

**ETHICS COMMISSION  
CITY AND COUNTY OF HONOLULU**

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KIRK CALDWELL  
MAYOR



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**ADVISORY OPINION 2018-3**

**I. SUMMARY**

A City officer failed to file an annual Financial Disclosure form pursuant to Revised Ordinances of Honolulu (“ROH”) Sec. 3-8.4(b)(2). After hearing and review, the Honolulu Ethics Commission (“Commission”) imposed a fine of \$100 on the city officer.

**II. BACKGROUND INFORMATION**

At all times relevant herein a city officer who was a member on a certain City board (“Board Member”) was required to follow the City’s Standards of Conduct, Sections 11-101 through 11-107, Revised Charter of Honolulu (RCH) and Sections 3-8.1 *et seq.*, Revised Ordinances of Honolulu (ROH), and was subject to the jurisdiction of the Honolulu Ethics Commission.

The Board Member was required to file an annual financial disclosure form by January 31, 2018. The Board Member failed to file said disclosure by the deadline.

On April 2, 2018, Ethics Commission staff sent the Board Member a Notice of Violation and Notice of Hearing for Order to Show Cause why the Board Member should not be fined (collectively referred to herein as “Notice”); said Notice was received on April 3, 2018 via certified mail.

**III. HEARING AND CONCLUSION**

On April 18, 2018, the Board Member failed to appear at the Hearing for Order to Show Cause. At the Hearing, the Commission concluded the following:

1. Board Member violated ROH Sec. 3-8.4(b)(2) by failing to file the Board Member’s annual financial disclosure form by January 31, 2018.
2. The Commission staff served the required Notice on the Board Member pursuant to ROH Sec. 3-8.4(f)(1)(A) and Hawaii Revised Statutes (HRS) Sec. 91-9.5.

3. The Board Member had appropriate notice and opportunity to be heard as required by ROH Sec. 3-8.4(f)(1)(A) and HRS Sec. 91-95.

The Commission issued the following decision and order:

1. The Commission hereby **imposes a civil fine of \$100** on the Board Member pursuant to ROH Sec. 3-8.4(f)(1)(A).
2. If the Board Member fails to file her annual financial disclosure form within 30 days of receipt of the Notice (May 3, 2018), the Commission shall recommend to Board Member's Appointing Authority that the Board Member should be removed from the Board. ROH Sec. 3-8.4(f)(1)(B)(i) and 3-8.5(a).

Shortly thereafter, Board Member submitted the Board Member's annual financial disclosure form and paid the fine to the Ethics Commission.

APPROVED:

/s/Michael A. Lilly  
MICHAEL A. LILLY, Vice Chair  
Honolulu Ethics Commission

DATED: August 15, 2018