



1. The basis of this case is, *inter alia*, discrimination and whistleblower retaliation against MR. DOBROWOLSKY at his employment with the State of Hawai'i.

## II. JURISDICTION

2. MR. DOBROWOLSKY brings this action pursuant, including, but not limited to HRS Chapter 378 to obtain full and complete relief and to redress the tortious conduct described herein.

3. At all times relevant herein, MR. DOBROWOLSKY was an employee with the State of Hawai'i, Department of Public Safety and then the State Of Hawai'i, Department of Law Enforcement [hereinafter referred to as "the State"] and a resident of the City and County of Honolulu, State of Hawai'i.

4. At all times relevant herein, Defendant the State's principal place of business is in the City and County of Honolulu, State of Hawai'i.

5. Defendant, WILLIAM OKU, was employed by the State and was at all relevant times, domiciled in the City and County of Honolulu, State of Hawai'i and thus a citizen and resident of the State of Hawai'i. Plaintiff sues WILLIAM OKU both individually and in his official capacity. WILLIAM OKU will be included when referenced as "Defendant" or "Defendants", unless excluded and as the context implies.

6. Defendant, JORDAN LOWE, was employed by the State and was at all relevant times, domiciled in the City and County of Honolulu, State of Hawai'i and thus a citizen and resident of the State of Hawai'i. Plaintiff sues JORDAN LOWE both individually and in his official capacity. JORDAN LOWE will be included when referenced as "Defendant" or "Defendants", unless excluded and as the context implies.

7. Upon information and belief, and at all times relevant herein, Defendants were acting within the course and scope of their duties as employees, agents and/or representatives of the State; therefore, Defendants are liable for the intentional and/or tortious and/or wrongful conduct of said employees, agents and/or representatives pursuant to the doctrine of Respondeat Superior and/or principles of Agency.

8. Defendants JOHN DOES 1-100, JANE DOES 1-100, DOE CORPORATIONS 1-10, DOE PARTNERSHIPS 1-10, DOE UNINCORPORATED ORGANIZATIONS 1-10, and DOE GOVERNMENTAL AGENCIES 1-10 are sued herein under fictitious names because their true names, identities and capacities are unknown to MR.

DOBROWOLSKY, except that they are connected in some manner with Defendants, and are/were agents, servants, employees, employers, representatives, co-venturers, associates, or independent contractors of Defendants herein, and were acting with the permission and consent and within the course and scope of said agency and employment and/or were in some manner presently unknown to MR. DOBROWOLSKY engaged in the activities alleged herein and/or were in some way responsible for the injuries or damages to MR. DOBROWOLSKY, which activities were a proximate cause of said injuries or damages to MR. DOBROWOLSKY. MR. DOBROWOLSKY has made good faith and diligent efforts to identify said Defendants, including interviewing individuals with knowledge of the claims herein. At such time as their true names and identities become known, MR. DOBROWOLSKY will amend ~~her~~ **his** Complaint accordingly.

9. All events done by the State described herein occurred within the City and County of Honolulu, and within the jurisdiction and venue of the Circuit Court of the First Circuit, State of Hawai'i.

### **III. STATEMENT OF FACTS**

10. MR. DOBROWOLSKY has a long, storied, and unblemished career with numerous awards and decorations.

11. He served the country for 29 years in the US Army and was deployed multiple times in the War on Terror.

12. He retired as a First Sergeant after serving as an Infantryman and Counterintelligence Special Agent.

13. As a Special Agent, he investigated crimes related to National Security.

14. As a Deputy Sheriff working for the State of Hawai'i, Department of Public Safety ("DPS") Sheriff Division, MR. DOBROWOLSKY held every rank and developed the experience to manage large scale operations, act as a strategic leader, policy developer, and administrator.

15. He has completed many hours of law enforcement training and has never been reprimanded or disciplined prior to the retaliation and harassment he experienced in the DPS as detailed *infra*.

**MR. DOBROWOLSKY Reveals Illegal Hiring of Officer Martinez with Fraudulent Background**

16. From 2010 to 2021, MR. DOBROWOLSKY was the commander for Sheriff Special Operations for the PSD, Sheriff Division.

17. On September 22, 2016, MR. DOBROWOLSKY filed a whistleblower protection request with the PSD's administration, then under Director Nolan Espinda, regarding his complaint about the fraudulent background of Training Officer J. Marte Martinez.

18. The Training Officer was indicted for perjury, making false statements, and theft.

19. On March 16, 2021, an arbitration decision awarded MR. DOBROWOLSKY a promotion to the First Deputy of the Sheriff Division.

