

ETHICS COMMISSION  
**CITY AND COUNTY OF HONOLULU**

715 SOUTH KING STREET, SUITE 211, HONOLULU, HAWAII 96813-3091  
Phone: (808) 527-5573 \$ Fax: (808) 527-6936 \$ EMAIL: ethics@honolulu.gov  
Internet: www.honolulu.gov/ethics

JEREMY HARRIS  
MAYOR



CHARLES W. TOTTO  
EXECUTIVE DIRECTOR & LEGAL COUNSEL

**Advisory Opinion No. 2004-9**

**I. Summary**

It is a violation of the standards of conduct to use city resources, including agency letterhead stationery signed in an official capacity, to write a letter in support of a development project that is unrelated to an officer's official duties.

**II. Facts**

The Honolulu Ethics Commission ("Commission") received a third-party request for advice inquiring whether it was a violation of the ethics laws for a city officer to write a letter of support for a real estate project for low income families on agency letterhead stationery and sign the letter as the agency's executive.

As stated in the officer's response to the Notice of Possible Violation, the project that he endorsed was not related to the work he does for the agency. He also stated that he was not authorized to write such a letter and it was a mistake for him to do so.

The officer did not request a hearing before the Commission. Therefore, the Commission may render its opinion based on the information available to it. Revised Ordinances of Honolulu Section 3-6.7(c).<sup>1</sup>

**III. Question presented**

Is it a violation of the ethics laws for a city officer to use city resources, including agency letterhead stationery signed in the officer's official capacity, to write a letter endorsing a development project that is unrelated to the officer's official duties?

**IV. Analysis**

---

<sup>1</sup> **Sec. 3-6.7 Requests by third parties.**

- (c) Where no hearing is requested by the officer or employee involved, the commission shall render its opinion on the basis of the information available; provided, that the commission may request for additional information when deemed necessary.

In similar cases, the Commission has advised that using city agency letterhead stationery and one's city title in support of project unrelated to the writer's official duties violated Section 11-104, Revised Charter of Honolulu (RCH).<sup>2</sup> In Advisory Opinion No. 307 (June 16, 2000), the Commission concluded that a deputy Corporation Counsel who submitted a personal recommendation on agency letterhead stationery using his official title violated RCH Sec. 11-104. The Commission noted that "[a]mong other things, this law is intended to prevent a city officer or employee from using his or her official position or title to obtain preferential treatment for an individual. Your use of the city and Corporation Counsel letterhead, the city seal and your official position violates the fair and equal treatment law because your endorsement is not available to all."

The Commission finds that the rationale expressed above applies equally in this case.

#### **V. Recommendation**

Because the officer acknowledged that his use of city resources on behalf of the project was in error and has been so counseled by a deputy Corporation Counsel, no discipline is recommended.

Dated: October 14, 2004

/S/  
\_\_\_\_\_  
ROBIN DAVID LIU, Chairperson  
Ethics Commission

---

<sup>2</sup> **Section 11-104. Fair and Equal Treatment --**

Elected or appointed officers or employees shall not use their official positions to secure or grant special consideration, treatment, advantage, privilege or exemption to themselves or any person beyond that which is available to every other person.