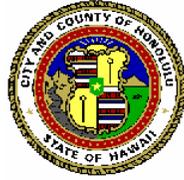


ETHICS COMMISSION  
**CITY AND COUNTY OF HONOLULU**

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PETER B. CARLISLE  
MAYOR



CHARLES W. TOTTO  
EXECUTIVE DIRECTOR & LEGAL COUNSEL

February 9, 2012

**NEWS RELEASE**

**HONOLULU ETHICS COMMISSION DETERMINES GIFTS TO CITY MAY  
NOT BE USED FOR MAYOR'S WIFE'S CHINA TRAVEL**

In response to a May 2011 request for advice from the Mayor's Office, the Commission finds that gifts to the city should not be used to pay for the foreign travel expenses for the spouse of a mayor.

In Advisory Opinion No. 2011-6, the Commission examined whether gifts to the city specifically earmarked to pay for Ms. Carlisle to travel to China in June 2011 could be used for that purpose. Under the ethics laws, gifts to the city, like all city resources, may only be used for public purposes. The Commission reasoned that Mrs. Carlisle was not a city officer or employee and her presence with the Mayor during the China trip was not necessary to accomplish a city purpose. As a result, city funds, even funds earmarked to pay for her travel, may not be used to pay for her expenses. The Commission recommends that Mayor Carlisle reimburse the city for the cost of his wife's China travel -- \$3300.

"The Commission left open the question whether city funds or gifts to the city may be used for similar expenses where the Council has taken legislative action to allow the use of public funds to pay for such expenses" said Chuck Totto, Executive Director and Legal Counsel for the Commission.

"Once a gift is accepted by the Council, it becomes a public resource that may only be expended for legitimate government purposes," noted Totto. Ms. Carlisle's presence at the China functions had merit in that it reflected a level of respect to the host governments. "But, her attendance was not necessary to achieve a city purpose, such as attending a sister city ceremony. As she was neither a city officer nor employee, she had no duties of her own to fulfill." And there would have been no consequences to the governmental relationship if Ms. Carlisle were absent.

Without action by the Council, if Mayor Carlisle fails to repay the city, it could be a violation of the law that prohibits the use of city resources for non-city purposes, Revised Charter of Honolulu, Section 11-104. City law requires that the Mayor respond to its recommendation for corrective action by February 23.

The Commission commended the Mayor for seeking advice so that the facts and issues could be carefully examined.

Gifts to defray travel expenses for legitimate government activities are relatively common. Only the Council may accept gifts on behalf of the city, and the gifts may be earmarked for specific purposes. The Commission provides ethical guidance on gifts to the city and has authored its *Guidelines on Gifts to City Agencies*. Because their travel was for the purposes of carrying out city duties during the China trip, there are no ethics issues stemming from the use of the travel gifts to pay the expenses of the Mayor, his staff members and Councilmember Stanley Chang.

Advisory Opinion No. 2011-6 is available at <http://www1.honolulu.gov/ethics/formaladvisoryopinion20116.pdf>.

The Commission speaks through its advisory opinions and staff is not allowed to comment on an opinion. Questions about the Commission or its process may be directed to Chuck Totto at [ctotto@honolulu.gov](mailto:ctotto@honolulu.gov) or 768-7786.