

ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU

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MAYOR



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Advisory Opinion No. 2007-3

I. Summary

A supervisor who used his city work time and city-assigned vehicles for his own substantial financial benefit misused public resources in violation of Section 11-104, Revised Charter of Honolulu. A departmental policy allowed certain supervisors to collect materials in the course of their work. However, the ethics laws and the department's policy and practice prohibited the use of city work time or city trucks for the supervisor's personal benefit.

Because of the high number of violations, the abuse of the public trust, the long-term nature of the violations, the supervisor's failure to be truthful, the loss to the city and the significant value of the personal gain from the violations, the Commission recommends: (1) the supervisor be discharged from city employment, (2) the department consider seeking restitution for the loss of work time and use of the city trucks, and (3) the department consider recovering the money made by the supervisor in the course of violating the ethics laws.

II. Background

A complaint was submitted to the Honolulu Ethics Commission (Commission) alleging the misuse of city time and vehicles for the personal benefit of a low-level city supervisor (“Supervisor”).

On [date], a Notice of Possible Violation of the Standards of Conduct (“Notice”) was transmitted to Supervisor informing him that the Commission had found probable cause that he had violated the ethics laws. Supervisor did not respond to the Notice. The Commission then subpoenaed Supervisor and after continuances requested by counsel for Supervisor, he attended an interview with staff on [date]. As a result of the interview with Supervisor, the Commission transmitted an Amended Notice, through his attorney, on [date]. Supervisor did not respond to the Amended Notice. Therefore, the Commission is authorized by Section 3-6.7(c), Revised Ordinances of Honolulu (ROH), to render an advisory opinion based on the information before it.¹

We note that the Commission investigation focused on the alleged misuse of city time, vehicles and subordinates to support Supervisor’s private business activity.

III. Facts

A. Department’s policy prohibited an employee’s use of city work time or city trucks for personal or private benefit.

The investigation required, among other things, a thorough review of the department’s policy and practice. The policy allowed certain personnel to salvage discarded bulky-item trash. Salvaging had two components. First, an employee would look through bulky-item waste discarded by residents and select reusable or recyclable materials. These

¹ Sec. 3-6.7 Requests by third parties.
(c) Where no hearing is requested by the officer or Supervisor 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.

materials would be transported to the base yard in city vehicles. This was called “scavenging” by the employees. Then the employee would keep the scavenged items either for his personal use or redeem recyclable materials for cash. According to the witnesses, other than Supervisor, almost all of the employees who scavenged did so to take an item like a lamp or a bicycle for their personal reuse. However, Supervisor scavenged for the purpose of redeeming metals for cash from [] a recycling vendor. As described below, Supervisor’s actions exceeded the restrictions of the salvage policy and practice permitted by the department.

B. Supervisor used city time and city vehicles to redeem recyclables at least 106 times and earned almost \$11,000 over 3 ½ years.

Supervisor spent a significant amount of his day driving the routes where his crews would be collecting rubbish. While doing so in his city-assigned pickup truck, he established a routine practice of examining the discarded bulky-item waste that was to be collected by other city crews not under his supervision. He looked for materials, especially metals, which he could recycle and redeem for cash. He recycled scrap metal contained in barbeque grills, chairs, screen doors, wheel rims and other similar items. According to Supervisor, he found something to scavenge on average 5 to 10 times per week. (Transcript of September 13, 2007 interview (Tr.) p. 18).

He collected the recyclable materials into his city truck. Sometimes he took the recyclables to the vendor in the city truck while he was on city time. More often, upon his return to the base yard, he transferred the materials into his personal pickup truck. Then, while still on city time, Supervisor would drive to the vendor and redeem the recyclable materials for cash. The vendor provided Supervisor with a receipt signed by him each time he redeemed materials.

Supervisor's recycling efforts were substantial. Between January, 2003 and July 29, 2006, Supervisor received a total \$21,908.91 in cash from the vendor for redeemed materials. He received \$10,923.11 from trips made to the vendor during his city work time and/or using his assigned city pickup truck.

Table 1 shows the day, date and amount paid to Supervisor by the vendor. It also shows when Supervisor ended work and the amount of overtime for each day that he redeemed recyclables. The vehicle used to transport the recyclables is noted on the table. The sources for the information contained on Table 1 are the city's official time sheets for Supervisor and copies of the receipts from the vendor.

Table 1 also shows the dates on which Supervisor violated the ethics laws by using city time or a city truck to recycle materials. Some dates show two violations because he used both city time and his city truck to redeem recyclables. Table 2 breaks down the total 106 violations by year and whether it was a misuse of city time or city truck.

