

# HONOLULU ETHICS COMMISSION<sup>1</sup>

Charles W. Totto, Executive Director and Legal Counsel

Laurie A. Wong, Associate Legal Counsel

## Mission

The purpose of the Ethics Commission is to ensure that city officers and employees understand and follow the standards of conduct governing their work for the public. The Commission's main focus is on deterring conflicts of interest and the misuse of government resources or positions by city personnel. The Commission implements its objectives through a balance of training programs, advisory opinions, enforcement actions, and legislation.

To find out more about the Commission and its activities, visit its website at [www.honolulu.gov/ethics](http://www.honolulu.gov/ethics). The website has information about the Commission's meetings, procedures, the standards of conduct, and useful ethics guidelines.

## Resources

The seven Commission members are appointed by the mayor and confirmed by the City Council. Commissioners serve staggered five-year terms. The members in FY 2012 were:

	<b>TERM EXPIRATION</b>
Charles W. Gall, Esq., Chair .....	December 31, 2014
Rachael Wong, DR. PH Vice Chair.....	December 31, 2013
Steven Silva.....	December 31, 2016
W. Jeffrey Burroughs, Ph.D.....	December 31, 2014
Michael A. Lilly, Esq. ....	December 31, 2015
Katy Chen, Esq. ....	December 31, 2015

The Commission staff consists of an executive director/legal counsel, associate legal counsel, and a legal clerk. The Commission's budget for FY 2012 was \$272,569.00.

## ETHICS TRAINING

The Commission staff continued the mandatory ethics training program for all elected officials, managers, supervisors, and board and commission members. Honolulu's mandatory ethics training and retraining program is one of the most ambitious in the United States. In FY 2012, the Commission trained 489 city officials, bringing the total to over 6,100 public servants trained since the law was enacted. In addition, the Commission staff presented its "Ethics Checklist" orientation training to 446 new city officers and employees. As a result, all of the current city officials and more than half of the City's workforce have received some form of ethics training or retraining.

In June 2012, a new law was enacted that requires all city officers and employees (not just supervisors) to attend ethics training over the next 2 years. The new training program should further reduce the number of unintentional ethics violations. In turn, these training programs should enhance employee productivity and morale as well as public confidence in the ethical conduct of city employees and officers.

## Advice and Enforcement

The Commission received 370 requests for ethics advice and opened investigations into 70 complaints of misconduct. By the end of FY 2012, the Commission had responded to all but 40 of the inquiries. The continued high volume of complaints of misconduct shows that the public and city workers will report misconduct and believe that the Commission offers a fair and effective forum to examine and resolve their concerns. In part because of the continued increase in complaints investigated, the Commission spent much of its operating budget for investigators. The City Auditor noted that the Commission remains one of the busiest in the nation considering the size of its staff.

<sup>1</sup> The Ethics Commission is attached to the Department of the Corporation Counsel for administrative purposes only.

- Imposed a civil fine in the amount of \$650.00 on Andrew Jamila, Jr., a member of the Planning Commission for the following actions: failure to disclose conflicts of interest and failure to recuse himself from participating in matters in which he had conflicts of interest even after Commission staff had advised him to do so; and failure to provide material information on financial disclosure forms for two calendar years as well as on his appointee information form used by the Mayor and City Council for his reappointment to the Planning Commission. Mr. Jamila resigned from the Planning commission. Advisory Opinion No. 2011-3.
- Found that Mayor Peter Carlisle could not use \$3300.00 in gifts to the City for the travel expenses of his wife who accompanied him to ceremonial events in Asia because she was not a city officer or employee, and there was no official government purpose in her attending the events. The Commission allowed for the Council, if it believed it justified, to find that Mrs. Carlisle's trip was for a legitimate government purpose. Advisory Opinion No. 2011-6.
- Opined that a city officer would have a conflict of interest if the officer were to participate in matters that could affect the business of the officer's spouse. The Commission required the officer to disclose each conflict of interest immediately when it occurs, remove him/herself from the conflicted matter and delegate authority over each conflicted matter to another city officer. Advisory Opinion No. 2011-7.
- Approved a settlement by which Patricia Teruya would leave city employment after the staff investigation found that she spent significant time at over 2000 non-work related websites on her city computer in a two-month period, had sent over 170 emails from her city email account regarding political campaigns and other non-work related matters, and misused her city position to help a close friend obtain contracts and have other contractors send her supervisor letters of commendation. Advisory Opinion No. 2011-8.
- In a split decision, found a board member had no conflict of interest where an attorney appearing before the board member also represented a client in a separate, private matter unrelated to the board and where the board member was opposing counsel in the separate matter. Advisory Opinion No. 2012-1.
- Found that a board member would have a conflict of interest if he/she worked on any project for his/her employer where the project falls within the jurisdiction of the board on which the board member sits. The board member would have a financial interest, direct or indirect, which is incompatible with the discharge of his/her official duties or which may tend to impair the independence of judgment in the performance of his/her official duties in violation of Revised Charter of Honolulu (RCH) Sec. 11-102.1(c). As a result of the conflict of interest that would occur if a city officer is involved in his/her private capacity with any matter that falls within the jurisdiction of the Board, the board member must disclose and recuse himself/herself from participating or voting on the matter. Advisory Opinion No. 2012-2.
- Ruled that Councilmember Ikaika Anderson misused his city position to obtain favorable treatment for himself (i.e., evading a parking violation warning) and to threaten retaliation against city parking office employees. Advisory Opinion No. 2012-3.
- Imposed a \$6500.00 fine on Councilmember Nestor Garcia after approving a settlement wherein Councilmember Garcia admitted to failing to disclose his conflicts of interest arising from his membership on the Kapolei Chamber of Commerce Board of Directors and later his employment as the executive director of the Kapolei Chamber of Commerce. The Chamber or its Board members testified before Council on 52 bills and resolutions in which they had an interest and on which Councilmember Garcia participated and voted. Under these facts, RCH Sec. 11-103 required Councilmember Garcia to file a disclosure of conflict of interest for each legislative measure. He failed to do so. In addition, he misused his city email account to communicate regarding his personal business with the Chamber, although that conduct was not used a basis for the fine. Advisory Opinion No. 2012-4.

## **Legislation**

In FY 2012, the Commission had introduced or testified on 7 bills and resolutions affecting the city ethics laws and program. Bill 40 (Ordinance No. 12-25), requires all 10,000 city employees to attend ethics training. Bill 10 (Ordinance No. 12-1), updated the Commission procedures to include best practices regarding complaints and confidentiality of Commission records.