20. The arbitrator noted his qualifications as superior to other applicants for the position and the motivations of the previous PSD administration being to try to hire someone less likely to raise concerns about illegal conduct.

21. Comments made by Sheriff William Oku and Deputy Director of Law Enforcement Jordan Lowe indicated awareness of protected activity.

22. Shortly after their appointment to their respective positions in November and December of 2020, Sheriff William Oku and Deputy Director of Law Enforcement Jordan Lowe made comments in interactions with MR. DOBROWOLSKY that showed that they were aware that MR. DOBROWOLSKY was the whistleblower involved in the case of Training Officer Martinez.

23. This was the first protected activity that served as the motivation for Mr. Oku and Mr. Lowe to begin retaliating against MR. DOBROWOLSKY.

### **Removal of First Deputy from Line of Authority**

24. In March 2021, MR. DOBROWOLSKY reviewed the Departmental Organizational Chart and noticed that the First Deputy position had been removed from the line of authority.

25. This change had been made in 2019, under Deputy Director of Law Enforcement Sonobe-Hong (unclear if this is the correct position name for Sonobe-Hong).

26. MR. DOBROWOLSKY brought this issue up with the then current

Deputy Director, Mr. Lowe, as this was directly in violation of the position description of First Deputy, the class specifications, the internal vacancy announcement, policy, and law.

27. The Hawaii Legislature converted the First Deputy position to a civil service position in Senate Bill 45 HD1 in 2011 to maintain operational consistency within the Sheriff Division as all the positions above the First Deputy are appointees who are often replaced via political preferences.

28. Mr. Lowe gave MR. DOBROWOLSKY his assurance that this problem would be fixed, but he never lived up to his promise to fix the problem.

29. From March 2021 through September 2023, Mr. Lowe and Mr. Oku never addressed the exclusion of the First Deputy position from the line of authority.

30. On the contrary, as will be explained below, Mr. Lowe and Mr. Oku worked to make the change permanent, in retaliation against MR. DOBROWOLSKY for the protected activity above and those described *infra*.

#### **MR. DOBROWOLSKY's Communications with Mr. Hanohano**

31. In or about July 2022, around during the time that Mr. Oku was appointed as Sheriff and Mr. Lowe was appointed as Deputy Director, HB2171, later identified as Act 278, was enacted which transferred parts of the PSD Law Enforcement and Harbor Police Officers into the newly created Department of Law Enforcement (DLE).

32. In February 2022, Mr. Mark Hanohano communicated with MR. DOBROWOLSKY through email, telephone, and text messages about his dissatisfaction that his position in the Harbor Division was not being transferred into the new Department of Law Enforcement.

33. Mr. Hanohano felt that he should be able to be transferred over as a Captain.

34. MR. DOBROWOLSKY explained that the civil service laws don't work that way and that, for various reasons, he was equal in pay to their Sergeants, not a Sheriff Captain.

35. Mr. Hanohano stated that it was unacceptable and that he would be pulling his support for the Bill.

36. MR. DOBROWOLSKY apologized to him, but explained that he couldn't break the law by manipulating facts.

37. As will be explained *infra*, Mr. Hanohano eventually came to blame MR. DOBROWOLSKY for his insistence on following the law in this situation and retaliated against him by colluding with Mr. Oku and Mr. Lowe in excluding MR. DOBROWOLSKY from the line of authority.

### **Mr. Oku's Decision to Change the "First Deputy" Position Name to "Chief Deputy"**

38. In June 2022, Mr. Oku, then Sheriff, made the decision to change MR. DOBROWOLSKY's position name from "First Deputy" to "Chief Deputy."

39. This position name change later becomes a pretext for PSD Director Tommy Johnson's and Mr. Hanohano's continued retaliation against MR. DOBROWOLSKY.

### **August 2022 Sexual Harassment Incident**

40. On August 23, 2022, the PSD held an executive level retreat for senior management to talk about the suicide of the former director, Nolan Espinda.

41. MR. DOBROWOLSKY was invited, but didn't attend.

42. The following week, Mr. Oku was talking about the retreat to Mr. Lowe and MR. DOBROWOLSKY.

43. Mr. Oku enthusiastically talked about the former Deputy Director of Administration, Maria Cook's, style of dress and how she looked.

44. Mr. Oku used very explicit language to detail Ms. Cook's breast size.

45. Mr. Lowe laughed at Mr. Oku's lascivious description of Ms. Cook.

46. Mr. Oku spoke freely about his intimate contact with former HPD Detective Sheryl Sunia that happened one night in his car.