It is evident from Table 1 that Supervisor used his city work time to redeem the recyclable materials. Although the receipts do not show the time of day they were given to Supervisor, his normal work day started at 5:30 a.m. and ended at 2:30 p.m. Overtime hours extended his work day as shown on Table 1. For example, on January 6, 2005, Supervisor put in 5 hours of overtime, so he ended work at 7:30 p.m. On the other hand, during the years in which Supervisor was recycling, the vendor opened at 8:00 a.m. and closed at 4:30 p.m., Monday through Saturday. Supervisor regularly worked for the city Monday through Saturday. According to [] an employee for the vendor, the company stretched its closing time by usually allowing anyone in line by 5 p.m. onto the premises to recycle.

The Commission notes that on the days that Supervisor worked beyond 5 p.m., he would not have been able to recycle after work because the vendor was closed. Supervisor's 5:30 a.m. start time prevented him from redeeming scavenged goods before work. By process of elimination, therefore, Table 1 shows the 87 trips made by Supervisor to redeem recyclables for cash during city work hours.

Supervisor's receipts often showed the license plate of the vehicle used to deliver the recyclables, thus, reflecting his use of the city-assigned pickup truck to deliver the recyclable materials to the vendor on 19 days during the relevant period.

C. Supervisor changed his explanations for his conduct; and those varying justifications are based on conjecture and are inconsistent with other witness' statements.

Initially, Supervisor stated in his interview that always redeemed the recyclables after work. (Tr. p.17).² Supervisor explained that he delivered the recyclables after 5 p.m. while the vendor was closed, but employees were still in the vendor's yard. However, one employee of the vendor stated that Supervisor never arrived after closing hours. Another of vendor's employees informed staff that Supervisor recycled during their normal business hours on average 9 times out of 10. Supervisor also claimed that on some of the days in question, he was done with work and, while redeeming his scavenged goods, was called back to work to handle a complaint, thus making it look like he was redeeming recyclables on city work time. Contrary to the statements of the vendor's employees, Supervisor stated that he dropped off the recyclables after work "99%" of the time. (Tr. p.45)³

² Supervisor made the same assertion in his October 17, 2006 interview with department personnel.

³ Supervisor admitted that he redeemed recyclables at the vendor during his city work time and with his city truck one time only -- in February 2006. He decided to inform his supervisor because he made a workplace violence complaint against another division Supervisor who was also at the facility.

After being confronted with the fact that he had used city trucks (and was therefore on city time) to redeem scrap at the vendor, Supervisor shifted his position. His new position was that he thought he was allowed to redeem scrap for cash during city time and with a city truck. He based his opinion on three factors: (1) the driver that Supervisor worked with when he started with the city in 1982 would use the collection truck to recycle materials during work time, (2) it was a normal practice to use a city truck and/or city time to redeem recyclable materials during the years he was a supervisor, and (3) no one told him he could not use city time and trucks for redeeming recyclables.

When questioned about the basis of his beliefs, however, he could not or would not offer any corroborating information. Supervisor refused to name the supervisors he claimed used city trucks or city time to redeem recyclables. (Tr. p. 25) Supervisor admitted that the other supervisors worked in different areas and that he did not know whether they recycled during city time or after work. (Tr. p.41) Furthermore, he did not know how often the other supervisors redeemed recyclables or how much money they made. Regarding his claim that no one told him he could not use city time and equipment to recycle, he could not recall whether he had discussions with supervisors or peers about the issue. (Tr. 62 – 64)

D. The statements of other department supervisors contradict Supervisor's explanations.

The salvage policy was well-established by the time many of the current set of supervisors began their careers as supervisors with the Refuse Division in the 1970s and 1980s. As one supervisor quipped, scavenging went back “to the beginning of time.” None of the supervisors interviewed had reviewed or seen a written policy regarding salvaging. However, each supervisor interviewed was aware to varying

degrees of the policy, practice and restrictions on scavenging and redeeming recyclables.

The Division Chief noted the restrictions placed on redeeming recyclables. According to the chief, a supervisor could not use city trucks or city time to go to the recycling center to redeem the recyclable materials. Redeeming was to be done with a private vehicle and while off-duty. (A department employee had also relayed these restrictions on behalf of department to the Honolulu Police Department investigator who conducted the criminal investigation into this matter, which was closed.) Additionally, the scavenged materials were to be picked up along the route and not outside the supervisor's area of responsibility to avoid delaying the completion of the job. The Chief understood that, generally, scavenged items were those that could be reused by a supervisor. For example, a supervisor might pick up golf club or bicycle for repair and personal reuse.

Once informed of Supervisor's scavenging and redeeming practice, the Division Chief ordered another supervisor (Supervisor B, below) and Superintendent A to investigate whether Supervisor and other supervisors received receipts for redeemed materials from the vendor. Based on the receipts obtained, the Chief believed that Supervisor had made more trips to and received more money from the vendor than any other supervisor. The review of the vendor's records showed very few instances where another supervisor redeemed scrap.

