



THE HIGH ROAD

"Preserving public confidence in public servants."

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Hawaii State Ethics Commission

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State Teacher Furloughs Spark Calls For Ethics Advice



Can a Department of Education teacher privately tutor students on furlough Fridays? Can DOE school facilities be used by private organizations for teaching activities on these days? Questions like these

have been raised by teachers, parents, DOE officials, and others since the announcement of State teacher furloughs.

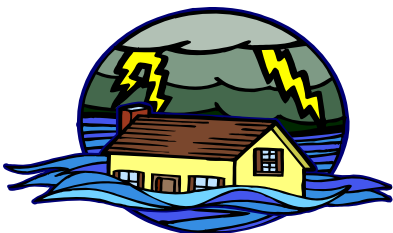
In response to these questions, the Hawaii State Ethics Commission has issued general guidelines entitled, "The Application of the State Ethics Code to DOE Furloughed Teachers." The guidelines are posted on the Commission's Web site at www.hawaii.gov/ethics.

State teachers and other DOE employees who have ethics questions about private business activities during furlough days are advised to contact the Commission's office at (808) 587-0460. Requests for advice will be treated in confidence.



Humanitarian Relief Efforts for Disaster Victims

Given the recent natural disasters in the Philippines, the Samoas, and Indonesia, humanitarian relief efforts are underway throughout the country. Can state employees engage in disaster relief efforts within their state agencies by collecting



donations of food, clothing, personal items, and money? The State Ethics Code does not prohibit state employees from collecting donations within their state agencies to help the victims of natural disasters, so long as the donations are freely given and are not coerced.



Please keep in mind, however, that the State Ethics Code is a minimum standard of conduct, and a state agency may have administrative policies that are more stringent than the State Ethics Code. Therefore, before employees conduct a humanitarian relief activity within their state agency, employees should obtain clearance from the head of their agency. Please contact the Commission's office if you have any other questions about fund raising or other relief activities.

Governor Lingle Appoints William H. Montgomery, M.D., to the Hawaii State Ethics Commission

Governor Lingle recently appointed William H. Montgomery, M.D., to the Hawaii State Ethics Commission. This is Dr. Montgomery's first term on the Commission. Dr. Montgomery is a practicing physician in Honolulu. He is a clinical anesthesiologist, and has held leadership positions in the American Society of Anesthesiologists and the American Heart Association. Dr. Montgomery is also an Associate Professor of Surgery at the University of Hawaii John A. Burns School of Medicine. His term on the Commission runs until June 30, 2012.



The current members of the Hawaii State Ethics Commission are as follows:

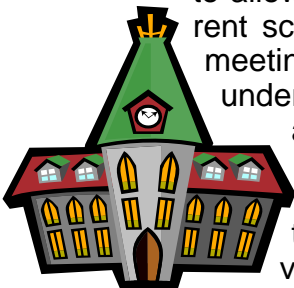
Maria J. Sullivan, Esq., Chair
Jerrold A. Fuller, Vice Chair
Mark E. Brasher, Ph.D.
David J. Randell, M.D.
William H. Montgomery, M.D.

When Can A Private Business Use State Facilities?



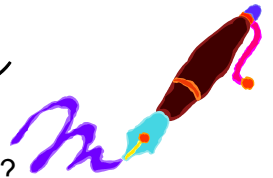
A co-worker in your state office approaches you at work and asks if you would like to buy ceramic crafts that are on display in the conference room. Is this a problem? Yes. Most state employees know that the State Ethics Code prohibits the use of state resources for private business purposes. For example, state employees cannot sell products to co-workers at their state offices. Hawaii Revised Statutes sections 84-13 and 84-13(3) prohibit the use of state resources, including the use of state facilities, for private sales or for other private business activities.

In some limited situations, however, state facilities may be used by private businesses. This may occur if the state facility is, by law or official policy, authorized for use by private businesses. For example, a public school may allow private groups to rent school facilities. The State Department of Education has adopted administrative rules to allow this. Private businesses may rent school facilities in order to hold meetings or events on school grounds under these rules. If the rules allowing for the private use of a state facility are applied in a fair and evenhanded manner, then this would generally not violate the State Ethics Code.



State employees should keep in mind that there must be a state law or official policy that allows for the private use of a state facility. State employees cannot take it upon themselves to decide to use a state facility for private business activities. State employees who have additional questions about the application of the State Ethics Code in these situations should contact the Hawaii State Ethics Commission for further advice.

Ethics Quiz



What basic information do you know about the State Ethics Code? Take the following quiz and find out!

1. What is the State Ethics Code?
 - A. Ethical principles for all citizens of Hawaii established by the Hawaii State Ethics Commission.
 - B. State laws establishing a code of conduct for state government officials and employees.
 - C. A book of values written by a Hawaii scholar in the early 1950's.
 - D. None of the above.
2. Who does the State Ethics Code apply to?
 - A. State legislators.
 - B. State employees, not including judges.
 - C. State board and commission members.
 - D. All of the above.
3. Which of the following subjects is not part of the State Ethics Code?
 - A. Gifts to state officials and employees.
 - B. Requirements of the Sunshine Law.
 - C. Conflicts of interest.
 - D. Misuse of official position.
4. How can a state employee request advice about the State Ethics Code?
 - A. Fill out a request form and pay a \$5 filing fee.
 - B. Ask someone who recently attended an ethics training workshop.
 - C. Survey other co-workers in the office and go along with the majority opinion.
 - D. Simply contact the Hawaii State Ethics Commission's office. There is no charge and all advice is confidential.

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

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Jerrold A. Fuller, Vice Chair
Mark E. Brasher, Ph.D.
David J. Randell, M.D.
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Answers: 1. B., 2. D., 3. B., 4. D.