47. Mr. Lowe laughed and stated that she was a "big girl".

48. Mr. Oku stated that "big girls" need love too.

49. Mr. Oku is a married man.

50. MR. DOBROWOLSKY knew these kinds of descriptions of women in the

workplace are highly unprofessional, inappropriate and illegal behavior.

51. MR. DOBROWOLSKY was left speechless and didn't know how to approach the situation, but resolved that if it were to happen again, he would speak up and try to stop the inappropriate sexual comments.

### **September 1, 2022 Sexual Harassment Incident**

52. On September 1, 2022, MR. DOBROWOLSKY attended a meeting with Mr. Oku and Mr. Lowe.

53. The meeting concerned events earlier in the day when MR. DOBROWOLSKY met with Ms. Cook and two Hawaii Occupational Safety and Health Investigators.

54. During the conversation, Mr. Oku made comments about the size of Ms. Cook's breasts.

55. He asked MR. DOBROWOLSKY if he had seen the tight dress Ms. Cook was wearing and he talked about how "large her rack was".

56. Mr. Oku stated further, "I'm sorry, I just have a weakness for big racks".

57. Mr. Oku then made facial gestures with his lips and tongue as though he was breast feeding.

58. Mr. Lowe began laughing at Mr. Oku's sexual comments and gestures about Ms. Cook.

59. MR. DOBROWOLSKY then stated that it was inappropriate to talk like that and that he should stop.

60. Mr. Oku spoke MR. DOBROWOLSKY's name in a drawn-out manner, "Koaaaa" as if he was warning him to be quiet.

61. Mr. Oku and Mr. Lowe continued to laugh defiantly in complete disregard of MR. DOBROWOLSKY's objections.

62. MR. DOBROWOLSKY then stated to Mr. Oku, "Billy, I know your wife, she's a beautiful lady, what are you doing, what's wrong with you?"

63. When MR. DOBROWOLSKY left the office, he telephoned Lt. Shawn Tsuha to express his frustration at the harassment that had occurred.

64. Mr. Tsuha advised MR. DOBROWOLSKY to report the complaint, but also warned him of the certain retaliation that would occur once the complaint was filed.

65. MR. DOBROWOLSKY did not report the incident at the time as he was fearful of the retaliation that would follow from Mr. Oku and Mr. Lowe.

### **September 22, 2022 Sexual Harassment Incident**

66. On September 22, 2022, Mr. Oku, Lt. Michael Oakland, Investigator Peter Tampon, and MR. DOBROWOLSKY attended a virtual TEAMS meeting in Mr. Oku's office.

67. After the meeting ended, Mr. Oku stood up, walked to his desk, and began changing from his uniform into his civilian attire.

68. Without warning, Mr. Oku dropped his pants and stood in front of them with his hands at his sides, grinning.

69. He had only a T-shirt on and was freely exposing his genitals to everyone in his office.

70. MR. DOBROWOLSKY shouted at him in shock.

71. Lt. Oakland appeared shocked as well, but Mr. Tampon began laughing.

72. MR. DOBROWOLSKY told Mr. Oku that he could have waited for them to leave, asked them to turn around, or at least warn them so they could look away.

73. MR. DOBROWOLSKY brought this incident to Mr. Lowe's attention, but Mr. Lowe dismissed his concerns with a laugh, stating, "that's Billy".

### **MR. DOBROWOLSKY's continued Refusal to Break the Law to Please Mr. Hanohano**

74. On October 6, 2022, Mr. Hanohano again communicated his frustration to MR. DOBROWOLSKY over text.

75. He was still frustrated over his position not being transferred over to the DLE and talked about family members that were influential.

76. MR. DOBROWOLSKY again explained the civil service rules to Mr. Hanohano and how his hands were tied.

77. MR. DOBROWOLSKY was unable to provide Mr. Hanohano the



satisfaction he wanted without breaking the law.

### **November 2022 Sexual Harassment Incident**

78. In November 2022, MR. DOBROWOLSKY attended another TEAMS meeting with Mr. Oku.

79. A female employee was in Mr. Oku's office helping him setup his computer for the meeting.

80. After the female employee had left the office, he made comments about her manner of dress and stated that, "I hate it when her chest is in my face".

81. MR. DOBROWOLSKY told Mr. Oku in no uncertain terms to stop the comments.

82. Mr. Oku replied, "Just saying".

83. Mr. Oku then commented on the female employee's weight and stated something about her having sugar donut evidence all over her face every morning.

84. MR. DOBROWOLSKY informed Mr. Oku that the female employees in their department wouldn't appreciate being talked about like this.