The [] Administrator confirmed the restrictions described by the Division Chief regarding the use of city time or vehicles to redeem recyclables. He also amplified that it would result in a work delay for a supervisor to use his city truck during lunch or other break times to redeem the recyclables. He believed that scavenging one item per month would be about average and that scavenging one item per week would be excessive. The Administrator could not think of a work-related reason

why a supervisor who supervised the collection of trash by the automated trucks, such as Supervisor, should be inspecting bulky-item trash.

Superintendent B, who was the superintendent during the vast majority of the relevant time, retired in June 2006 and has moved out of the state. He would not respond to staff's requests for an interview or to submit written questions for his response.

Superintendent A stated that he and the Superintendent B had been informed by the Administrator that scavenging was allowed as long as the collection work was getting done. Superintendent A did not believe that this meant that a supervisor could use a city truck to redeem scavenged materials during city work hours. He did not have an opinion whether the practice would allow for a supervisor to use city time to redeem the items because he was never asked the question. If the question were posed to him, he would ask the Administrator for the answer. Both the Administrator and Superintendent A stated that they would not know whether Supervisor was conducting city work or was redeeming recyclables unless someone filed a complaint or he failed to complete his work.

Although some of the other supervisors stated that they had heard rumors that each supervisor scavenged, they could not state specifics as to other supervisors who scavenged during the relevant period. Their own scavenging consisted of infrequently picking up an item along the route and keeping it for personal use.

Supervisor A knew that redeeming recyclables on city time was not allowed because the supervisors "don't have time for that." In a similar vein, Supervisor B, stated that, although he did some scavenging for personal use over the years, it took too much time away from his job. His understanding was that, except for Supervisor, supervisors

scavenged for their personal use. Supervisor B was well aware that the supervisors were not allowed to redeem recyclables during city work time or with a city vehicle.

Supervisor B believed that no one scavenged as much as Supervisor; the average for the others was about once per month. According to Supervisor B, starting in 2002 or 2003, Supervisor scavenged 2 or 3 times each week, brought the scavenged goods back to the yard in his city pickup and transferred them to his personal truck. Supervisor B did not know, but assumed, that Supervisor would redeem the recyclables after he clocked out from city time. In 2003 or 2004, Supervisor B asked Supervisor how much money he made from scavenging and recycling, to which Supervisor replied he made \$200 to \$300 each week. Supervisor B commented to him that that was “doing too much,” but Supervisor said he was not concerned because he would pick up most of the materials on his route.

Supervisor B recalled a meeting held in July, 2006 by the Division Chief after the story about Supervisor alleged scavenging and recycling broke on the news. The Chief wanted to know the extent of the practice. Supervisor B recalls that Supervisor told the Chief that he had not used a city truck or city time to redeem materials at the vendor.

In addition to the recycling regime, between July 4 and July 14, 2006, [] a witness personally observed, videotaped and photographed Supervisor during his city work time collecting redeemable materials and placing them into his city-assigned pickup truck and his personal city truck. He also transferred the redeemable items between the two pickup trucks, and, along with two of his subordinates, stored 5 air conditioners for later collection and redemption. Some of the photographs confirm Supervisor the vendor during his overtime work hours on July 6 and 12, 2006. Another set of photos shows Supervisor's

city truck at his home during overtime work hours, for a total of 45 minutes, in June 2006.

On July 21, 2006, the Division Chief transmitted a memorandum terminating the scavenging practice. On August 3, 2006 Supervisor was placed on administrative leave with pay.

IV. Questions presented

The activities described above raise this question for the Commission:

Did Supervisor's use of city work time and city trucks to redeem recyclable materials constitute a misuse of city resources for his personal benefit, in violation of Section 11-104, Revised Charter of Honolulu ("RCH")?

We answer in the affirmative.

V. Discussion

The fair and equal treatment policy, RCH Section 11-104 states: "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." "The purpose of this law is to prevent favoritism by government officials. It is the mainstay against the misuse of city position, title, staff, equipment, facilities or other resources for non-city business." Advisory Opinion No. 2001-1(March 15, 2001).

Supervisor used his city work time, city vehicles and subordinates to scavenge bulky-items from curbside, transport them and, ultimately to redeem them for cash the vendor. Part, but not all, of his conduct may

be excused under the department's salvage policy and practice. For the purpose of determining discipline, there is an important distinction between scavenging for scrap, which was permitted under the 1958 policy and division practice, and redeeming the scrap during city time or using city trucks, which were prohibited under that policy and practice.

A. Even though Supervisor' use of city work time, trucks and employees to scavenge was a violation of RCH Section 11-104, under the facts in this case he neither knew of should have known that scavenging was a violation.

A cornerstone of public service is that city resources are used only for city projects. This case presents an unusual situation where a policy approved by department permitted conduct that would be prohibited under the ethics laws. In this case, both scavenging and redeeming scrap from bulky item waste is prohibited by RCH Section 11-104 because those supervisors who, on city time or with city vehicles, scavenge or recycle are misusing resources paid for by the public for the supervisors' personal advantage. The salvage policy has been rescinded and should not be reinstated because a city policy may not be inconsistent with the revised Charter.

