

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



ADVISORY OPINION NO. 221

This advisory opinion is in response to a letter requesting an opinion from the Ethics Commission as to whether the adoption by the City of a design for construction project signs that incorporates the mayor's "shaka" campaign logo violates the City's Standards of Conduct.

The Commission understands the facts relative to the inquiry to be as follows:

On May 22, 1991, the City Council overrode the veto of an ordinance that prohibits elected City officials from putting their names on signs posted at City public works projects. On August 21, 1991, the mayor announced that all future signs at City construction projects would include a yellow "shaka" logo, which has been used in his election campaigns since 1976. Subsequently, such signs have appeared at new City construction sites.

The mayor commented at the time of his announcement that the "shaka" sign is popularly associated with a television news station and that it "represents everybody, no matter what ethnic group you happen to be with or where you sit in the pecking order socially or economically." He has since pointed out that Miss America used the "shaka" sign on national television when she won her crown in 1991, that large "shaka" signs can be seen at many University of Hawaii and high school athletic events, that the "shaka" sign is generally recognized as a form of local greeting similar to the wave of the hand elsewhere, and that a third grade class at Punahou School has been known as the Shakas with their classroom called Shaka City for over ten years.

On (date), a candidate for mayor of Honolulu, notified the mayor that he had begun using a yellow "shaka" logo in his own campaign and sent him the original draft of the design. This logo is virtually identical to the design now being used on City construction signs.

The ethical question presented is whether the mayor violated the Standards of Conduct by granting himself special treatment, advantage, or privilege when he authorized the "shaka" logo identical to that used in his campaigns, to be placed on construction site signs for City public works projects.

The general rule in relation to the question is found in Section 11-104 of the Revised Charter of the City and County of Honolulu 1973 (1984 Ed.) which states as follows:

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.

Based on the evidence presented, the Commission finds that the mayor has not violated Section 11-104 of the City Charter, since the "shaka" logo is not identified only with his election campaign. It can be argued that the use of the "shaka" logo on City construction project signs benefits the other candidate as much as it benefits the Mayor. Furthermore, as the other candidate has proved, any candidate for election is free to adopt the "shaka" logo as his or her own campaign symbol.

Dated: October 12, 1992

JANE B. FELLMETH
Chair, Ethics Commission