



THE HIGH ROAD

"Preserving public confidence in public servants."

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Hawaii State Ethics Commission

February 2005

2004: A Busy Year For Ethics

2004 was a busy year for ethics, as shown by the following highlights from the Hawaii State Ethics Commission:

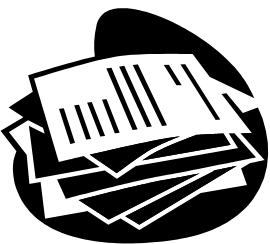


Requests for ethics advice. One of the Commission's most important duties is to advise state employees about the ethics laws. Every year, hundreds of state employees call or write to the Commission's office to request advice. In 2004, the Commission's attorneys handled over **1,200 requests for ethics advice.**

Ethics complaints. The Commission also receives complaints from persons wishing to report ethics violations. The Commission has the authority to investigate complaints and to pursue enforcement proceedings against state officials and employees who violate the ethics laws. In 2004, the Commission received over **180 ethics complaints** (including 24 sworn, notarized charges filed by individuals or organizations).

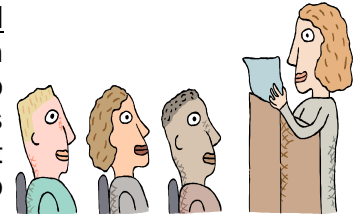


Financial disclosure filings by state officials. The Commission administers the financial disclosure law, which requires high-ranking elected and appointed state officials to file annual financial interests disclosures with the Commission. During election years, candidates for state elective office also must file financial disclosure statements with the Commission. In 2004, over **2,000 financial disclosure statements** were filed with the Commission by state officials and employees and candidates for state office.



Ethics education and training.

The Commission is mandated by law to educate state employees and the public about ethics in government. To fulfill this mandate, the Commission each year conducts ethics workshops and presentations for agencies and organizations throughout the State. In 2004, the Commission held workshops and presentations for over **800 government employees and members of the public.**



Ethics Website a Hit in 2004

Did you visit the Hawaii State Ethics Commission's website in 2004? If so, thanks for making it a hit. The Commission's website received over **1.5 million hits** in 2004, with an average of **4,700 hits per day.**

Haven't visited our website yet? Go to www.hawaii.gov/ethics, where you can view the following online:

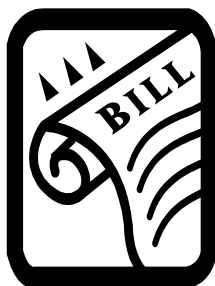


- » All of the Commission's published opinions (with a search engine that you can use to look up specific topics)
- » All of the Commission's publications about the State Ethics Code, HRS Chapter 84, and the State Lobbyists Law, HRS Chapter 97
- » Public financial disclosure filings by elected and appointed state officials
- » Gifts disclosure filings
- » Lobbyist registrations
- » Expenditures and contributions reports filed by organizations that employ lobbyists
- » Forms and instructions for all filings with the Commission

Fines for Ethics Violations Included in Commission's 2005 Legislative Package

In an effort to strengthen enforcement of the ethics laws, the Hawaii State Ethics Commission has proposed new legislation that authorizes the Commission to fine state officials and employees up to \$500 for violations of the State Ethics Code. The proposed bill (H.B. No. 319, S.B. No. 439) is part of the Commission's legislative package that has been submitted to the 2005 Legislature.

The Commission's legislative package also includes the following proposed measures:



1. A bill to expand the conflicts-of-interests section of the State Ethics Code by prohibiting state officials and employees from taking official action affecting businesses in which parents, siblings, and emancipated children hold financial interests. (H.B. No. 321, S.B. No. 437)
2. A bill to require state officials who file financial disclosure statements with the Commission to report business and real property interests that are outside of the State of Hawaii. (H.B. No. 320, S.B. No. 436)
3. A bill to require the members of executive boards that head state departments to file public financial disclosure statements with the Commission. Currently, members of these boards file financial disclosure statements that are confidential and are not open to public inspection. The executive boards that would be affected by the bill are the Board of Land and Natural Resources, the Board of Agriculture, the Hawaiian Homes Commission, and the Board of Regents of the University of Hawaii. (H.B. No. 322, S.B. No. 438)

State Government Leaders Complete Mandatory Ethics Training In January

TRAINING →



Top state government leaders attended a mandatory ethics training course in January, 2005, that was conducted by the Hawaii State Ethics Commission. The ethics training was required by a new law, Act 198, which was passed last year by the State Legislature. Over 150 state officials – including the Governor and Lieutenant Governor, legislators, executive department heads and their deputies, members of the Board of Education, and trustees of the Office of Hawaiian Affairs – attended the two-hour training course.

Use of State Capitol Rotunda for Campaign Purposes Does Not Violate State Ethics Code

In written opinions issued to a number of state legislators, the Hawaii State Ethics Commission held that use of the state capitol rotunda for campaign purposes did not violate the State Ethics Code.



The opinions all arose from the same set of facts. They were issued in response to charges filed by a member of the public against the legislators.

The charges alleged that the legislators had violated the ethics code by using the capitol rotunda for a political campaign rally. The "fair treatment" section of the State Ethics Code, HRS section 84-13, generally prohibits the use of state time, equipment, or facilities for private business purposes. The Commission has long held that political campaign activities amount to a private business. For this reason, the use of state resources for political campaigning is prohibited.

In this situation, the Commission concluded that the legislators had not violated the ethics code. The Commission noted that the rotunda was not a typical state facility, such as a state office. The rotunda was open to the public and appeared to be used as a public forum. The Commission also noted that the Department of Accounting and General Services had rules in place that governed the use of the rotunda. These rules were consonant with the requirements of the State Ethics Code. Because of the special nature of the rotunda, the Commission concluded in this case that the use of the rotunda for a political event did not violate the fair treatment law. The Commission's opinion in this case (Informal Advisory Opinion Nos. 2004-4 through 2004-15) may be viewed on the Commission's website at www.hawaii.gov/ethics (click on "Informal Advisory Opinions – 2001 to Present").

The High Road is a publication of the
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