85. At this point, Mr. Oku finally stopped his sexual harassment and changed the subject.

86. After the meeting, MR. DOBROWOLSKY expressed his frustration at Mr. Oku's harassment to sergeant Bruce Yonesaki.

87. Throughout the rest of November 2022, MR. DOBROWOLSKY noticed that communications between himself, Mr. Oku, and Mr. Lowe were very strained and almost non-existent.

88. After this incident in November 2022, Mr. Oku was promoted into the Deputy Director position and Mr. Hanohano was appointed as the new sheriff.

89. This made MR. DOBROWOLSKY very concerned that he may be targeted for retaliation.

### **MR. DOBROWOLSKY Denied Appropriate Pay and Promotion**

90. From 2021 through 2023, MR. DOBROWOLSKY was assigned to be the “acting Sheriff” in Mr. Oku’s absences.

91. MR. DOBROWOLSKY never received information regarding Mr. Oku’s salary as Sheriff, which he was entitled to when acting as Sheriff in Mr. Oku’s absence, consistent with policy and union contract.

92. From November 20, 2022, MR. DOBROWOLSKY was entitled to be selected as the acting Deputy Director, as the highest-ranking sheriff in the division other than Oku.

93. Instead, Lieutenant Robin Nagamine was selected. MR. DOBROWOLSKY lost out on the extra income this would have entitled him to. MR. DOBROWOLSKY informed Mr. Oku of this discrepancy.

94. Mr. Oku apologized to MR. DOBROWOLSKY, saying that he was right.

95. However, no changes were made.

96. On December 2022, Mr. Oku showed MR. DOBROWOLSKY a signed request to allow a 5 percent pay raise due to performance which MR. DOBROWOLSKY never received.

97. Also in December 2022, MR. DOBROWOLSKY was appointed as interim Sheriff by outgoing director Max Otani.

98. MR. DOBROWOLSKY never received information regarding Mr. Oku’s salary as Sheriff.

99. Consequently, MR. DOBROWOLSKY wasn’t appropriately compensated for the period that MR. DOBROWOLSKY served as interim Sheriff.

100. These denials of pay and promotion constitute retaliation by Mr. Oku against MR. DOBROWOLSKY for reporting his illegal and sexually harassing behavior.

### **Exclusion of MR. DOBROWOLSKY from Line of Authority**

101. In December 2022, Mr. Oku was promoted to Deputy Director and Mr. Lowe was selected to be the interim Director for the DLE.

102. Governor Josh Green appointed Mr. Hanohano as the Sheriff, while MR. DOBROWOLSKY was selected as the interim Sheriff to assist Mr. Hanohano’s transition as

Sheriff.

103. Beginning in March 2023, MR. DOBROWOLSKY began being excluded from meetings and operations by Mr. Hanohano Mr. Oku, and Mr. Lowe.

104. In early March 2023, MR. DOBROWOLSKY attempted to brief Mr. Hanohano about an ongoing critical incident.

105. Mr. Hanohano yelled at MR. DOBROWOLSKY to come back later.

106. MR. DOBROWOLSKY replied that Mr. Hanohano needed to be briefed about the situation and he shouted back, “Bumbai”!

107. MR. DOBROWOLSKY responded, “Bumbai what?”

108. Mr. Hanohano shouted at MR. DOBROWOLSKY to come back later.

109. MR. DOBROWOLSKY informed Mr. Hanohano that his disrespectful yelling at him was not welcome by MR. DOBROWOLSKY.

110. MR. DOBROWOLSKY reported the incident up the chain to Mr. Oku, but it appears that the incident was never addressed.

111. Mr. Hanohano, Mr. Oku, Mr. Lowe, and, later, Mr. Johnson colluded to retaliate against MR. DOBROWOLSKY by excluding him from the line of authority—in violation of policies and the law.

112. On March 15, 2023, Mr. Hanohano sent an email to Mr. Oku and MR. DOBROWOLSKY, complaining about not being able to fully run the Sheriff Division.

113. This was another attempt by Mr. Hanohano to exclude MR. DOBROWOLSKY from the line of authority.

114. Mr. Oku, notably, did not inform Mr. Hanohano that this exclusion was against policy.

115. On the contrary, Mr. Oku and Mr. Lowe began to state that they would exclude MR. DOBROWOLSKY from the line of authority in the organizational chart.

116. This continued until an April 13, 2023 meeting where Mr. Hanohano targeted MR. DOBROWOLSKY.

117. In this April 13, 2023 meeting, Mr. Hanohano stated to everyone in the room that he refused to share his authority with anyone.

118. MR. DOBROWOLSKY explained to Mr. Hanohano that excluding him from the chain of command was a violation of the required process and policies.