The salvage policy was long-standing and scavenging was its central feature. Department management knew for decades that supervisors scavenged recyclable or reuseable materials. There is evidence that other supervisors scavenged, although not to the extent that Supervisor did. Given this context, we do not find that Supervisor knew or should have known that his scavenging activities violated RCH Section 11-104. Therefore, although scavenging with city resources was contrary to RCH section 11-104, we do not base our recommendation for discipline on violations involving scavenging.

B. Supervisor' use of his city time and city trucks to redeem trash for cash was prohibited under the salvage policy and the ethics law.

The policy and practice of recycling and redeeming bulky items had specific limitations of which the managers and supervisors were aware. First and foremost, a supervisor was not allowed to use his city time or a city vehicle to redeem recyclable materials. This is clearly stated in the Department of Corporation Counsel (COR) Opinion: "although the salvage operations of the [] division are permitted, the transportation of the salvaged materials for disposition during city work hours, or in City and County vehicles would be grounds for removal or other disciplinary action." This was the understanding of the Division Chief, the Administrator and the other supervisors interviewed.

We conclude that, based on all the evidence, Supervisor knew or should have known that using city trucks and his city work time for purposes of redeeming recyclables was prohibited. *See*, Advisory Opinion No. 2004-7 (June 22, 2004) (a city officer or employee violates an ethics law if he or she knew or should have known that their conduct violates an ethics law.)

First, a reasonably prudent supervisor knows that city resources are not to be used for the supervisor's private gain, but only for city projects and purposes. In fact, Supervisor received training on this basic rule in 2002 as part of the city's mandatory ethics training program.

Second, we conclude that Supervisor was aware that he was not permitted to use city time and vehicles to redeem the recyclables. He first claimed that he redeemed recyclables only after work. If he believed that he was permitted to use city time for recycling, as he later contended, he would have no reason to claim that he always recycled after work. Once faced with the fact hat he had used his city truck and

was therefore on city time, he changed his story and claimed that recycling during work time was normal practice.

Third, Supervisor's justifications are not credible. As already noted, he varied his explanations about his use of city time and vehicles to redeem recyclables. Each of these varied rationales was contradicted. The salvage policy did not support his conduct, and his peers and supervisors understood the prohibitions. The receipts from and statements of the vendor's employees refuted his position that he recycled after work. Furthermore, his lack of factual basis as well as the contrary statements by his colleagues and supervisors rebutted his claim that his conduct was the normal practice.

The violations are noted on Table 1. A violation occurred each time Supervisor used a city truck or where a receipt showed he recycled on a date when he worked for the city starting before and ending after the vendor's business hours, 8:00 a.m. to 5:00 p.m. The Commission gave Supervisor the benefit of the doubt and did not include as violations any recycling where he recycled on days he was off-duty by 5:00 p.m. on a work day or any days off. Furthermore, the Commission has assumed that a city truck was not used if the vehicle license plate number is stated as "unknown" in Table 1. As a result, the 106 violations is, if anything, a conservative tally of his breaches.

The Commission finds 106 violations based on use of city time or trucks for the purpose of redeeming recyclables. Thus, Supervisor is responsible for a total of 106 violations of RCH Section 11-104. These violations also were outside the scope of the salvage policy and practice.

During the period January 2003 into July 2006, Supervisor was regularly redeeming scavenged material to make money. Essentially, Supervisor was running a private recycling business that earned him almost \$11,000. Unfortunately, it was the city taxpayers who provided

the recycling stock in their rubbish, paid for the transport trucks and funded Supervisor's overtime pay while he redeemed the recyclables.

VI. Recommendation for disciplinary and other corrective action

When the Commission finds an ethics violation as a result of its investigation, it is required to recommend discipline to the violator's appointing authority, in this case the director of the department. RCH Section 11-106 and ROH Section 3-8.5(a).⁴ In determining its recommendation the Commission weighs the mitigating and aggravating circumstances of the individual case. Below we examine the factors in light of Supervisor's practice of redeeming recyclables on city time and/or with city trucks.

Mitigating factors: There appear to be no mitigating factors involved in the misconduct.

Aggravating factors:

- (1) The nature and scope of the misconduct: Supervisor developed a profitable scheme whereby he used his city work time and/or his city pickup truck to redeem scrap for his personal benefit at least 106 times. The scheme had two

⁴ Section 11-106. Penalties and Disciplinary Action for Violations --

The failure to comply with or any violation of the standards of conduct established by this article of the charter or by ordinance shall be grounds for impeachment of elected officers and for the removal from office or from employment of all other officers and employees. The appointing authority may, upon the recommendation of the ethics commission, reprimand, put on probation, demote, suspend or discharge an employee found to have violated the standards of conduct established by this article of the charter or by ordinance.

