



THE HIGH ROAD

"Preserving public confidence in public servants."

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Hawaii State Ethics Commission

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Aloha, Commissioner McCleary



Boyd T. McCleary regretfully resigned from the Commission in October to accept an employment opportunity on the mainland. The staff and members of the Commission wish him well in his future endeavors.

Mr. McCleary's resignation leaves a vacancy on the Commission. The Judicial Council is currently accepting applications from those who wish to serve on the Commission. Applicants must be United States citizens and residents of the State. They may not hold any other public office. Applications must be submitted to the Judicial Council by December 29, 2006. Application forms are available from the Judiciary's web site. For more information contact the Judiciary Public Affairs Office.

Holiday Ethics Questions

During the Holiday Season, state employees may encounter special situations that raise ethics issues. Each year, the staff of the Ethics Commission receive numerous questions relating to gifts or office parties. This article will discuss some of the more common questions.



Perhaps the most common question that we receive during the Holiday Season is whether or not a particular gift is acceptable. For example, a member of the public may offer a state office a box of cookies. Other examples include a vendor offering a gift basket to the

office staff, or a private company inviting a state office to a company party or other event.

Whenever a state employee is offered a gift, questions may arise under the State Ethics Code. The State's Gifts law prohibits the acceptance of a gift if it is reasonable to infer that the gift is intended to influence or reward official action by an employee. In analyzing gifts, the Commission will look at the value of the gift, the nature of the official action taken by the employee, and other circumstances surrounding the gift. Inexpensive gifts such as a box of cookies given to the staff of a state agency are generally acceptable. Other types of gifts could raise concerns. To be safe, call the State Ethics Commission for advice.



The Commission also receives questions relating to employee parties. For example, state employees may ask if they can solicit donations or fundraise for employee parties. Both soliciting donations and fundraising can raise concerns under the State's Fair Treatment law, as well as the Gifts law. The Commission has advised that a solicitation of the private sector for an employee party would violate the State Ethics Code. If employees want to solicit donations or to raise funds, they should first contact the Commission.

Who Ya Gonna Call?

Is the State Ethics Commission the right agency to help you? The Commission has jurisdiction over state officials (excluding judges) and state employees, including state board and commission members. You should contact the



Commission if you have ethics questions regarding elected and appointed state officials, state legislators, state employees, and members of state boards and commissions. If your question concerns other government officials or private professionals, then one of the following agencies may be able to help you:

- * For State Judges and Justices: Consult the Commission on Judicial Conduct
- * For County Officials and Employees: Consult that County's Ethics Board
- * For Federal Officials and Employees: Consult the U.S. Office of Government Ethics
- * For Attorneys: Consult the State Office of Disciplinary Counsel
- * For Doctors, Real Estate Agents, Contractors, and other Licensed Professionals: Consult the Regulated Industries Complaints Office of the Department of Commerce and Consumer Affairs

This list is only a guideline. In some cases, finding the appropriate agency may take further inquiry.

Conflicts of Interests— How Far Does the Law Reach?

The Conflicts of Interests law of the State Ethics Code prohibits a state employee from taking official action directly affecting a business in which the employee has a financial interest. An employee has a financial interest in a business if the employee, the employee's spouse, or the employee's dependent child has a financial interest in the business. Thus, for example, the Conflicts of Interests law would prohibit a state inspector from inspecting a company if the inspector's spouse worked for that company.

Currently, the Conflicts of Interests law extends only to the interests of the employee, the employee's spouse, and the employee's dependent children. The Commission is seeking to extend this law to include the interests

of the employee's parents, siblings, and emancipated children. The Commission will ask that a bill be introduced in the upcoming legislative session to amend and strengthen the Conflicts of Interests law.



Ethics Quiz

Question: Jack is the head of a state office. One day, he receives a letter addressed to him in his official capacity inviting him to attend a holiday party at a Waikiki hotel. The invitation comes from a private company that has dealings with his office. Through their interactions, Jack has become friendly with the company's representatives. What should Jack do?

Answer: Jack should consult with the the State Ethics Commission. This situation raises questions under both the State's Gifts law and the Fair Treatment law. Invitations to company parties may raise ethics concerns. This is particularly true when the person receiving the invitation has an official relationship with the company.



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Commissioners: Robert R. Bean, Chair
Carl Morton, M.D., Vice Chair
Maria J. Sullivan
Jerrold A. Fuller

Executive Director: Daniel J. Mollway, Esq.

Address: P.O. Box 616
Honolulu, HI 96809

Telephone: (808) 587-0460

Fax: (808) 587-0470

E-mail: ethics@hawaiiethics.org

Internet URL: <http://www.hawaii.gov/ethics>