



The HIGH ROAD

"Preserving public confidence in public servants."

No. 2000-4

Hawaii State Ethics Commission

October 2000

DOOR PRIZES RECEIVED IN CONNECTION WITH THE PERFORMANCE OF OFFICIAL DUTIES: ACCEPTABLE OR NOT?

Consider the following situation: A state employee attends a conference on behalf of his department. There are vendor display booths at the conference. The employee visits the various display booths and drops his state business card in a bowl for a door prize drawing by one of the vendors. Much to his surprise, the employee's card is drawn, and the employee wins two round-trip airline tickets to a neighbor island. The employee would love to vacation on a neighbor island.



Can the employee keep the door prize?

The answer to this question is, "No." The employee in this situation would be prohibited by the State Ethics Code from accepting the door prize for his personal benefit. In **Advisory Opinion No. 94-3**, the Hawaii State Ethics Commission held that the State Ethics Code prohibits the acceptance for personal use of valuable door prizes obtained in connection with the performance of one's state duties.

Why are door prizes prohibited? The Commission's ruling was based on the "Fair Treatment" section of the ethics code, Hawaii Revised Statutes section 84-13. This section prohibits a state employee from using the employee's official position to obtain an unwarranted privilege or advantage. Another related provision, Hawaii Revised Statutes section 84-13(2), prohibits an employee

from accepting any compensation for the performance of the employee's state duties except as provided by law. In Advisory Opinion No. 94-3, the Commission held that accepting a door prize in connection with the performance of one's state duties is an unwarranted benefit. State employees are already compensated by the State for the work that they do. The Commission believes that employees should not be unjustifiably enriched for performing their state duties.

Are all door prizes prohibited? No. First of all, the Commission's ruling applied to door prizes that are received in connection with the performance of one's official duties. This would apply, for example, to conferences, workshops, dinners or lunches, or meetings that are attended by employees on behalf of their agencies or as part of their state duties.

Secondly, the Commission's ruling in this case applied to door prizes of substantial value. Prizes of a nominal value may not pose a problem under the ethics laws. If an employee attends a training workshop and wins a coffee mug or a t-shirt, acceptance of these items will not violate the ethics code. Examples of more substantial prizes that should be cleared with the State Ethics Commission are computers, software programs, television sets and other electronic equipment, airline tickets, hotel accommodations, golf clubs, gift certificates, and money.



Can door prizes be accepted if they are turned over to an employee's agency?

Yes, in some situations prizes may be accepted if they are given to an employee's agency to be used for a state purpose or state benefit. An employee, however, should check with the State Ethics Commission before accepting a prize to give to his or her state agency.

WHERE CAN I FIND A COPY OF THE STATE ETHICS CODE?

The State Ethics Code is found in Chapter 84, Hawaii Revised Statutes. If you do not have easy access to the Hawaii Revised Statutes in your state office, there are two very simple ways to obtain a copy of the State Ethics Code:



1. Visit our web site at www.state.hi.us/ethics. Click on "Statutes and Rules" and then click on "Chapter 84, State Ethics Code" to view the State Ethics Code.
2. Call our office at 587-0460. We will gladly send you a copy of the State Ethics Code.

We also have other ethics publications that are available. Check them out on our web site, or call us!



STATE CANDIDATES FILE FINANCIAL DISCLOSURE STATEMENTS

The State Ethics Code requires all candidates for state elective office to file financial disclosure statements with the State Ethics Commission. This year over 300 candidates for the following state offices filed disclosure statements with the Commission:

- Hawaii State Senate
- Hawaii State House of Representatives
- State Board of Education

- Board of Trustees of the Office of Hawaiian Affairs

Candidates must report the following financial interests on their disclosure statements: (1) sources and amounts of income received for services rendered; (2) ownership or beneficial interests held in businesses; (3) officer positions, directorships, trusteeships, or other fiduciary relationships held in businesses; (4) creditors to whom \$3,000 or more is owed; (5) real property held, transferred, or obtained; (6) names of clients personally represented before state agencies; and (7) creditor interests in any insolvent businesses having a value of \$5,000 or more.

All candidate financial disclosure statements that are filed with the State Ethics Commission are public records and may be reviewed at the Commission's office during state business hours.

NEXT ISSUE: WHEN DO YOU NEED ETHICS ADVICE?



You've heard it before – call our office if you have a question about ethics. But do you really know when to call? Can you recognize situations that are likely to raise questions about ethics? The next issue of *The High Road* will discuss when employees and/or their agencies should seek ethics advice.

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

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