

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

MUFI HANNEMANN
MAYOR



CHARLES W. TOTTO
EXECUTIVE DIRECTOR & LEGAL COUNSEL

Advisory Opinion No. 2006-2

A former city employee (“Employee”), [name], intends to disclose information he obtained as a result of his city position to a court in connection with litigation to which he is not a party. In general, the information which Employee intends to submit to the court in the form of an affidavit, concerns allegations of wrongful conduct by city employees committed in the course of the litigation. Employee has requested advice as to whether his disclosures “would violate any standards of conduct or code of ethics of the City[.]”

Based on the facts presented in this specific case, the Commission has decided that it will not take any action against Employee resulting from his disclosure of the affidavit to the court and will not claim that such disclosure violates any City standards of conduct or ethics applicable to Employee.

We wish, however, to be very clear about the limits of our opinion. First, our opinion does not mean that we necessarily believe that Employee’s allegations of wrongdoing are true. For the purposes of our analysis, and in the absence of information that the allegations are knowingly false, we have simply taken them at face value.

Second, our opinion is limited only to the city’s ethics laws. Employee should understand that the disclosure of the information in his affidavit might be prohibited by other laws. Finally, Employee should also understand that the Commission’s opinion addresses only the disclosure of the specific information contained in the affidavit he proposes to submit to court and that the disclosure of additional information or in other contexts is not necessarily permitted under the ethics laws.

DATED: May 1, 2006

/S/
LEX R. SMITH, CHAIR
Honolulu Ethics Commission