleged herein was not discovered prior to August 15, 2019 by either the State of Hawai‘i Department of Public Safety or by a person who has a legal duty to represent the State of Hawai‘i Department of Public Safety. Section 701-108(3) of the Hawai‘i Revised Statutes.

The offense alleged herein is based on misconduct committed by J. MARTE MARTINEZ, a public employee or public officer, while in public employment or public office. Section 701-108(3) of the Hawai‘i Revised Statutes.

COUNT 5: On or about July 22, 2019, in the City and County of Honolulu, State of Hawai'i, J. MARTE MARTINEZ did, acting knowingly, falsely make a purported government record, or falsely complete or alter a government record or a true copy thereof, and/or did knowingly present or use a government record or a purported government record, or a true copy thereof, knowingly that it has been falsely made, completed, or altered, with intent that it be taken as genuine, and/or did knowingly record, file, or offer for recordation or filing, in a governmental office or agency, a statement, document, or record, in written or printed form, which has been falsely made, completed, or altered, or which contains a false statement or false information, thereby committing the offense of Tampering With A Government Record in violation of section 710-1017(1)(a) and/or 710-1017(1)(b) and/or 710-1017(1)(c) of the Hawai'i Revised Statutes.

Count 5 relates to J. MARTE MARTINEZ's conduct committed on or about the date referenced above, in which J. MARTE MARTINEZ, as a Public Safety Training Officer, a public employee, submitted to the State of Hawai'i Department of Public Safety a transcript purported to be from the University of Northern Virginia, which was falsely made, completed, or altered.

The offense alleged herein was not discovered prior to July 22, 2019 by either the State of Hawai'i Department of Public Safety or by a person who has a legal duty to represent the State of Hawai'i Department of Public Safety. Section 701-108(3) of the Hawai'i Revised Statutes.

The offense alleged herein is based on misconduct committed by J. MARTE MARTINEZ, a public employee or public officer, while in public employment or public office. Section 701-108(3) of the Hawai'i Revised Statutes.

COUNT 6: On or about July 22, 2019, in the City and County of Honolulu, State of Hawai'i, J. MARTE MARTINEZ did, with intent to mislead a public servant in the performance of the public servant's duty, intentionally submit or invite reliance on any statement, document, or record, in written, printed, or electronic form, which J. MARTE MARTINEZ knew to be falsely made, completed, or altered, thereby committing the offense of Unsworn Falsification to Authorities, in violation of section 710-1063(1)(c) of the Hawai'i Revised Statutes.

Count 6 relates to J. MARTE MARTINEZ's conduct committed on or about the date referenced above, in which J. MARTE MARTINEZ, as a Public Safety Training Officer, a public employee, submitted to the State of Hawai'i Department of Public Safety a transcript purported to be from the University of Northern Virginia, which was falsely made, completed, or altered.

The offense alleged herein was not discovered prior to July 22, 2019 by either the State of Hawai'i Department of Public Safety or by a person who has a legal duty to represent the State of Hawai'i Department of Public Safety. Section 701-108(3) of the Hawai'i Revised Statutes.

The offense alleged herein is based on misconduct committed by J. MARTE MARTINEZ, a public employee or public officer, while in public employment or public office. Section 701-108(3) of the Hawai'i Revised Statutes.

COUNT 7: On or about May 22, 2017, in the City and County of Honolulu, State of Hawai'i, J. MARTE MARTINEZ did, acting knowingly, falsely make a purported government record, or falsely complete or alter a government record or a true copy thereof, and/or did knowingly present or use a government record or a purported government record, or a true copy thereof, knowingly that it has been falsely made, completed, or altered, with intent that it be taken as genuine, and/or did knowingly record, file, or offer for recordation or filing, in a



governmental office or agency, a statement, document, or record, in written or printed form, which has been falsely made, completed, or altered, or which contains a false statement or false information, thereby committing the offense of Tampering With A Government Record in violation of section 710-1017(1)(a) and/or 710-1017(1)(b) and/or 710-1017(1)(c) of the Hawai'i Revised Statutes.

Count 7 relates to J. MARTE MARTINEZ's conduct committed on or about the date referenced above, in which J. MARTE MARTINEZ, as a Performance Based Management Coordinator, a public employee, submitted to the State of Hawai'i Department of Public Safety an application for the position of Public Safety Training Officer, which contained J. MARTE MARTINEZ's statements regarding her educational background that she did not believe to be true.

The offense alleged herein was not discovered prior to April 11, 2019 by either the State of Hawai'i Department of Public Safety or by a person who has a legal duty to represent the State of Hawai'i Department of Public Safety. Section 701-108(3) of the Hawai'i Revised Statutes.