119. Mr. Hanohano stated that he has eighteen (18) years of experience in the department and he was disappointed in MR. DOBROWOLSKY's behavior.

120. MR. DOBROWOLSKY responded that he had nearly thirty (30) years in the department and held ranks Mr. Hanohano had never obtained.

121. MR. DOBROWOLSKY had been awarded his rank through promotion and not by appointment and wouldn't allow them [Mr. Hanohano, Mr. Lowe, and Mr. Oku] to minimize his position.

122. In response to this, Mr. Hanohano angrily stormed out of the room.

123. Mr. Lowe later stated that he wasn't going to change his mind about excluding MR. DOBROWOLSKY from the line of authority.

124. In the following days, Mr. Lowe held a commanders meeting where Mr. Lowe briefed the commanders of the new organizational chart.

125. He informed them that they would be reporting to the Sheriff, bypassing MR. DOBROWOLSKY's position.

126. In May 2023, MR. DOBROWOLSKY confirmed that the changes to the organizational charts made in 2019 were done without consulting HGEA.

127. MR. DOBROWOLSKY then met with Matthew Sutton, who was responsible for the organizational chart updates.

128. Mr. Sutton informed MR. DOBROWOLSKY that the reorganization was never approved by the Department of Budget and Finance (B&F).

129. Because of these concerns, Mr. Sutton changed the organizational chart back to the pre-existing chart with the First Deputy placed back in the line of authority.

### **Meeting With Mr. Johnson about Pay Disparity**

130. On July 1, 2023, Governor Green temporarily appointed MR. DOBROWOLSKY as Sheriff.

131. However, the pay he was promised, was significantly less than Mr. Oku's pay as Sheriff, even given MR. DOBROWOLSKY's greater experience.

132. Mr. Oku started at c. \$123,000.00 per year, without any experience in the PSD or as a Sheriff.

133. After one and a half years, his pay was increased to c. \$139,000 per year.

134. MR. DOBROWOLSKY's pay, by contrast, started at c. \$109,000.00 as First Deputy.

135. After three (3) years of experience, MR. DOBROWOLSKY's pay was increased to \$119,000.00.

136. Under his appointment as Sheriff, MR. DOBROWOLSKY was promised \$121,000.00.

137. This is less than what Mr. Oku was paid although Mr. Oku had no experience and MR. DOBROWOLSKY had three (3) years of experience as the First Deputy, often serving as Sheriff in Mr. Oku's absence.

138. A pay matrix completed by PSD's Human Resources Section, for the First Deputy position showed that MR. DOBROWOLSKY's pay should have been \$140,000.00 per year.

139. A pay matrix is a form which calculates the appropriate salary for a position based on an employee's training, experience, education, special qualifications, etc.

140. A pay matrix had been created for almost all of MR. DOBROWOLSKY's other PSD peers in the same employee category ("Excluded Management"), except for MR. DOBROWOLSKY.

141. MR. DOBROWOLSKY brought up this pay disparity to PSD Director Tommy Johnson.

142. Mr. Johnson said that he wasn't against the sum of \$140,000.00 a year if the subordinate leaders agreed.

143. After engaging with Mr. Oku, however, Mr. Johnson stated in an email that he didn't approve of the pay matrix.

144. MR. DOBROWOLSKY also reminded Mr. Johnson about the memo Mr. Oku showed him authorizing a 5 percent pay increase which was never fulfilled.

145. Mr. Johnson had no comment.

146. As such, MR. DOBROWOLSKY turned down the appointment as Sheriff.

147. Mr. Johnson and Mr. Oku accepted MR. DOBROWOLSKY's decision, but determined that MR. DOBROWOLSKY would be "acting Sheriff" until the Sheriff position could be filled.

148. Mr. Johnson joined Mr. Oku in retaliating against MR. DOBROWOLSKY again by denying him appropriate pay, given his qualifications.

### **Continued Exclusion of MR. DOBROWOLSKY from the Line of Authority**

149. From May 2023 through July 2023, Mr. Hanohano continued to exclude MR. DOBROWOLSKY from participation in planning and executing operations.

150. MR. DOBROWOLSKY texted and emailed Mr. Hanohano numerous times asking him to ensure that he is included so that he could do his job.

151. Mr. Hanohano responded with “absolutely”, but continued to exclude MR. DOBROWOLSKY.

152. In July 2023, the rapidly increasing retaliation from Mr. Hanohano prompted MR. DOBROWOLSKY to draft and submit a complaint about this all to Mr. Johnson.

