

**ETHICS COMMISSION\***  
Charles W. Totto, Executive Director and Legal Counsel

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 implements its objectives through a balance of education and training programs, advisory opinions and enforcement actions. The most common areas of inquiry are financial and personal conflicts of interest, gifts, political activities, post-government employment and the misuse of government resources.

The ethics laws are found in Article XI of the Revised Charter and Chapter 3, Article 8, of the Revised Ordinances. To find out more about the Commission and its activities, visit our web site at [www.honolulu.gov/ethics](http://www.honolulu.gov/ethics). The web site has information about the Commission's meetings, procedures, the standards of conduct, and useful guidelines for the public and employees and officers.

The seven Commission members are appointed by the Mayor and confirmed by the City Council. Commissioners serve staggered five-year terms. The members during FY05 were:

	<u>Term Expiration</u>
Robin D. Liu, Chair	December 31, 2005
Lex R. Smith, Esq., Vice-Chair	December 31, 2006
Susan H. Heitzman	December 31, 2005
Lolinda D. Ramos	December 31, 2003
Raymond H. Fujii	December 31, 2006
Matthew H. Kobayashi	December 31, 2009

The Commission is staffed with an executive director/legal counsel and a legal clerk. The Commission's budget for FY05 was \$158,784.

### **Education and Training**

The Commission staff continued its mandatory ethics training for all elected officials, managers, supervisors and board and commission members. Honolulu's mandatory ethics training programs is one of the most ambitious in the United States. In FY05 we trained 335 officials, bringing the total to over 3,000 public servants trained since the law was enacted in 2001. In addition, the Commission staff presented our "Ethics Checklist" orientation to 406 new City officers and employees. As a result, all

\*The Ethics Commission is attached to the Department of Corporation Counsel for administrative purposes only. current City officials and more than half of the City's workforce have received some form of ethics training. Some agencies are taking advantage of the training beyond those who are required to attend. For example, this year the Department of Corporation Counsel required all attorneys to participate in training. All councilmembers and their staffs, as well as all Fire Department recruits, also attended training tailored to their work situations.

These programs continue to greatly reduce the number of unintentional ethics violations. In addition, these programs should increase public confidence that our City employees and officers are working in an ethical way.

### **Advice and Enforcement**

In the past fiscal year, the Commission received 451 requests for advice and complaints. By the end of the FY05, we had responded to 425 of these.

The Commission held nine meetings and issued five formal advisory opinions, finding violations of the standards of conduct in two cases. In one case, an administrative assistant violated the fair and equal treatment policy by granting contracts to family members and to reward political campaign workers. The Commission recommended a two-week's suspension from work without pay, which was adopted by the department that employed the assistant. In the second case, the Commission held that a City official may not write a letter of recommendation using his City title and stationery on behalf of a development project that was unrelated to the public official's work duties.

In addition, the Commission received and reviewed 19 disclosure of conflict of interest forms and 582 financial disclosure statements.

The Commission submitted testimony to the City Council regarding two measures. The Commission continued its support of Resolution 03-240. This resolution would have allowed the voters in the November 2004 election to determine if the Commission should be authorized to impose a civil fine on officials who violate the City's ethics laws. The resolution failed in a vote by the full Council, but will be advanced before the Charter Commission. Hopefully, voters will be presented the issue in 2007.

The Commission revised its Guidelines on Employment after Leaving City Service to explain the law and incorporate answers to common questions about post-employment restrictions for former officers and employees.

Our web site was updated to include all its formal advisory opinions, along with an updated index. The Commission received 4,475 hits on its web site in FY05.

### **Projects planned for the next year include:**

1. Advocating that amendments to the City Charter be brought to the voters, including:
  - a. Authorizing the Ethics Commission to impose civil fines on officials who violate the ethics laws;
  - b. Ensuring that the ethics laws apply to the members of the Charter and Reapportionment Commissions;
  - c. Making legally valid the process for impeachment of elected officials; and
  - d. Assuring the independence of the Ethics Commission.

2. Taking on the role of regulating lobbyists;
3. Continuing the mandatory training for City managers, supervisors, elected officials and board and commission members;
4. Working with the administration and the Council to pass laws that will provide new regulatory tools to prevent and punish ethics violations; and
5. Revising its ethics guidelines.