The offense alleged herein is based on misconduct committed by J. MARTE MARTINEZ, a public employee or public officer, while in public employment or public office. Section 701-108(3) of the Hawai'i Revised Statutes.

COUNT 8: On or about May 22, 2017, in the City and County of Honolulu, State of Hawai'i, J. MARTE MARTINEZ did, with intent to mislead a public servant in the performance of the public servant's duty, intentionally make any statement, in written, printed, or electronic form, which J. MARTE MARTINEZ did not believe to be true, in an application for any pecuniary or other benefit or in a record or report required by law to be submitted to any governmental agency, and/or intentionally submit or invite reliance on any statement, document,

or record, in written, printed, or electronic form, which J. MARTE MARTINEZ knew to be falsely made, completed, or altered, thereby committing the offense of Unsworn Falsification to Authorities, in violation of section 710-1063(1)(a) and/or 710-1063(1)(c) of the Hawai'i Revised Statutes.

Count 8 relates to J. MARTE MARTINEZ's conduct committed on or about the date referenced above, in which J. MARTE MARTINEZ, as a Performance Based Management Coordinator, a public employee, submitted to the State of Hawai'i Department of Public Safety an application for the position of Public Safety Training Officer, which contained J. MARTE MARTINEZ's statements regarding her educational background that she did not believe to be true.

The offense alleged herein was not discovered prior to April 11, 2019 by either the State of Hawai'i Department of Public Safety or by a person who has a legal duty to represent the State of Hawai'i Department of Public Safety. Section 701-108(3) of the Hawai'i Revised Statutes.

The offense alleged herein is based on misconduct committed by J. MARTE MARTINEZ, a public employee or public officer, while in public employment or public office. Section 701-108(3) of the Hawai'i Revised Statutes.

COUNT 9: On or about June 23, 2017, in the City and County of Honolulu, State of Hawai'i, J. MARTE MARTINEZ did, acting knowingly, falsely make a purported government record, or falsely complete or alter a government record or a true copy thereof, and/or did knowingly present or use a government record or a purported government record, or a true copy thereof, knowingly that it has been falsely made, completed, or altered, with intent that it be taken as genuine, and/or did knowingly record, file, or offer for recordation or filing, in a governmental office or agency, a statement, document, or record, in written or printed form,

which has been falsely made, completed, or altered, or which contains a false statement or false information, thereby committing the offense of Tampering With A Government Record in violation of section 710-1017(1)(a) and/or 710-1017(1)(b) and/or 710-1017(1)(c) of the Hawai'i Revised Statutes.

Count 9 relates to J. MARTE MARTINEZ's conduct committed on or about the date referenced above, in which J. MARTE MARTINEZ, as a Performance Based Management Coordinator, a public employee, submitted to the State of Hawai'i Department of Public Safety an application for the position of Professional Standards and Accreditation Manager, which contained J. MARTE MARTINEZ's statements regarding her educational background that she did not believe to be true.

The offense alleged herein was not discovered prior to April 11, 2019 by either the State of Hawai'i Department of Public Safety or by a person who has a legal duty to represent the State of Hawai'i Department of Public Safety. Section 701-108(3) of the Hawai'i Revised Statutes.

The offense alleged herein is based on misconduct committed by J. MARTE MARTINEZ, a public employee or public officer, while in public employment or public office. Section 701-108(3) of the Hawai'i Revised Statutes.

COUNT 10: On or about June 23, 2017, in the City and County of Honolulu, State of Hawai'i, J. MARTE MARTINEZ did, with intent to mislead a public servant in the performance of the public servant's duty, intentionally make any statement, in written, printed, or electronic form, which J. MARTE MARTINEZ did not believe to be true, in an application for any pecuniary or other benefit or in a record or report required by law to be submitted to any governmental agency, and/or intentionally submit or invite reliance on any statement, document, or record, in written, printed, or electronic form, which J. MARTE MARTINEZ knew to be

falsely made, completed, or altered, thereby committing the offense of Unsworn Falsification to Authorities, in violation of section 710-1063(1)(a) and/or 710-1063(1)(c) of the Hawai'i Revised Statutes.

Count 10 relates to J. MARTE MARTINEZ's conduct committed on or about the date referenced above, in which J. MARTE MARTINEZ, as a Performance Based Management Coordinator, a public employee, submitted to the State of Hawai'i Department of Public Safety an application for the position of Professional Standards and Accreditation Manager, which contained J. MARTE MARTINEZ's statements regarding her educational background that she did not believe to be true.

