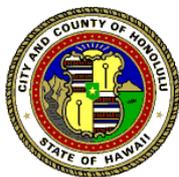


ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU

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I. Summary

In reviewing several questions about whether city officers or employees misused city resources to benefit political candidates, the Honolulu Ethics Commission (Commission) finds that, in all but two instances, city personnel acted properly and took the steps needed to avoid violations of the standards of conduct.

II. Background and Facts

During the summer and fall of 2008, the Commission received several complaints that city personnel may have used city resources for political campaign purposes. Upon investigation by Commission staff, the majority of the complaints were proved to be unfounded. However, because of the issues raised in the complaints and by the witnesses and parties interviewed, the Commission renders this opinion to clarify its position regarding certain practices.

The purpose underlying the prohibition against the use of government resources for political purposes is to protect against the exploitation of taxpayer resources for the benefit of a political candidate. Performing campaign work on city time or with other city resources deprives the public of the services of city officers and employees. Moreover, when city resources are turned to political use, one candidate receives an unfair advantage paid for by the public. Consequently, the Commission has interpreted Section 11-104, Revised Charter of Honolulu (RCH)^[1] to prohibit the use of city resources for political purposes and activities.

City officers and employees may participate in political activities, but not by employing public resources. To their credit, the witnesses and parties interviewed were careful to avoid misusing city resources to support their political activities and to maintain a bright line between city work and campaign work. For example, to comply with the standards of conduct, city personnel (1) took leaves of absence from city work while campaigning, (2) conducted political activities outside of private city offices, and (3) communicated through non-city telephones, facsimile, email, and web sites. These practices are consistent with the Commission's *Revised Guidelines on Campaign Activities (Guidelines)* and were evident at all levels of city government. We commend

the leadership and personal integrity of those who complied even though doing so may have been inconvenient or inefficient. It is evident that they took seriously their obligations under the standards of conduct.

Given the intense work involved in political campaigns and the fact that each elected officer has supporters within city government, it is possible for mistakes to be made even by those who try to steer clear of misusing city resources to aid an election bid. This happened in two relatively minor instances.

In one scenario, three city personnel spoke briefly (under 5 minutes) within city offices to discuss and decide to take action to support a candidate. Thereafter, the personnel took vacation time, communicated through personal cellular phones and otherwise avoided employing any public resources to help the candidate. Their sole oversight was in communicating on the political issue within city offices. This was a violation of RCH Section 11-104. As noted in the *Guidelines*, "City offices, conference rooms and work areas" may not be used for political purposes. *Guidelines* at para. 1.d. However, "City premises or facilities that are available for public use may be used for political activities on the same basis as the facilities are available to the public." *Id.* Therefore, the personnel should have removed themselves from city offices and conducted their political work in city common areas or on non-city premises.

In a similar situation, four city personnel signed a candidate nomination petition in private city offices. These personnel also took the requisite vacation leave. As noted above, this is a relatively minor misuse of taxpayer resources for the benefit of the candidate, but is nonetheless a violation of RCH Section 11-104.

It is evident from the information gathered that the officers and employees participating in political activities took precautions to avert breaches of the standards of conduct. The Commission believes that the infractions described above resulted from momentary lapses of caution on the part of the city personnel, not as a result of conduct that may undermine the public's trust in government. Furthermore, this opinion should remove any question about these practices. Therefore, the Commission finds that no disciplinary action is warranted.

DATED: April 16, 2009

BY: /S/
LEX R. SMITH, CHAIRPERSON
Honolulu Ethics Commission

^[1] **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