Sec. 3-8.5 Violation--Penalty.

(a) The failure to comply with or any violation of the standards of conduct of this article or of Article XI of the revised charter shall be grounds for impeachment of elected officers and for the removal from office or from employment of all other officers and employees. The appointing authority may, upon the recommendation of the ethics commission, reprimand, put on probation, demote, suspend or discharge an employee found to have violated the standards of conduct established by this article. Nothing contained herein shall preclude any other remedy available against such officer or employee.

components. First, Supervisor abused the trust placed in him as a field supervisor and took advantage of the lack of immediate oversight. Essentially, Supervisor supervised himself as to his whereabouts, his work activities and his overtime. For example, the Administrator and Superintendent A stated that they would not know whether Supervisor was conducting city work or was redeeming recyclables unless someone filed a complaint or he failed to complete his work. For the second component of his scheme, he ignored the prohibitions of the salvage policy and RCH Section 11-104 and used city resources to redeem trash for cash.

- (2) The duration of the misconduct: The violations began in 2003 and escalated in frequency through 2006 until the practice was halted by the Division.
- (3) The presence or absence of any intention to conceal, deceive or mislead: Supervisor tried to conceal the true nature of his recycling business. First, during the investigation by the department and the Commission, he claimed that he only redeemed recyclables after work. Table 1 refutes that claim, as do the statements of the employees of the vendor. Second, Supervisor switched his explanation and claimed that redeeming recyclables during city time and with city vehicles was a normal practice carried on by his peers. He could not provide any factual basis for that argument, and admitted that he did not know any specifics about the extent of their scavenging and recycling practices. Third, a witness stated that, when the Division Chief was trying to determine the scope of scavenging and recycling in July 2006, Supervisor told the Chief that he never used city time or vehicles to go to the recycler. Fourth, he declined to

name the supervisors who scavenged or redeemed recyclables, which is a violation of Section 78-9, Hawaii Revised Statutes.⁵ This law requires government personnel to answer questions regarding the use of government resources, unless they have a right to refuse, or face immediate discharge from employment.

- (4) Whether the violation was negligent or intentional: Supervisor's recycling pattern reflects an increase from less to more frequent violations. In 2003, Supervisor redeemed the vast majority of his recyclables when not on duty – out of 43 trips, 36 were during his time off. However, in 2004, he used his city-assigned truck and/or city time on all but 2 (27 out of 29) of the days when he went to the vendor. In the following years, the vast majority of recycling trips resulted in violations. It is reasonable to infer that Supervisor recognized he would be misusing city time from the fact that, for the first year of recycling, he recycled on his time off rather than on city time. Similarly, the fact that he at first contended that he recycled only after work shows that he knew that redeeming the recyclables during work time or with city trucks was prohibited. These factors reflect Supervisor's intentional misconduct.

⁵ §78-9 Failure to appear or testify, termination of employment.

If any person subject to sections 78-8 to 78-11, after lawful notice or process, wilfully refuses or fails to appear before any court or judge, any legislative committee, or any officer, board, or commission, or having appeared refuses to testify or to answer any question regarding (1) the government, property or affairs of the State or of any political subdivision thereof, or (2) the person's qualifications for public office or employment, or (3) the qualifications of any officer or employee of the State or any political subdivision thereof, on the ground that the person's answer would tend to incriminate the person, or refuses to testify or to answer any such question without right, the person's term or tenure of office or employment shall terminate and the office or employment shall be vacant, and the person shall not be eligible to election or appointment to any office or employment under the State or any political subdivision thereof. To the extent that the State is without authority to require, under the constitution or laws of the United States, compliance by any public officer or public employee herewith, sections 78-8 to 78-11 shall not apply to the officer or employee, but the sections shall apply to the extent that they or any part thereof can lawfully be made applicable.

- (5) The resulting loss to the city: Supervisor's misconduct resulted in the public losing his services and that of the city vehicles while he was conducting his recycling business instead of performing his city duties. Because Supervisor set his own overtime, it is a reasonable inference that he extended his work day to make up for any work time used to redeem recyclables. Therefore, his lost time should be measured as lost overtime to the city. In addition, the loss of time and use of the city vehicle may be based on the time it took Supervisor to travel from the base yard to the vendor, unload and be paid at the recycling facility, and return to the work site.
- (6) Supervisor received the substantial sum of \$10,923.11 as a direct benefit from his ethical breaches.

Given the seriousness of the violations and weighing the factors above, the Commission recommends that Supervisor be discharged from city employment. In addition, the Commission recommends that the department work with COR to seek restitution from Supervisor for the loss of time and use of city vehicles caused by him. Finally, pursuant to ROH Section 3-8.5(c), the department should ask COR to evaluate collecting the \$10,923.11 that resulted from Supervisor's misconduct.⁶

The Commission believes that these remedies are appropriate under the circumstances. The violations were egregious and were compounded by Supervisor's attempts to cover up his scheme to misuse public resources. These characteristics make Supervisor unfit for continued employment on behalf of the public. Restitution is required to

⁶ Sec. 3-8.5 Violation--Penalty.