The offense alleged herein was not discovered prior to April 11, 2019 by either the State of Hawai'i Department of Public Safety or by a person who has a legal duty to represent the State of Hawai'i Department of Public Safety. Section 701-108(3) of the Hawai'i Revised Statutes.

The offense alleged herein is based on misconduct committed by J. MARTE MARTINEZ, a public employee or public officer, while in public employment or public office. Section 701-108(3) of the Hawai'i Revised Statutes.

COUNT 11: On or about May 25, 2016, in the City and County of Honolulu, State of Hawai'i, J. MARTE MARTINEZ did, acting knowingly, falsely make a purported government record, or falsely complete or alter a government record or a true copy thereof, and/or did knowingly present or use a government record or a purported government record, or a true copy thereof, knowingly that it has been falsely made, completed, or altered, with intent that it be taken as genuine, and/or did knowingly record, file, or offer for recordation or filing, in a governmental office or agency, a statement, document, or record, in written or printed form, which has been falsely made, completed, or altered, or which contains a false statement or false

information, thereby committing the offense of Tampering With A Government Record in violation of section 710-1017(1)(a) and/or 710-1017(1)(b) and/or 710-1017(1)(c) of the Hawai'i Revised Statutes.

Count 11 relates to J. MARTE MARTINEZ's conduct committed on or about the date referenced above, in which J. MARTE MARTINEZ submitted to the State of Hawai'i Department of Public Safety an application for the position of Performance Based Management Coordinator, which contained J. MARTE MARTINEZ's statements regarding her educational background that she did not believe to be true.

The offense alleged herein was not discovered prior to April 11, 2019 by either the State of Hawai'i Department of Public Safety or by a person who has a legal duty to represent the State of Hawai'i Department of Public Safety. Section 701-108(3) of the Hawai'i Revised Statutes.

COUNT 12: On or about May 25, 2016, in the City and County of Honolulu, State of Hawai'i, J. MARTE MARTINEZ did, with intent to mislead a public servant in the performance of the public servant's duty, intentionally make any statement, in written, printed, or electronic form, which J. MARTE MARTINEZ did not believe to be true, in an application for any pecuniary or other benefit or in a record or report required by law to be submitted to any governmental agency, and/or intentionally submit or invite reliance on any statement, document, or record, in written, printed, or electronic form, which J. MARTE MARTINEZ knew to be falsely made, completed, or altered, thereby committing the offense of Unsworn Falsification to Authorities, in violation of section 710-1063(1)(a) and/or 710-1063(1)(c) of the Hawai'i Revised Statutes.

Count 12 relates to J. MARTE MARTINEZ's conduct committed on or about the date referenced above, in which J. MARTE MARTINEZ submitted to the State of Hawai'i

Department of Public Safety an application for the position of Performance Based Management Coordinator, which contained J. MARTE MARTINEZ's statements regarding her educational background that she did not believe to be true.

The offense alleged herein was not discovered prior to April 11, 2019 by either the State of Hawai'i Department of Public Safety or by a person who has a legal duty to represent the State of Hawai'i Department of Public Safety. Section 701-108(3) of the Hawai'i Revised Statutes.

COUNT 13: On or about September 8, 2015, in the City and County of Honolulu, State of Hawai'i, J. MARTE MARTINEZ did, acting knowingly, falsely make a purported government record, or falsely complete or alter a government record or a true copy thereof, and/or did knowingly present or use a government record or a purported government record, or a true copy thereof, knowingly that it has been falsely made, completed, or altered, with intent that it be taken as genuine, and/or did knowingly record, file, or offer for recordation or filing, in a governmental office or agency, a statement, document, or record, in written or printed form, which has been falsely made, completed, or altered, or which contains a false statement or false information, thereby committing the offense of Tampering With A Government Record in violation of section 710-1017(1)(a) and/or 710-1017(1)(b) and/or 710-1017(1)(c) of the Hawai'i Revised Statutes.

Count 13 relates to J. MARTE MARTINEZ's conduct committed on or about the date referenced above, in which J. MARTE MARTINEZ submitted to the State of Hawai'i Department of Public Safety an application for the position of Firearms Training Specialist, which contained J. MARTE MARTINEZ's statements regarding her educational background that she did not believe to be true.

The offense alleged herein was not discovered prior to April 11, 2019 by either the State of Hawai'i Department of Public Safety or by a person who has a legal duty to represent the State of Hawai'i Department of Public Safety. Section 701-108(3) of the Hawai'i Revised Statutes.

