

HONOLULU 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's main focus is on conflicts of interest and the misuse of government resources or positions. 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 the Commission's 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
Patricia Y. Lee, Esq.	December 31, 2010
Geri Marullo	December 31, 2011

The Commission was staffed with an executive director/legal counsel and a legal clerk. The Commission's budget for Fiscal Year 2009 was \$213,786.

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 FY09 we trained 400 city officials, bringing the total to over 4,500 public servants trained since the law was enacted. In addition, the Commission staff presented our "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.

Last year the Commission introduced a mandatory ethics refresher course for all elected officials, supervisors, managers and board and Commission members. This year 232 attended, bringing the total receiving retraining to 1,012.

Some agencies take 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 ethics training.

Training 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 367 requests for advice and complaints regarding city personnel. By the end of the FY09, we had responded to 332 of these. The Commission also received and reviewed 446 financial disclosure statements from high-level city officials.

Also in FY09, the Commission began investigating 77 complaints of unethical conduct by city personnel. This was 2.5 times the number of complaints investigated in 2006. 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.

The Commission rendered advisory opinions in the following cases:

- The Commission recommended suspension without pay for a supervisor who, on a regular basis, misused his city truck for his personal benefit and allowed someone who was not a city employee to park at a city employee's parking lot and ride in the city truck. The misconduct was prohibited under Section 11-104, revised Charter of Honolulu (RCH), which prohibits the use of taxpayer funds for non-city projects or purposes. Advisory Opinion No. 2008-3.
- The Commission conducted several investigations into alleged misuse of city paid time by city officials for political campaign purposes, which is prohibited by RCH Section 11-104. No significant violations were found. In fact, city employees took time off from their city work and other precautions so that they would not violate the ethics laws when they conducted political activities. Advisory Opinion No. 2009-1.
- In a related case, the Commission further clarified prohibited campaign practices. The Commission recommended, and the City Clerk has adopted the recommendation, that no employee of the City Clerk's Office should be requested or urged while working in their city job to sign a candidate's petition for nomination. Advisory Opinion No. 2008-4.
- The Commission found that an elected officer misused city resources for personal benefit by having the official's city web site link to his political

web site, in violation of RCH Section 11-104. The Commission did not recommend any discipline because the mistake was inadvertent and corrected upon notification. Advisory Opinion No. 2008-5.

- The Commission determined that there was no conflict of interest for members of the Neighborhood Commission who were also neighborhood board members when they voted on a proposal to have neighborhood board elections conducted by online voting. Advisory Opinion No. 2009-2.
- An employee who was a witness to alleged misconduct by the city retained a witness fee for testimony at trial even though the case settled and the employee did not appear or testify at trial. The Commission held that keeping the witness fee constituted a violation of RCH Section 11-102(d), which prohibits a city officer or employee from receiving compensation other than city pay for doing one's city duties. Advisory Opinion No. 2009-3.