(c) The city, by the corporation counsel, may recover any fee, compensation, gift or profit received by any person as a result of a violation of the standards in this article or in Article XI of the revised charter by an officer or employee or former officer or employee. Action to recover under this subsection shall be brought within four years of such violation.

make the city whole from the actual losses it incurred. Recovery of the money received from recycling while he was on his city time or using city trucks will prevent his profiting from his misconduct.

The appointing authority has 15 days from this receipt of this opinion and recommendation in which to inform the Commission of the action it will take.

Dated: October 17, 2007

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

Attachments: Tables 1 and 2

Table 1: Supervisor's Use of City Time and Trucks (1/2003 – 7/2006)

DAY	DATE	WORKED UNTIL	HOURS OF OVERTIME	CITY TRUCK USED	CASH RECEIVED	ETHICS VIOLATIONS
Sunday	January 12, 2003	N/A	N/A	NO	260.00	
Saturday	January 18, 2003	4:30 p.m.	2	NO	84.00	
Sunday	February 9, 2003	N/A	N/A	NO	100.00	
Sunday	February 16, 2003	N/A	N/A	NO	122.50	
Sunday	March 2, 2003	N/A	N/A	NO	90.00	
Sunday	March 2, 2003	N/A	N/A	NO	126.60	
Friday	March 14, 2003	2:30 p.m.	0	UNK	160.00	
Friday	March 14, 2003	2:30 p.m.	0	UNK	87.90	
Wednesday	March 26, 2003	2:30 p.m.	0	NO	154.70	
Thursday	March 27, 2003	2:30 p.m.	0	NO	115.00	
Sunday	April 6, 2003	N/A	N/A	NO	142.00	
Sunday	April 13, 2003	N/A	N/A	NO	129.00	
Sunday	May 4, 2003	N/A	N/A	NO	100.00	
Sunday	May 11, 2003	N/A	N/A	NO	153.00	
Thursday	May 15, 2003	2:30 p.m.	0	NO	121.00	
Friday	May 16, 2003	2:30 p.m.	0	C&C []	80.90	√
Saturday	May 24, 2003	N/A	N/A	NO	153.90	
Thursday	May 29, 2003	5:00 p.m.	2.5	NO	120.00	
Sunday	June 1, 2003	N/A	N/A	NO	138.00	√
Wednesday	June 4, 2003	5:30 p.m.	3	UNK	53.40	
Saturday	June 7, 2003	2:30 p.m.	0	NO	88.70	
Sunday	June 22, 2003	N/A	N/A	NO	80.00	
Sunday	June 22, 2003	N/A	N/A	NO	125.00	
Saturday	July 5, 2003	3:30 p.m.	1	NO	115.00	
UNK	UNK	UNK	UNK	UNK	140.00	
Sunday	July 20, 2003	N/A	N/A	NO	150.00	
Sunday	July 20, 2003	N/A	N/A	NO	45.00	
Sunday	July 27, 2003	N/A	N/A	NO	82.50	
Wednesday	August 6, 2003	5:00 p.m.	2.5	UNK	110.00	

Sunday	August 17, 2003	N/A	N/A	NO	125.00	
Tuesday	August 19, 2003	4:00 p.m.	1.5	NO	40.40	
Tuesday	September 2, 2003	7:00 p.m.	4.5	NO	159.86	√
Tuesday	September 2, 2003	7:00 p.m.	4.5	NO	145.50	√
UNK	UNK	UNK	UNK	UNK	351.00	
Sunday	September 28, 2003	N/A	N/A	NO	262.00	
Sunday	October 12, 2003	N/A	N/A	NO	127.00	
Tuesday	October 28, 2003	4:30 p.m.	2	NO	210.65	
Wednesday	October 29, 2003	5:30 p.m.	3	NO	1135.00	√
Sunday	November 2, 2003	N/A	N/A	NO	65.00	
Sunday	November 16, 2003	N/A	N/A	NO	84.00	
Tuesday	November 25, 2003	5:30 p.m.	3	NO	105.64	√
Tuesday	December 16, 2003	5:00 p.m.	2.5	UNK	67.50	
Tuesday	December 23, 2003	7:00 p.m.	4.5	UNK	38.50	√
Sunday	January 18, 2004	N/A	N/A	NO	63.00	
Monday	February 2, 2004	5:30 p.m.	3	UNK	54.98	√
Friday	February 13, 2004	6:00 p.m.	3.5	C&C []	51.80	√√
Saturday	February 14, 2004	5:30 p.m.	3	C&C []	53.44	√√
Wednesday	February 25, 2004	5:30 p.m.	3	UNK	47.05	√
Tuesday	March 30, 2004	5:30 p.m.	3	C&C []	153.10	√√
Friday	April 2, 2004	4:30 p.m.	2	C&C []	102.02	√
Friday	April 16, 2004	6:30 p.m.	4	C&C []	84.50	√√
Tuesday	April 27, 2004	5:30 p.m.	3	C&C []	159.00	√√
Tuesday	May 25, 2004	8:30 p.m.	6	C&C []	71.00	√√
Wednesday	May 26, 2004	7:00 p.m.	4.5	C&C []	86.97	√√
Friday	May 28, 2004	2:30 p.m.	0	C&C []	149.35	√
Wednesday	August 4, 2004	5:30 p.m.	3	NO	87.00	√
Tuesday	September 7, 2004	7:00 p.m.	4.5	UNK	101.62	√
Saturday	October 18, 2004	7:00 p.m.	4.5	NO	124.00	√
Wednesday	November 24, 2004	UNK	UNK	C&C []	88.60	√
Wednesday	December 1, 2004	8:00 p.m.	5.5	UNK	81.00	√
Tuesday	December 14, 2004	7:00 p.m.	4.5	C&C []	170.05	√√
Tuesday	December 14, 2004	7:00 p.m.	4.5	C&C []	240.00	√√
Friday	December 24, 2004	N/A	N/A	NO	110.50	
Thursday	January 6, 2005	7:30 p.m.	5	NO	136.00	√
Monday	January 17, 2005	7:30 p.m.	5	NO	154.67	√
Sunday	February 13, 2005	N/A	N/A	NO	79.00	