153. Mr. Johnson dismissed the complaint, saying that he had provided Mr. Hanohano with wide discretion to do what he felt was necessary.

154. MR. DOBROWOLSKY reminded Mr. Johnson of the organizational chart, the policies on the chain of command, position descriptions and other documents which clearly indicate MR. DOBROWOLSKY’s place in the line of authority.

155. These reminders were all ignored by Mr. Johnson.

156. The retaliation against MR. DOBROWOLSKY became very obvious when, on or about July 22, 2023, Mr. Johnson announced the appointment of Lieutenant Darryl Ng to the position of Sheriff.

157. Mr. Hanohano coordinated all the usual Sheriff activities through Mr. Ng as Sheriff, although bypassed MR. DOBROWOLSKY as acting Sheriff, by communicating directly to the unit commanders.

### **Complaint Made to EEOC**

158. On July 22, 2023, MR. DOBROWOLSKY submitted an initial inquiry to the EEOC regarding sexual harassment and retaliation claims due to the hostile work environment he was being subjected to.

## **MR. DOBROWOLSKY Targeted Again**

159. The very next day, on July 23, 2023 Mr. Johnson sent a message to Mr. Hanohano that he noticed that MR. DOBROWOLSKY was using the title “Chief Deputy”.

160. MR. DOBROWOLSKY explained to Mr. Johnson that it was Mr. Oku who made the decision to change the job title.

161. On July 24, 2023, Mr. Johnson replied, telling MR. DOBROWOLSKY that he was to cease using the title because DHRD had not yet approved the classification change.

162. It’s telling that this occurred only a few days after MR. DOBROWOLSKY filed his complaint about Mr. Hanohano’s retaliation against him with Mr. Johnson.

163. For the two years prior to this Mr. Johnson repeatedly referred to MR. DOBROWOLSKY as Chief Deputy in numerous emails.

164. Mr. Hanohano joined in, sending an email stating that he believed that MR. DOBROWOLSKY should not be utilizing a title which was inconsistent with DHRD classification.

165. This despite the fact that Mr. Johnson and Mr. Hanohano allow for hundreds of employees within DPS to utilize ranks that are not consistent with their associated DHRD class specifications.

166. Mr. Hanohano refers to himself as former “Chief of Harbor Police”, as does Mr. Johnson, when referring to Mr. Hanohano’s previous position, despite the title or position not existing anywhere within DHRD classifications.

167. This is yet another example of the retaliation that MR. DOBROWOLSKY faced at the hands of Mr. Hanohano and Mr. Johnson.

168. Their behavior was so egregious that this prompted union agent, Joan Gallagher, to respond to Mr. Johnson’s emails, warning him that this language and behavior was concerning and deeply inappropriate.

169. Ms. Gallagher also noted that it was highly abnormal to copy other staff on emails concerning internal complaints and that she hoped that Mr. Johnson was not setting

MR. DOBROWOLSKY up for retaliation from other staff.

### **Sheriff Ng Confesses to MR. DOBROWOLSKY that He Wasn't Qualified for the Position**

170. On July 26, 2023, Mr. Ng contacted MR. DOBROWOLSKY.

171. MR. DOBROWOLSKY met Mr. Ng in his office.

172. Mr. Ng explained that Mr. Hanohano and Mr. Oku had been attempting to recruit him as Sheriff in late June of 2023.

173. He had turned down the position several times as, in his own words, he wasn't qualified for the position, and recommended the position for MR. DOBROWOLSKY.

174. At the time of his appointment, Mr. Ng was a newly promoted lieutenant with only sixteen (16) months tenure.

175. Mr. Oku and Mr. Hanohano persisted.

176. Mr. Ng eventually accepted out of loyalty, as the Ng, Oku, and Hanohano families had been close friends since the time their fathers were children.

177. However, Mr. Ng needed MR. DOBROWOLSKY's help because he didn't know what to do as the Sheriff.

178. MR. DOBROWOLSKY declined to help as this wouldn't resolve the matter of the administration's continued inappropriate behavior.

### **Tampering with Government Documents**

179. On September 29, 2023, at about 1530 hours, MR. DOBROWOLSKY was downloading the historical data of the Sheriff Division, including the organizational charts from 1990 through 2023.

180. He found that the newly approved 2023 organizational chart in the SharePoint file, had been altered at page 86.

181. The date displayed on the page was July 1, 2023.

182. However, it showed that changes were made to page 86 on September 27, 2023, at about 1414 hours.

183. The alteration included removing the First Deputy position from the lines



of authority.

184. This change is tampering with a government document and was done without complying with the necessary processes, consults and approvals.

