

**ETHICS COMMISSION  
CITY AND COUNTY OF HONOLULU**



**ADVISORY OPINION NO. 185**

This advisory opinion is in response to a request for the Ethics Commission [Commission] to determine whether a City officer [the officer] properly used public funds to pay for an announcement in local newspapers.

Generally, the Commission believes that the officer properly used public funds for this purpose.

The Commission understands the facts to be as follows:

An agency of the federal government [federal agency] celebrates Month ABC of each year as Public Awareness Month. In 1988, the officer received a letter from the director of the federal agency requesting a proclamation of Month ABC as Public Awareness Month. In a letter dated (date), Mr. Y, manager of the Honolulu office of the federal agency, invited the officer to advertise Month ABC as Public Awareness Month in the City and County of Honolulu. Federal law authorizes eligible administrative costs for Public Awareness Month.

In the (date), issue of the *Honolulu Advertiser* or *Star-Bulletin* appeared a paid announcement of Month ABC 1988 as Public Awareness Month. The announcement contained the signature and a picture of the officer. This announcement, was prepared and paid for at a cost of (\$ amount) by the officer's City agency.

The question is whether the announcement discussed herein constitutes a use of public funds for a political advertisement because the officer is a candidate for elected office. Under the City's standards of conduct, the ethical questions are whether using public funds to advertise Month ABC as Public Awareness Month:

- 1) Creates the appearance of impropriety under Section 11-101, Revised Charter of the City & County of Honolulu 1973 (1984 Ed.) [RCH]; or
- 2) Constitutes use of the officer's official position to secure for himself special advantage under Section 11-104, RCH, in an election year.

The Commission does not believe that the announcement creates the appearance of

impropriety or that the officer used his official position to secure a special advantage by authorizing it.

An ethical line between civic announcements and political advertisements must exist. At times the differentiation may be difficult to establish, especially when an election date is near and an announcement contains the name and a picture of a City officer who is a candidate for elected office, as in this case. However, in the balance, the civic and not political purpose of the announcement of Month ABC as Public Awareness Month outweighs the appearance of the officer's name and picture. The letters from the director of the federal agency and the manager of the agency's local office establish that advertising Month ABC as Public Awareness Month is a practice encouraged by that federal agency. Announcements in the form of paid advertisements help make the public aware of the laws the federal agency enforces, and awareness promotes compliance with these laws. For example, public service announcements deter littering and promote wearing seat belts. Similarly, an announcement of Month ABC may promote practices in compliance with federal law. Given this civic purpose of the announcement, any political benefit the officer may receive as a result of this advertisement is secondary and not an ethical matter. Also, ethical questions would not arise if the City agencies not under the authority of the officer in question had authorized a paid announcement of Month ABC as Public Awareness Month. Therefore, the Commission believes that elected officers in charge of the City's branches of government may properly authorize the use of public funds to pay for announcements of the annual Public Awareness Month.

In conclusion, the Commission has been asked to determine whether a City officer properly used public funds for a public announcement in the form of a paid advertisement of Month ABC as Public Awareness Month. The Commission believes that such use was proper because the purpose of the announcement was to promote public awareness of and compliance with federal laws. Any secondary political benefit the officer may receive in the election does not raise ethical questions.

Dated: May 20, 1988

JANE B. FELLMETH  
Chair, Ethics Commission