



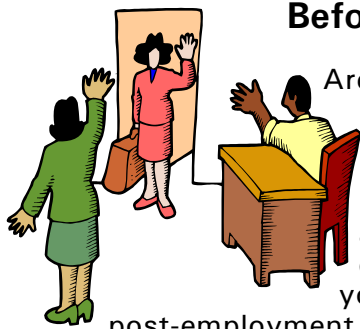
# THE HIGH ROAD

"Preserving public confidence in public servants."

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Hawaii State Ethics Commission

October 2007



## Before You Say Good-bye

Are you planning to leave your position in state government? Will you be retiring from state service soon? Is your term as a state board member coming to an end? If so, you need to be aware of the post-employment provisions of the State Ethics Code. These laws apply to you once your state service has ended:

- Former state legislators, former state employees, and former state board or commission members are prohibited from disclosing confidential information acquired in the course of their official duties, or using such information for personal gain. *HRS §84-18(a).*
- Former state legislators are prohibited from representing anyone for pay (1) on matters in which they participated as legislators, or (2) on matters involving official action by the Legislature. This restriction applies for 12 months after a legislator has terminated state service. *HRS §84-18(b).*
- Former state employees and former state board or commission members are prohibited from representing anyone for pay (1) on matters in which they participated while in state service, or (2) on matters involving official action by the state agency or subdivision that they formerly served. This restriction applies for 12 months after an employee or board member has terminated state service. *HRS §84-18(c).*
- The post-employment laws do not prohibit a state agency from contracting with a former state legislator, former state employee, or former state board or commission member to act on a matter on behalf of the State. *HRS §84-18(d).*
- A state agency is prohibited from entering into a contract with anyone who is represented or assisted personally in the matter by someone

who was employed by the state agency within the preceding two years, and who participated in the matter with which the contract is directly concerned. *HRS §84-15(b)*

If you are planning to leave state service soon and think that you may have future dealings with your former state agency, contact the Hawaii State Ethics Commission for advice about the post-employment laws and how they apply to you. Call us at (808) 587-0460 before you say good-bye.

## Ethics Training Offered For State Procurement Personnel

The Hawaii State Ethics Commission will conduct an ethics workshop for state procurement and contracts personnel on October 23, 2007. The ethics workshop is being offered through the procurement training program of the State Procurement Office.



The two-hour workshop will provide an overview of the State Ethics Code, Chapter 84, Hawaii Revised Statutes, and will focus on ethics issues that are especially relevant for employees who procure goods and services for the State. Workshop topics will include conflicts of interests; outside employment with state vendors and contractors; acceptance of gifts from vendors and contractors, including meals, trips, and other gifts; misuse of official position and state resources; requirements for the award of contracts to state officials or to businesses in which state officials have controlling interests; and ethics restrictions for former state employees who are employed by vendors or contractors doing business with the State.

State employees with procurement or contract responsibilities are encouraged to attend this class. To register online, go to the State Procurement Office Web site at [www.hawaii.gov/spo](http://www.hawaii.gov/spo). Seating is limited for this class, so register now.

## Governor Vetoes Bill Calling for Independent Selection of County Ethics Commissioners

Governor Lingle has vetoed a bill passed by the Legislature in 2007 that would have required new standards for the selection of county ethics commission members to ensure their impartiality and independence. Under S.B. No. 755, county ethics commissioners would have been appointed from a list of nominees selected by an independent body and would not be subject to confirmation by county legislative bodies. The selection process of state ethics commissioners served as a model for the bill.

In her veto message, Governor Lingle stated that the bill presumed that the State's model was the only way to select independent ethics commissioners and that the bill's criteria for the selection of commissioners was vague. The Governor also stated that the bill would require each county's charter to be amended and that it was an infringement on county home rule.

Governor Lingle's *Statement of Objections to Senate Bill No. 755* is posted on the Governor's Web site.

The correct answer is **B**. The Judicial Council of the Hawaii State Supreme Court nominates two individuals for each vacancy on the Hawaii State Ethics Commission. The Governor then selects and appoints one of the two nominees. Senate confirmation is not required.

2. What are the legal requirements for serving as a member of the State Ethics Commission?

- A. A commissioner must be a U.S. citizen, a resident of the State, and may hold no other public office.
- B. A commissioner must be a U.S. citizen, and must be either a physician, attorney, member of the clergy, educator, or a retired state employee.
- C. A commissioner must be a U.S. citizen, a resident of the State, and must have served jury duty within the past 10 years.



The correct answer is **A**. To qualify as a member of the Hawaii State Ethics Commission, an individual must be a U.S. citizen and a Hawaii resident. Members of the commission are prohibited by law from holding any other public office and from taking an active part in political management or political campaigns during their term of office.

## E t h i c s   Q u i z

1. How are Hawaii state ethics commissioners selected?
  - A. Commissioners are nominated by the Governor and confirmed by the State Senate.
  - B. Commissioners are nominated by the Judicial Council and appointed by the Governor.
  - C. Commissioners are appointed by the League of Women Voters.

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

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