185. In October 2023, MR. DOBROWOLSKY was issued a cease-and-desist letter and placed under investigation by the department for discussing a law enforcement bill with a state legislator while he was off duty on personal vacation time.

186. Other deputies who had participated in testimony or other acts related to legislative lobbying while on personal time were not subjected to the same conditions as MR. DOBROWOLSKY.

187. In December 2023, MR. DOBROWOLSKY followed up with Johnson for clarification about his position title.

188. Mr. Johnson said that MR. DOBROWOLSKY couldn't use Chief Deputy because it wasn't within class specifications, so MR. DOBROWOLSKY asked if he was going to order everyone who had been using a title outside of class specifications to change their title.

189. Mr. Johnson told MR. DOBROWOLSKY no and that this rule was only in effect for him.

190. The ongoing sexual harassment MR. DOBROWOLSKY was subjected to by Mr. Oku and Mr. Lowe was severe and pervasive and created a hostile work environment.

191. After MR. DOBROWOLSKY spoke out to oppose the sexual harassment, he was subjected to unequal terms and conditions in his employment based on retaliation against him.

192. On March 13, 2024, MR. DOBROWOLSKY timely filed his Charge of Discrimination with the Hawaii Civil Rights Commission ("HCRC") citing sex discrimination and retaliation ("FEPA No 22831).

193. On or about May 16, 2024, MR. DOBROWOLSKY was issued his "right to sue" letter from the HCRC regarding FEPA No. 22831.

### **COUNT I SEX DISCRIMINATION**

194. MR. DOBROWOLSKY incorporates paragraphs 1 through 193 as though fully set forth herein.

195. It shall be unlawful discriminatory practice for an employer to discriminate against an individual under HRS, § 378-2 based on sex.

196. The State's conduct as described above is a violation of HRS, § 378-2.

197. The aforementioned acts and/or conduct of the State entitles MR. DOBROWOLSKY to damages as provided by law. As a direct and proximate result of said unlawful employment practices MR. DOBROWOLSKY has suffered extreme mental anguish, outrage and great humiliation about his future and his ability to support himself, as well as painful embarrassment among his relatives and friends, damage to his good reputation, disruption of his personal life, loss of enjoyment of the ordinary pleasures of everyday life and other general damages in an amount which meets the minimal jurisdictional limits of this Court.

## **COUNT II RETALIATION**

198. MR. DOBROWOLSKY incorporates paragraphs 1 through 197 as though fully set forth herein.

199. It shall be unlawful discriminatory practice for an employer to discriminate against an individual under HRS, § 378-2(2) who "has filed a complaint . . . respecting the discriminatory practices prohibited under this part."

200. The State's conduct as described above is a violation of HRS, § 378-2 (1 & 2).

201. The aforementioned acts and/or conduct of the State entitles MR. DOBROWOLSKY to damages as provided by law. As a direct and proximate result of said unlawful employment practices MR. DOBROWOLSKY has suffered extreme mental anguish, outrage and great humiliation about his future and his ability to support himself, as well as painful embarrassment among his relatives and friends, damage to his good reputation,

disruption of his personal life, loss of enjoyment of the ordinary pleasures of everyday life and other general damages in an amount which meets the minimal jurisdictional limits of this Court.

**COUNT III**  
**VIOLATION OF HRS 378 PART V WHISTLEBLOWERS' PROTECTION ACT**

202. MR. DOBROWOLSKY incorporates paragraphs 1 through 201 as though fully set forth herein.

203. The treatment of MR. DOBROWOLSKY, as described aforesaid, evidences retaliation against MR. DOBROWOLSKY at the State for reporting illegal practices at the State.

204. An employer shall not retaliate against an employee based on their whistleblowing under HRS, § 378-62 which states in pertinent part as follows:

§ 378-62: An employer shall not discharge, threaten or otherwise discriminate against an employee...because:

- (1) The employee... reports or is about to report to the employer...verbally or in writing, a violation or suspected violation of:
  - (A) A law, rule, ordinance, or regulation, adopted pursuant to the law of this State, a political subdivision of the State or the United States;

205. the State's conduct as described above is a violation of HRS § 378-62(1)(A).

206. The aforementioned acts and/or conduct of the ~~the~~ State entitles MR. DOBROWOLSKY to damages as provided by law. As a direct and proximate result of said unlawful employment practices MR. DOBROWOLSKY has suffered extreme mental anguish, outrage and great humiliation about his future and his ability to support himself, as well as painful embarrassment among his relatives and friends, damage to his good reputation, disruption of his personal life, loss of enjoyment of the ordinary pleasures of everyday life and other general damages in an amount which meets the minimal jurisdictional limits of this Court.

