



The HIGH ROAD

"Preserving public confidence in public servants."

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Hawaii State Ethics Commission

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Ethics Commissioner Bernice Pantell Passes Away

We are sorry to report that ethics commissioner Bernice Pantell passed away in September. Ms. Pantell was appointed to the Hawaii State Ethics Commission by Governor Cayetano in 1996.

In addition to being a member of the Commission, Ms. Pantell was an active community volunteer who also served as a mediator for the Neighborhood Justice Center and a docent for The Contemporary Museum and the Honolulu Academy of Arts.

We are very saddened by Ms. Pantell's death, and extend our condolences to her husband, Stanley, and her family.

Influence Peddling and the Ethics Code

- ▶ Can a state employee be hired to assist a company in obtaining a state contract from the employee's department?
- ▶ Can a member of a state board be paid to represent a client on a matter before the board?
- ▶ Can a legislator be employed by a private organization to lobby the legislature on a bill?

The answer to all of these questions is, "No." HRS section 84-14(d), part of the conflict-of-interests section of the State Ethics Code, prohibits state officials and employees from

assisting or representing others, for compensation, on certain matters. If you are a state employee, a member of a state board or commission, or a state legislator, you should be aware of the following prohibitions:

1. You may not assist or represent any person or business, for compensation, on a bill, contract, claim, or other transaction or proposal in which you have participated or will participate as a state official or employee; and
2. You may not assist or represent any person or business, for compensation, on a bill, contract, claim, or other transaction or proposal before your state agency.

Note that HRS section 84-14(d) applies as well to your assistance or representation of companies or organizations that employ you and compensate you for your work.

The purpose of these restrictions is to prevent "influence peddling" based upon contacts and associations made in government service. "Influence peddling" occurs when state agency "insiders" are compensated to assist individuals or businesses in obtaining special benefits or treatment.

If you are asked to assist or represent a private employer or a private client on a matter in which you have participated or will participate in your state capacity, or on a matter before your own state agency, you may have a conflict of interest under HRS section 84-14(d). Contact the Hawaii State Ethics Commission for advice.

A Holiday Reminder . . .



If your state office is planning an employee party this holiday season, remember that you may not solicit private businesses for donations to your office party. For example, you may not solicit vendors to donate food or door prizes to your office party. Why not? HRS §84-13 prohibits a state employee from using the employee's official position to obtain an unwarranted benefit. The Hawaii State Ethics Commission believes that a state agency's solicitation of a private business for an employee social function, such as an employee party, is prohibited by §84-13. This type of solicitation amounts to the use of one's official position for an unwarranted personal benefit.

Ethics Guide for Elected Officials, Employees, Members of Boards and Commissions

Have you read the *Ethics Guide for Elected Officials, Employees, Members of Boards and Commissions*? The *Ethics Guide* is a brochure that is published by the Hawaii State Ethics Commission. The *Ethics Guide* features important information about the ethics laws.

You will find information about the following topics in the *Ethics Guide*:

The State Ethics Code, including the ethics laws relating to Gifts, Confidential Information, Fair Treatment, Conflicts of Interests, Public Contracts, and Restrictions on Post Employment;

Financial Disclosure Statements, including information about who must file disclosure statements, when to file, and penalties for failure to file on time;

How to Request an Advisory Opinion;

Investigations, including information about how ethics charges are filed against state officials, investigation procedures, hearings, and penalties for violations of the ethics laws; and

The State Ethics Commission, including information about the method of selection of commission members, qualifications, restrictions, and responsibilities of the Commission.

The *Ethics Guide* is highly recommended reading for all state officials and employees. Best of all, it's free! To obtain a copy of the *Ethics Guide*, contact our office at 587-0460. You can also find the *Ethics Guide* on our web site at www.state.hi.us/ethics.



**A SAFE
AND HAPPY
THANKSGIVING
TO ALL!**

The High Road is a publication of the Hawaii State Ethics Commission.

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