

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 241

This is an advisory opinion in response to a letter requesting advice from the Ethics Commission as to whether a councilmember ("the Councilmember" or "A") violated the Standards of Conduct when A wrote to some of A's constituents about emergency flood damage loans on official City letterhead stationery.

The Commission understands the facts relative to the inquiry to be as follows:

On March 24-25, 1994, a severe rainstorm occurred which severely damaged residences in parts of the city. The governor did not declare a disaster, which would have made federal and state assistance available to persons who sustained losses. A number of constituents contacted the Councilmember to see if any financial assistance was available from the City and County of Honolulu.

In response, the Councilmember contacted the Office of Council Services for information about what the City could provide. On March 30, 1994, A received a memo from Craig W. Wolfram which informed A that there was the potential for emergency disaster loans for residential repairs to be made available by the City's Department of Housing and Community Development [DHCD]. However, in order for the loans to become available absent a presidential or gubernatorial declaration of disaster, either the Mayor or Director of DHCD would have to determine that government assistance was warranted. Consequently, the Councilmember, as well as two legislators, requested on behalf of their constituents that the Mayor declare the DHCD loans available in this situation. The Mayor complied with their request.

After the Mayor had set in motion what was necessary for the loans to become available, the Councilmember notified A's constituents on City Council letterhead stationery about the terms and conditions of the emergency flood damage loans.

A ended the April 18, 1994, letter by explaining that the two legislators were working with A to coordinate State and City storm-relief efforts, and A requested that those wishing to apply for the DHCD loans call A's City Council office.

At the time the Councilmember's letter was sent, A had not publicly declared himself to be a candidate for any political office nor had A taken out papers to file for any elected position. The letter sent to A's constituents contained no promises and made no mention of any political office.

The ethical question presented is whether the Councilmember violated the City's standards of conduct by using City letterhead stationery to secure a special advantage to A over that which is available to every other person.

The general rule in relation to this question is found in the Revised Charter of the City and County of Honolulu 1973 (1984 Ed.), Section 11-104, which states as follows:

Elected or appointed officers or employees shall not use their official positions to

secure or grant special consideration, treatment, advantage, privilege or exemption to themselves or any person beyond that which is available to every other person.

Based on the evidence presented, the Commission finds that the Councilmember did not violate the City's Standards of Conduct when A wrote to some of A's constituents about the availability of emergency flood damage loans on official City Council letterhead. A was responding to requests for help by giving information to A's constituents about matters that were the business of the City and County of Honolulu. Any councilmember who sent such a letter would be performing appropriate constituent services as part of his or her official position with the City and County of Honolulu.

Dated: July 7, 1994

SAMUEL L. DOMINGO
Chair, Ethics Commission