



THE HIGH ROAD

"Preserving public confidence in public servants."

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Hawaii State Ethics Commission

June 2007

Mark Brasher and David J. Randell Appointed to the Hawaii State Ethics Commission

Governor Lingle has appointed Mark Brasher, Ph.D., to the Hawaii State Ethics Commission. Dr. Brasher is an associate professor at TransPacific Hawaii College and an instructor at Chaminade University of Honolulu. He received a doctorate degree in Philosophy from the Catholic University of Louvain in Louvain, Belgium. Dr. Brasher also serves as a Fellow at the St. Francis International Center for Healthcare Ethics in Honolulu. Dr. Brasher has been appointed to fill a current vacancy on the Commission and his term will run until June 30, 2010.

Governor Lingle has also appointed David J. Randell, M.D., to the Commission. Dr. Randell is a physician in private practice with Windward Eye Physicians and Surgeons. He is a member of the American Medical Association, the American Academy of Ophthalmology, and the Hawaii Ophthalmological Society. Dr. Randell has also served as past president of the Hawaii Ophthalmological Society and is the former Chief of Staff of Castle Medical Center. Dr. Randell's four-year term on the Commission will begin on July 1, 2007 and will run until June 30, 2011.

Commissioner Carl Morton's Term to End

On June 30, 2007, Commissioner Carl Morton's second term on the Hawaii State Ethics Commission will come to an end. Dr. Morton was appointed to the Commission in 1999, and was reappointed to a second term in 2003. He has served as vice chairperson since 2005. Dr. Morton has done outstanding work on behalf of the Commission and will be missed. The Commission and its staff wish Dr. Morton all the best.



Governor Vetoes Bill Relating to Public Financial Disclosure Statements for Board Members

Governor Lingle has vetoed a bill that would have required the members of ten state boards and commissions to file public financial disclosure statements

with the Hawaii State Ethics Commission. The bill, *H.B. No. 910, H.D.1, S.D.1*, was passed by the legislature during the 2007 legislative session. The bill would have made the financial disclosure statements of the members of the following state boards a matter of public record:

Board of Agriculture
Hawaii Community Development Authority
Board of Trustees of the Employees'
Retirement System
Hawaiian Homes Commission
Board of Land and Natural Resources
Land Use Commission
Public Utilities Commission
Board of Directors of the Research
Corp. of the University of Hawaii
Board of Regents of the University of Hawaii
Hawaii Tourism Authority



Currently, members of all of these boards file confidential financial disclosure statements that are not open to public inspection.

In vetoing H.B. No. 910, Governor Lingle stated that the bill would "adversely impact the ability of the State to attract knowledgeable and qualified volunteers to serve on boards and commissions." The Governor also stated that the bill "fails to recognize the safeguards already in place to ensure ethical behavior by board and commission members." These and other objections by the Governor to the bill are discussed in the Governor's *Statement of Objections to House Bill No. 910*, posted on the Governor's Web site.

Other Legislative News

The legislature also considered the following measures relating to ethics in 2007:

- **Independent selection of county ethics commissioners – passed.** A bill that sets new standards for the selection of county ethics commission members to ensure their impartiality and independence. Under the bill, county ethics commissioners will be appointed from a list of nominees selected by an independent body and will not be subject to confirmation by county

legislative bodies. The bill is now before the Governor for review. (S.B. No. 755, H.D. 1, C.D. 1)

- **Resolution to establish a House task force to review ethical standards for legislators – passed.** A resolution to establish a House task force to evaluate ethical standards and rules of legislative conduct and to determine whether the House of Representatives should establish a standards-of-conduct committee to handle conflicts-of-interests complaints involving House members. (H.R. No. 176, H.D.1)
- **Stricter conflicts-of-interests law – not passed.** A bill to broaden the conflicts-of-interests law by prohibiting state employees from taking action affecting a business in which a brother or sister, parent, or emancipated child has a financial interest. (H.B. No. 909)
- **Increased gifts reporting – not passed.** A bill to lower from \$200 to \$100 the threshold dollar value of gifts that state officials and employees must report on gifts disclosure statements. (H.B. No. 975)
- **Legislative ethics committees and revised standards of conduct for the legislature – not passed.** A bill to establish bipartisan legislative standards of conduct committees in the legislature to recommend ethics rules for members and employees of the legislature and to determine whether disciplinary action is warranted for complaints against legislators. (H.B. No. 1909)



Do You Have To File a Gifts Disclosure Report This Year?

Are you a state legislator, member of a state board or commission, or a state employee?

In the past twelve months, have you received gifts from anyone who is affected by official action that you take?

If your answer is "Yes," to these questions, then you may be required to report those gifts to the Hawaii State Ethics Commission on a gifts disclosure statement. These statements are due on June 30 of each year. This year, because June 30 falls on a Saturday, the filing deadline for gifts disclosure statements is July 2, 2007. Filers must report gifts received between June 1, 2006 and June 1, 2007 on their disclosure statements. The disclosure statements are public records and are available for public inspection.

Not every state official or employee who receives a gift is required to file a gifts disclosure statement. Filing is only required if the following conditions are met:

- 1) A state legislator, board member, or employee, or the spouse or dependent child of a legislator, board member, or employee, receives from a single source (a) any gift whose value is greater than \$200, or (b) any gifts whose combined value is greater than \$200; and
- 2) The source of the gift or gifts has interests that may be affected by official state action taken by the legislator, board member, or employee; and
- 3) The gift is not excluded by the ethics code from the reporting requirements. Certain gifts, such as gifts from close relatives, are exempt from the reporting requirements of the gifts disclosure law. (HRS §84-11.5)

If you did not receive any reportable gifts during the reporting period, then you are not required to file a gifts disclosure statement.

Gifts disclosure forms and instructions are available from the Commission's office and can also be downloaded from our Web site at www.hawaii.gov/ethics. (Click on the link for "Forms and Instructions.")

Remember that certain gifts may not be acceptable under the State Ethics Code. State officials and employees are prohibited from accepting a gift if it can reasonably be inferred that the gift is intended to influence or reward official action. Reporting a gift on a gifts disclosure statement does not make the gift acceptable. If you have questions about whether or not a gift is acceptable, or about whether you are required to file a gifts disclosure statement, you should contact the Hawaii State Ethics Commission.

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

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