

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 255

This is an advisory opinion issued as a result of your failure to appear before the Ethics Commission as requested on June 8, 1995, to explain why you did not file a 1994 financial disclosure form, as required by law.

The Commission understands the facts relative to this matter to be as follows:

You are a member of a board of appeals. On December 30, 1994, you were sent a copy of the City's financial disclosure form, instructions for filling it out, the full text of the ordinance that establishes filing requirements, and a cover letter stating that the deadline established by law for filing the form is January 31 of each year. On February 15, 1995, you were sent a reminder letter requesting that the form be returned to the Ethics Commission immediately. On April 21, 1995, you were sent a second reminder letter and asked to return your financial disclosure form to the Ethics Commission no later than May 5, 1995. That letter stated that if you did not return your form by then, you would be required to attend an Ethics Commission meeting to explain why you had not complied with the law. On May 22, 1995, you were sent a letter requesting attendance at the June 8, 1995, meeting of the Commission for the purpose of explaining why you had not filed your financial disclosure form due on January 31, 1995. In addition, on May 22, 1995, a message was left on your answering machine requesting that you call the Ethics Commission office to which you did not respond.

The ethical question presented is whether you have failed to comply with the legal requirement for all appointed members of boards and commissions to file an annual financial disclosure form with the Ethics Commission.

The general rule in relation to your question is found in the Revised Ordinances of Honolulu 1990 [ROH], Section 3-8.4(b)(2), which states in pertinent part:

Any officer of the Executive or Legislative Branch shall file a financial disclosure as prescribed herein within twenty working days after taking the oath of office and **annually thereafter on or before January 31**, of each year until the end of the term of office (emphasis added).

The word "officer" is given the same meaning as is found in the Revised Charter of the City and County of Honolulu 1973 (1994 Ed.), Section 13-101.4, which states in pertinent part, "the term 'officer' shall include...[a]ny person appointed...as a member of any board or commission."

Based on the evidence available, the Ethics Commission finds that you have violated ROH, Section 3-8.4(b)(2). Further, pursuant to ROH, Section 3-8.5(a), the Commission recommends to the Mayor that you be removed from your position as a member of a board of appeals.

Dated: July 7, 1995

SAMUEL L. DOMINGO
Chair, Ethics Commission