



# THE HIGH ROAD

"Preserving public confidence in public servants."

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Hawaii State Ethics Commission

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## Campaign Restrictions for State Employees



In this election year, state employees are reminded that the State Ethics Code prohibits the use of state time, equipment, facilities, and other state resources for campaign activities. For example, the following activities by state employees are prohibited:

1. Using state work time to sign wave for a candidate.
2. Using state computers or state e-mail accounts to solicit campaign assistance or support.
3. Using state offices for campaign meetings or other campaign activities.
4. Allowing political candidates to walk through state offices to meet with employees for campaign purposes.

The State Ethics Commission has published additional guidelines about campaign restrictions for state officials and employees; the prohibited use of state e-mail accounts for campaign purposes; and candidate campaign walk-throughs. To view these publications on the Commission's website, click on the following link:

[http://hawaii.gov/ethics/pubs\\_guides/campaigning](http://hawaii.gov/ethics/pubs_guides/campaigning).



## Ethics Reminder to Teachers Offering Private Instruction

The State Ethics Commission has received questions about state teachers who offer private instruction to their students for a fee. In response, the Commission is reminding teachers that the State Ethics Code prohibits them from privately teaching, tutoring, or coaching their current students or prospective students for private pay. The State Ethics Code prohibits state employees, including state teachers, from entering into substantial financial

transactions with anyone they supervise (HRS §84-13(4)). This is intended to prevent state employees from using their official positions to obtain unfair advantages for themselves. The Commission has for a long time advised that the ethics code prohibits teachers from entering into private financial transactions with their students (as well as the parents of their students) to provide private tutoring or instruction.

For more information, read the Commission's publication, "Application of the State Ethics Code to DOE Teachers Regarding Private Instruction for Pay," on the Commission's website at

[http://hawaii.gov/ethics/pubs\\_guides/doe\\_private\\_instruct.pdf](http://hawaii.gov/ethics/pubs_guides/doe_private_instruct.pdf). This ethics reminder is being distributed to DOE teachers via the Office of the Superintendent of Education.

## Resolution of Ethics Charge Against State High School Coach



The State Ethics Code also prohibits state coaches from providing private instruction for private pay to students under their coaching supervision. Recently, the State Ethics Commission filed an ethics charge against the coach of a state high school tennis team for soliciting members of the team to take private lessons from her. The case arose out of a complaint received by the Commission from parents who stated that the coach provided private lessons to tennis players for money, and that students on the school tennis team who declined to take private lessons from their coach felt "mistreated and bullied."

The coach denied that she solicited or coerced team members to take private lessons, but acknowledged that she provided private lessons to several members of the team for private pay. During the Commission's review of this matter, the coach's employment contract with the school ended and was not renewed.

The coach and the Commission agreed to resolve the charge with her payment of a \$500 fine and the Commission's release of a public statement about the charge. The Commission's public statement explained the basis for the charge:

"The same dependent relationship and unequal bargaining power that exists between students and teachers also exists between school athletic team members and coaches. A coach . . . select(s) the members of a school's team; a coach . . . provides instruction and discipline to team members; a coach determines the level of participation or "playing time" for team members; and a coach acts as a key reference for players who seek to continue their athletic careers beyond high school. . . . [A] team member whose coach offers to provide private lessons for pay may perceive the offer to be one that cannot be refused. Due to the dependent nature of the relationship . . . [the State Ethics Code] prohibits coaches from providing private lessons for pay to team members."

The public statement about the resolution of this case (Resolution of Charge 2012-4; May Ann Beamer) is posted on the Commission's website at [http://hawaii.gov/ethics/pub\\_resolution/Charge2012-4.pdf](http://hawaii.gov/ethics/pub_resolution/Charge2012-4.pdf).

### **Resolution of Lobbying Charges Against Hawaii Family Forum and Hawaii Catholic Conference**

The State Ethics Commission received a charge from a member of the public alleging that two organizations, Hawaii Family Forum and Hawaii Catholic Conference, had violated the Lobbyists Law by failing to file lobbying reports and by filing inaccurate lobbying reports.

During the Commission's review of the charge, Hawaii Family Forum filed all delinquent lobbying reports and amended several reports. Hawaii Family Forum and the Commission agreed to resolve this matter by Hawaii Family Forum's payment of \$2,000 to the State's general fund, and by the Commission's issuance of a public statement about the charge and its resolution (Resolution of Charge 2012-1).

Hawaii Catholic Conference also filed all delinquent lobbying reports. Hawaii Catholic Conference and the Commission agreed to resolve this matter by Hawaii Catholic Conference's payment of \$1,000 to the State's general fund, and by the Commission's

issuance of a public statement about the charge and its resolution (Resolution of Charge 2012-2).

Public statements about the resolution of these cases are posted on the Commission's website at

[http://hawaii.gov/ethics/pub\\_resolution/Charge2012-1.pdf](http://hawaii.gov/ethics/pub_resolution/Charge2012-1.pdf) and [http://hawaii.gov/ethics/pub\\_resolution/Charge2012-2.pdf](http://hawaii.gov/ethics/pub_resolution/Charge2012-2.pdf).



### **Employee's Failure to Disclose Financial Interests Results in Ethics Charge**

The State Ethics Commission issued an ethics charge against a state employee for failing to comply with the reporting requirements of the financial disclosure law (HRS §84-17). The employee was the head of a state institution and his financial disclosure statement was a public record. The financial disclosure law required the employee to annually disclose his financial interests as well as the financial interests of his spouse. The charge alleged that, for several years, the employee had failed to report complete information on his annual financial disclosure statements regarding his financial interests and the financial interests of his spouse. The employee did not deny the allegations in the charge and quickly took action to amend his previous financial disclosure statements. The employee agreed to, and paid, a fine of \$500 to the State's general fund, which the Commission determined was an appropriate penalty. The Commission issued an informal advisory opinion to the employee (Informal Advisory Opinion No. 2012-2), which is summarized and posted on the Commission's website at <http://hawaii.gov/ethics/opinions/IAO/2000s/IAO2012-02.pdf>.

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

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