

ETHICS COMMISSION*

Charles W. Totto, Executive Director and 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 trains, advises and investigates regarding financial and personal conflicts of interest, gifts, political activities, post-government employment and the misuse of government resources or positions. The Commission implements its objectives through a balance of training programs, ethics advisory opinions and enforcement actions.

To find out more about the Commission and its activities, visit our web site at www.honolulu.gov/ethics. The web site has information about the Commission's meetings, procedures, the standards of conduct, and useful ethics guidelines for the public and City employees and officers.

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 FY08 were:

	<u>Term Expiration</u>
Lex R. Smith, Esq., Chair	December 31, 2011
Susan H. Heitzman, Vice Chair	December 31, 2010
Matthew H. Kobayashi	December 31, 2009
Wayne T. Hikida	December 31, 2009
Cynthia M. Bond	December 31, 2008
Patricia Y. Lee, Esq.	December 31, 2010

The Commission was staffed with an executive director/legal counsel and a legal clerk. The Commission's budget for FY08 was \$215,226.

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 program is one of the most ambitious in the United States. In FY08 we trained 574 City officials, bringing the total to over 4,100 public servants trained since the law was enacted. In addition, the Commission staff presented our "Ethics Checklist" orientation to 383 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.

The Commission introduced a mandatory Ethics Refresher course for supervisors and managers in FY08, which 783 employees attended.

Some agencies are taking advantage of the training beyond those who are mandated to attend. For example, all Mayor's Office and Council staff, Emergency Medical Services personnel, city attorneys and Fire Department recruits also attend training tailored to their work.

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

Advice and Enforcement

In the past fiscal year, the Commission received 350 requests for advice by and complaints against City personnel. By the end of the FY08, we had responded to 330 of these. The Commission also received and reviewed 446 financial disclosure statements from high-level City officials.

The Commission investigated 31 complaints of unethical conduct by City personnel. Since 2004, there has been a 244% increase in the number of complaints. This shows that the public and City workers will report misconduct and believe that the Commission offers a fair and effective forum to examine their concerns. Overall, the number of complaints against middle managers increased while the number of complaints against high-level administrators decreased.

The Commission rendered important advisory opinions in the following cases:

- The Commission found that a councilmember failed to file a full written disclosure of his conflict of interest arising from his private employment. Section 11-103, Revised Charter of Honolulu ("RCH"), requires disclosure before a councilmember may lawfully vote on a bill where the councilmember has a conflict of interest, or the councilmember's vote will be void. The Commission did not recommend any discipline because the mistake was inadvertent and corrected upon notice. Advisory Opinion No. 2007-1.
- The Commission found that a manager violated the conflict of interest laws when he hired a City employee whom he supervised to work for the manager's private business. RCH Section 11-102(c) prohibits City officers and employees from having financial interests or business activities that may tend to impair their judgment in carrying out their City duties. The Commission was concerned that the manager placed himself in a position where his supervision of

the employee could be affected by their private business relationship. Because there was no evidence that the manager treated the employee differently than other City employees, the Commission recommended a written reprimand. Advisory Opinion No. 2007-2.

- The Commission recommended termination from employment for a supervisor who was found to have used City work time or his City-assigned truck to redeem recyclables on 106 occasions. RCH Section 11-104 prohibits the use of City resources, including paid time and vehicles, for an employee's personal benefit. Advisory Opinion No. 2007-3.
- The Commission recommended a written reprimand for an employee who spent time at home and on personal errands while he was on paid City time. This conduct violated RCH Section 11-104 as a misuse of City time and vehicle. The Commission noted that the employee's supervisor, who had recently retired, should have corrected the problem. Advisory Opinion No. 2008-2.
- The Commission advised that two members of a City board were required to disqualify themselves from hearing a case because each had an apparent conflict of interest arising from financial or personal interests. The Commission reiterated that the standard for a conflict of interest is whether, under the specific facts, a reasonable person would question the board member's impartiality. No showing of actual interference with the City officer's decision-making is required. Advisory Opinion No. 2008-1.

Legislation

Along with the ethics boards of the other counties, the Commission supported the introduction of bills at the Legislature to confer jurisdiction on the circuit courts for impeachment actions against elected officers. These measures resulted in Act 107 (2008). A Charter amendment to conform City law to state law will be on the November ballot.

A Charter amendment to broaden the Commission's authority to impose civil fines for misconduct to City Officials with significant fiscal or discretionary authority will also be on the November ballot.

The Commission supported a Charter amendment to prohibit new department directors from directly affecting contracts with their former employer. This amendment was vetoed by the Mayor.

Integrity Hotline

The Commission worked with several other departments to deploy an Integrity Hotline pilot project which allows City employees to report fraud, waste, abuse and ethics issues to a live interviewer 24/7. The reports are then routed back to the City for review and appropriate action.
