

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



ADVISORY OPINION NO. 231

This is an advisory opinion in response to a request for advice from the Ethics Commission [Commission] as to whether a city official misused official stationery for campaign purposes.

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

On [date], a letter from the official was received by a state representative addressed to "All Members of the House of Representatives" expressing the official's views on a pending bill. Attached to that letter was a letter from the official to another Member of the Legislature. That attached letter, which was written on official stationery of the City and County of Honolulu, alluded to an upcoming election campaign in which both the official and the Member had expressed an interest. In it, the official declared what he would do when elected to the new office.

The ethical question presented is whether the official used his position to secure special advantage beyond that which is available to every other person by using official City stationery for personal campaign purposes.

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

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.

Furthermore, on October 16, 1989, the Ethics Commission issued its *Guidelines on Campaign Activities*, which were approved by Managing Director Jeremy Harris. In that document, the Commission specifically stated that City officers and employees should not "[u]se one's official position to give unwarranted advantages to campaigns" or "[u]se the City seal on...campaign literature [or] materials."

Based on the evidence presented, the Commission finds that the official violated Section 11-104, RCH, by using City letterhead to portray himself acting in the role of the new office at a time when he had publicly declared himself a candidate for that office. At the minimum, this particular action gives the appearance that he used his official position to give himself

unwarranted advantage in his campaign for higher office. Therefore, the Ethics Commission requests that he refrain from using City stationery for campaign purposes in the future.

Dated: November 22, 1993

BONIFACE K. AIU
Chair, Ethics Commission