Sunday	February 20, 2005	N/A	N/A	NO	95.00	
UNK	UNK	UNK	UNK	UNK	182.40	
Saturday	April 16, 2005	8:30 p.m.	6	UNK	78.00	√
Wednesday	April 27, 2005	7:00 p.m.	4.5	NO	157.50	√
Thursday	April 28, 2005	6:00 p.m.	3.5	UNK	131.90	√
Monday	May 2, 2005	12:30 a.m.	10	UNK	85.80	√
Thursday	May 19, 2005	5:00 p.m.	2.5	C&C []	62.05	√
Saturday	May 21, 2005	7:30 p.m.	5	C&C []	27.60	√√
Sunday	May 29, 2005	N/A	N/A	NO	179.80	
Tuesday	June 7, 2005	6:30 p.m.	4	UNK	78.00	√
Tuesday	June 7, 2005	6:30 p.m.	4	UNK	46.50	√
Monday	June 13, 2005	6:30 p.m.	4	UNK	75.00	√
Thursday	June 23, 2005	5:30 p.m.	3	UNK	61.05	√
Saturday	June 25, 2005	4:30 p.m.	2	NO	70.15	√
Wednesday	July 6, 2005	9:00 p.m.	6.5	NO	105.00	√
Wednesday	July 6, 2005	9:00 p.m.	6.5	UNK	88.00	√
Saturday	July 9, 2005	7:30 p.m.	5	UNK	121.50	√
Sunday	July 10, 2005	N/A	N/A	NO	77.95	
Thursday	July 14, 2005	6:30 p.m.	4	UNK	123.20	√
Thursday	July 14, 2005	6:30 p.m.	4	UNK	172.00	√
Thursday	July 21, 2005	3:30 p.m.	1	NO	81.92	
Friday	July 29, 2005	5:30 p.m.	3	UNK	121.50	√
Monday	August 1, 2005	8:00 p.m.	5.5	UNK	75.30	√
Monday	August 14, 2005	7:00 p.m.	4.5	NO	651.00	√
Sunday	August 28, 2005	N/A	N/A	UNK	149.98	
Monday	August 29, 2005	6:00 p.m.	3.5	UNK	125.75	√
Tuesday	August 30, 2005	7:00 p.m.	4.5	C&C []	111.00	√√
Tuesday	September 27, 2005	8:30 p.m.	6	C&C []	39.45	√√
Tuesday	September 27, 2005	8:30 p.m.	6	NO	57.90	√
Wednesday	September 29, 2005	7:00 p.m.	4.5	UNK	59.15	√
Wednesday	September 28, 2005	7:00 p.m.	4.5	UNK	83.25	√
Thursday	September 29, 2005	6:00 p.m.	3.5	UNK	59.70	√
Thursday	September 29, 2005	6:00 p.m.	3.5	UNK	50.80	√
Thursday	September 29, 2005	6:00 p.m.	3.5	UNK	7.28	√
Friday	September 30, 2005	6:30 p.m.	4	UNK	59.80	√
Monday	October 3, 2005	12:30 a.m.	10	NO	97.60	√
Wednesday	October 5, 2005	8:30 p.m.	6	NO	126.90	√