**COUNT IV**  
**INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

207. MR. DOBROWOLSKY incorporates paragraphs 1 through 206 as though fully set forth herein.

208. At all times relevant hereto, Defendants WILLIAM OKU and JORDAN LOWE's acted willfully and/or intentionally and/or recklessly and as a direct and proximate cause of such willful, intentional and/or reckless conduct, MR. DOBROWOLSKY suffered and continues to suffer severe emotional distress.

209. WILLIAM OKU and JORDAN LOWE's treatment of MR. DOBROWOLSKY, as aforesaid, constitutes extreme and outrageous behavior which exceeds all bounds usually tolerated by society.

210. WILLIAM OKU and JORDAN LOWE's acts against MR. DOBROWOLSKY were done with malice and/or with the intent to cause, and/or with the knowledge that it would cause severe mental distress to MR. DOBROWOLSKY.

211. As a direct and proximate result of WILLIAM OKU and JORDAN LOWE's wrongful, unlawful, and illegal acts and/or omissions, MR. DOBROWOLSKY suffered and continues to suffer emotional and/or mental distress, thereby entitling him to relief related thereto in an amount which meets the minimal jurisdictional limits of this Court.

**PRAYER FOR RELIEF**

WHEREFORE, MR. DOBROWOLSKY respectfully prays that this Court enter judgment granting the following relief on all causes of action:

A. That this Court enter a declaratory judgment that the State have violated the rights of MR. DOBROWOLSKY;

B. That this Court award MR. DOBROWOLSKY special damages for the

aforementioned Counts including but not limited to back pay, front pay, and all employee benefits that would have been enjoyed by him in amounts which shall be shown at trial;

C. That this Court award MR. DOBROWOLSKY compensatory damages, proximately caused by the State's tortious and abusive conduct, including, but not limited to, general damages for the intentional infliction of mental or emotional distress, assessed against the State, all in an amount to be proven at trial;

D. As the State's treatment of MR. DOBROWOLSKY, as aforesaid, constitutes extreme and outrageous behavior which exceeds all bounds usually tolerated by decent society. In committing the above acts and omissions, the State acted wantonly and/or oppressively and/or with such malice as implies a spirit of mischief or criminal indifference to civil obligations and/or there has been some willful misconduct that demonstrates that entire want of care which would raise the presumption of a conscious indifference to consequences, justifying an award of punitive or exemplary damages in an amount to be proven at trial, that this Court award MR. DOBROWOLSKY exemplary or punitive damages in an amount to be proven at trial;

E. That this Court award MR. DOBROWOLSKY reasonable attorney's fees and costs of suit herein as well as prejudgment and post-judgment interest;

F. That this Court order appropriate injunctive relief;

G. That this Court retain jurisdiction over this action until the State has fully complied with the order of this Court and that this Court require the State to file such reports as may be necessary to secure compliance;

H. That this Court award MR. DOBROWOLSKY such other and further relief both legal and equitable as this Court deems just, necessary and proper under the

circumstances.

DATED: Honolulu, Hawaii, June 11, 2024.

/s/ Joseph T. Rosenbaum \_\_\_\_\_  
JOSEPH T. ROSENBAUM  
ELIZABETH JUBIN FUJIWARA  
Attorneys for Plaintiff  
LANIKOA DOBROWOLSKY

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

LANIKOA DOBROWOLSKY,	) CIVIL NO.
	) (Other Civil Action)
Plaintiff,	)
	) DEMAND FOR JURY TRIAL
vs.	)
	)
STATE OF HAWAI'I, DEPARTMENT OF	)
PUBLIC SAFETY; STATE OF HAWAI'I,	)
DEPARTMENT OF LAW ENFORCEMENT;	)
WILLIAM OKU; JORDAN LOWE; JOHN	)
DOES 1-10; JANE DOES 1-10; DOE	)
CORPORATIONS 1-10; DOE	)
PARTNERSHIPS 1-10; DOE	)
UNINCORPORATED ORGANIZATIONS	)
1-10; and DOE GOVERNMENTAL	)
AGENCIES 1-10,	)
	)
Defendants.	)
	)
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	)
	)

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DEMAND FOR JURY TRIAL

Plaintiff hereby demands trial by jury on all issues so triable herein.

DATED: Honolulu, Hawaii, June 11, 2024.

/s/ Joseph T. Rosenbaum  
 JOSEPH T. ROSENBAUM  
 ELIZABETH JUBIN FUJIWARA  
 Attorneys for Plaintiff  
 LANIKOA DOBROWOLSKY