COUNT 14: On or about September 8, 2015, in the City and County of Honolulu, State of Hawai'i, J. MARTE MARTINEZ did, with intent to mislead a public servant in the performance of the public servant's duty, intentionally make any statement, in written, printed, or electronic form, which J. MARTE MARTINEZ did not believe to be true, in an application for any pecuniary or other benefit or in a record or report required by law to be submitted to any governmental agency, and/or intentionally submit or invite reliance on any statement, document, or record, in written, printed, or electronic form, which J. MARTE MARTINEZ knew to be falsely made, completed, or altered, thereby committing the offense of Unsworn Falsification to Authorities, in violation of section 710-1063(1)(a) and/or 710-1063(1)(c) of the Hawai'i Revised Statutes.

Count 14 relates to J. MARTE MARTINEZ's conduct committed on or about the date referenced above, in which J. MARTE MARTINEZ submitted to the State of Hawai'i Department of Public Safety an application for the position of Firearms Training Specialist, which contained J. MARTE MARTINEZ's statements regarding her educational background that she did not believe to be true.

The offense alleged herein was not discovered prior to April 11, 2019 by either the State of Hawai'i Department of Public Safety or by a person who has a legal duty to represent the State of Hawai'i Department of Public Safety. Section 701-108(3) of the Hawai'i Revised Statutes.

As used in this Felony Information and Non-Felony Complaint:

“Deception” occurs when a person knowingly creates or confirms another’s impression which is false and which the defendant does not believe to be true.

“Falsely alter” means to change, without the authority of the ostensible maker or authorized custodian of the record, a statement, document, or record, whether complete or incomplete, by means of erasure, obliteration, deletion, insertion of new matter, transposition of matter, or in any other manner, so that the statement, document, or record so altered falsely appears or purports to be in all respects an authentic creation of its ostensible maker, or authorized by the maker or custodian of the record.

“Falsely complete” means to transform, by adding, inserting, or changing matter, an incomplete statement, document, or record into a complete one, without the authority of the ostensible maker or authorized custodian of the record, so that the complete statement, document, or record falsely appears or purports to be in all respects an authentic creation of its ostensible maker, or authorized by the maker or custodian of the record.

“Falsely make” means to create a statement, document, or record, which purports to be an authentic creation of its ostensible maker, but that is not because the ostensible maker is fictitious or because, if real, the ostensible maker did not authorize the creation thereof.

“Government” includes any branch, subdivision, or agency of the government of this State or any locality within.

“Governmental function” includes any activity which a public servant is legally authorized to undertake on behalf of the government.

“Government record” means all records created, issued, received, or kept by any governmental office or agency or required by law to be kept by others for the information of the government.



“Materially false statement” means any false statement, regardless of its admissibility under the rules of evidence, which could have affected the course or outcome of the proceeding.

“Oath” includes an affirmation and every other mode authorized by law of attesting to the truth of that which is stated, and, for the purposes of this chapter, written statements shall be treated as if made under oath if:

(a) The statement was made on or pursuant to a form bearing notice, authorized by law, to the effect that false statements made therein are punishable; or

(b) The statement recites that it was made under oath or affirmation, the declarant was aware of such recitation at the time the declarant made the statement and intended that the statement should be represented as a sworn statement, and the statement was in fact so represented by its delivery or utterance with the signed jurat of an officer authorized to administer oaths appended thereto.

“Oath required or authorized by law” means an oath the use of which is specifically provided for by statute or appropriate regulatory provision.

“Official proceeding” means a proceeding heard or which may be heard before any legislative, judicial, administrative, or other governmental agency or official authorized to take evidence under oath, including any referee, hearing examiner, commissioner, notary, or other person taking testimony or deposition in connection with any such proceeding.

“Pecuniary benefit” is benefit in the form of money, property, commercial interests, or anything else the primary significance of which is economic gain.

“Public servant” means any officer or employee of any branch of government, whether elected, appointed, or otherwise employed, and any person participating as advisor, consultant, or otherwise, in performing a governmental function, but the term does not include jurors or witnesses.

“Record” means information that is written or printed, or that is stored in an electronic or other medium and is retrievable in a perceivable form.

“Statement” means any representation, but includes a representation of opinion, belief, or other state of mind only if the representation clearly relates to state of mind apart from or in addition to any facts which are the subject of the representation.

“Testimony” includes oral or written statements, documents, or any other material that may be offered by a witness in an official proceeding.

DATED: April 5, 2022, Honolulu, Hawai‘i.

HOLLY T. SHIKADA  
Attorney General of Hawai‘i

By: /s/ LAUREN M. NAKAMURA  
LAUREN M. NAKAMURA  
CHEUK FU LUI  
Deputy Attorneys General  
State of Hawai‘i