Wednesday	October 19, 2005	6:30 p.m.	4	UNK	58.80	√
Thursday	October 20, 2005	5:30 p.m.	3	UNK	58.68	√
Thursday	October 20, 2005	5:30 p.m.	3	UNK	75.25	√
Tuesday	October 25, 2005	8:30 p.m.	6	UNK	152.75	√
Thursday	October 27, 2005	6:00 p.m.	3.5	UNK	53.65	√
Thursday	November 3, 2005	6:30 p.m.	4	UNK	92.10	√
Tuesday	November 8, 2005	7:30 p.m.	5	UNK	97.50	√
Saturday	November 12, 2005	7:00 p.m.	4.5	UNK	60.90	√
Thursday	November 17, 2005	N/A	N/A	NO	177.70	
Wednesday	November 23, 2005	7:00 p.m.	4.5	C&C []	45.60	√
Saturday	November 26, 2005	N/A	N/A	NO	186.90	
Monday	November 28, 2005	6:30 p.m.	4	UNK	45.50	√
Tuesday	November 29, 2005	6:30 p.m.	4	UNK	64.60	√
Monday	December 5, 2005	7:00 p.m.	4.5	NO	105.00	√
Tuesday	December 6, 2005	6:30 p.m.	4	UNK	113.20	√
Thursday	December 8, 2005	5:00 p.m.	2.5	NO	115.25	
Wednesday	December 14, 2005	7:00 p.m.	4.5	NO	107.50	√
Tuesday	December 20, 2005	2:30 p.m.	0	UNK	139.90	
Saturday	December 24, 2005	4:30 p.m.	2	NO	44.90	
Wednesday	December 28, 2005	6:30 p.m.	4	UNK	57.00	√
Thursday	December 24, 2005	4:30 p.m.	2	UNK	55.50	
Thursday	December 24, 2005	4:30 p.m.	2	UNK	75.70	
Tuesday	January 3, 2006	7:30 p.m.	5	UNK	69.55	√
Tuesday	January 3, 2006	7:30 p.m.	5	NO	136.50	√
Wednesday	January 11, 2006	6:30 p.m.	4	UNK	142.45	√
Tuesday	January 17, 2006	6:30 p.m.	4	NO	71.75	√
Friday	January 20, 2006	5:30 p.m.	3	NO	79.10	√
Friday	January 20, 2006	5:30 p.m.	3	UNK	126.50	√
Tuesday	January 24, 2006	6:30 p.m.	4	UNK	139.50	√
Wednesday	January 25, 2006	7:00 p.m.	4.5	UNK	93.00	√
Friday	January 27, 2006	5:00 p.m.	2.5	UNK	125.05	
Sunday	January 29, 2006	N/A	N/A	UNK	1,061.80	
Wednesday	February 8, 2006	6:30 p.m.	4	NO	167.75	√
Sunday	February 12, 2006	N/A	N/A	NO	206.25	
Thursday	February 16, 2006	4:30 p.m.	2	UNK	146.00	
Wednesday	February 22, 2006	6:30 p.m.	4	UNK	80.40	√
Thursday	February 23, 2006	5:00 p.m.	2.5	NO	119.00	

Sunday	February 26, 2006	N/A	N/A	NO	138.65	
Monday	February 27, 2006	5:30 p.m.	2.5	C&C []	30.00	√
Sunday	March 19, 2006	N/A	N/A	UNK	266.50	
Wednesday	April 5, 2006	7:30 p.m.	5	NO	136.55	√
Sunday	April 30, 2006	N/A	N/A	NO	443.30	
Wednesday	May 3, 2006	6:30 p.m.	4	UNK	189.00	√
Tuesday	May 9, 2006	5:30 p.m.	3	UNK	128.25	√
Sunday	May 14, 2006	N/A	N/A	UNK	178.50	
Wednesday	May 17, 2006	7:00 p.m.	4.5	UNK	120.60	√
Thursday	May 18, 2006	3:30 p.m.	1	UNK	948.00	
Sunday	June 4, 2006	N/A	N/A	NO	282.40	
Friday	June 16, 2006	4:30 p.m.	2	NO	243.50	
Monday	June 19, 2006	6:00 p.m.	3.5	NO	286.80	√
Wednesday	June 21, 2006	6:30 p.m.	4	NO	191.40	√
Sunday	July 2, 2006	N/A	N/A	NO	355.00	
Monday	July 10, 2006	7:00 p.m.	4.5	NO	288.20	√
Wednesday	July 12, 2006	6:30 p.m.	4	UNK	111.75	√
Saturday	July 29, 2006	4:30 p.m.	2	UNK	51.45	
TOTAL					10,923.11	106

**Table 2: Supervisor Recycling and Misuse of City Time and Truck
(1/2003 – 7/2006)**

YEAR	ETHICS VIOLATIONS	MISUSE OF CITY TIME	MISUSE OF CITY TRUCK
2003	7	6	1
2004	27	15	12
2005	51	46	5
2006	21	20	1
TOTAL	106	87	19