



# The HIGH ROAD

*"Preserving public confidence in public servants."*

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## Governor Reappoints Ronald Yoshida to the Hawaii State Ethics Commission

Governor Cayetano has reappointed Ronald Yoshida to a four-year term on the Hawaii State Ethics Commission. This is Mr. Yoshida's second term on the Commission. He was first appointed to serve as an ethics commissioner in 1999. Mr. Yoshida currently is the Commission's vice chairperson.

Mr. Yoshida is a Labor Relations Specialist for the Department of Air Force, Civilian Personnel Flight, at Hickam Air Force Base. He is also a retired Colonel in the U.S. Army Reserves.

## Fund Raising and the Aloha United Way

Each year, the State participates in the Aloha United Way (AUW) fund raising campaign. The Hawaii State Ethics Commission receives numerous inquiries about the propriety of the fund raising campaign. In this article, we will discuss two of the questions that often arise.

### May State Resources be Used in Support of the AUW Fund Raising Campaign?

The State Ethics Commission is frequently asked whether it is proper to use state personnel, time, and equipment for the AUW campaign. Whenever state personnel seek to engage in fund raising, ethics concerns may arise. HRS section 84-13, the Fair Treatment section of the State Ethics Code forbids a state employee from using his or her position to grant anyone an unwarranted advantage.

A subsection of this law forbids the use of state time, equipment, and facilities for private business purposes. The term "business" includes both profit and not for profit businesses. Whenever a state employee wishes to use state resources, such as time or personnel, to raise funds for a charitable organization, the employee should first consult with the State Ethics Commission. The Fair Treatment section may prohibit the use of state resources for charity fund raising.

In 1976, the State Ethics Commission specifically considered the question of whether or not state resources could be used for the AUW fund raising campaign. In Advisory Opinion No. 245, the Commission concluded that the campaign had been made "public business" by the State. For this reason, state resources could be used for the AUW campaign. The Commission cautioned, however, that the Fair Treatment section prohibited a state employee from placing unwarranted pressure on another employee to make a contribution. As a result of this opinion, the State Ethics Commission allows state resources to be used for the AUW fund raising campaign. However, state employees cannot be coerced or unduly pressured to make a donation.

### May an Agency Solicit Donations to Benefit Employees Who are Involved in AUW Fund Raising?

In the past, agencies have attempted to encourage participation in the AUW campaign by holding events such as employee auctions or raffles. The agencies sought donations of items and then raffled or sold them to employees. The money was turned over to the AUW campaign.

Agencies have also sought donations of door prizes from the private sector for similar events. The State Ethics Commission has held that agencies may not solicit donations from private individuals or private companies for these types of fund raisers. Although they help generate contributions to the A UW, they also result in a personal benefit to employees who receive the donated items and door prizes. The Fair Treatment section prohibits a state employee from using his or her position to solicit items from the private sector for the personal benefit of a state employee.

If you have any questions about the A UW fund raising campaign, please consult with the Hawaii State Ethics Commission.

### State Agencies Host Ethics Workshops

Mahalo to the following state agencies that have hosted ethics workshops for their employees this year:

Department of Accounting and General Services – Procurement Office

Department of Education – Kauai District Special Education Management Team

Department of Human Services – Personnel Training Branch

Department of Business and Economic Development – Hawaii Tourism Authority

Judiciary – Oahu and Kauai

Would your agency be interested in hosting an ethics workshop for your employees? If you can provide a meeting room, one of our attorneys will come to your agency to conduct the workshop. Our workshops cover the major provisions of the State Ethics Code, including conflicts of interests, outside employment, misuse of official position, and prohibited gifts. Please contact the Hawaii State Ethics Commission for more information. We also will provide ethics workshops for state offices on the neighbor islands.

### Thinking of Getting an Outside Job?

Are you thinking about getting an outside job in addition to your state job? Working part-time for a private company, for example, or perhaps providing private consultant services to clients? Or maybe you are planning to start your own business. Before beginning your outside employment, check with the Hawaii State Ethics Commission. We can advise you whether your situation presents any ethics problems. For example, we can inform you whether or not your outside employment will create a conflict of interest with your state employment. We also can suggest precautions that you should take to avoid “ethics pitfalls” in connection with your outside employment.

In most cases, we can provide simple and quick advice about the application of the State Ethics Code. And our advice is confidential.

Call us for ethics advice about your outside employment. A telephone call to us now can avoid problems from arising later.

**NEXT ISSUE: ETHICS AND ATTORNEYS.** Our office often receives questions about the application of the ethics laws to attorneys. Does the State Ethics Code apply to attorneys? What’s the difference between the State Ethics Commission and the Office of Disciplinary Counsel? What are some of the common questions that we receive regarding attorneys? Read the next issue of *The High Road*!

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

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