



THE HIGH ROAD

"Preserving public confidence in public servants."

No. 2005-2

Hawaii State Ethics Commission

May 2005

Ethics Chair and Vice Chair Elected for 2005

The Hawaii State Ethics Commission has elected Dawn Suyenaga as the Commission's Chair for 2005. Ms. Suyenaga has served as the Commission's Vice Chair since 2003. The Commission also has elected Carl Morton, M.D., as its Vice Chair for 2005.

The current members of the Commission are:

Dawn Suyenaga, Chair
Carl Morton, M.D., Vice Chair
Nadine Y. Ando
Robert R. Bean
Ronald R. Yoshida

How Are Ethics Commissioners Appointed?



Established in 1968, the Hawaii State Ethics Commission is the oldest state ethics commission in the country. Its members have included educators, members of the clergy, doctors, attorneys, business executives, community service volunteers, retired government employees, and other distinguished citizens.

The Hawaii State Constitution requires that ethics commissioners be selected in a manner which assures their independence and impartiality. Appointments to the State Ethics Commission begin with the Judicial Council of the Hawaii Supreme Court. The Judicial Council nominates two individuals for each vacancy on the five-member Commission. The nominees' names are submitted to the Governor, who has sixty days to select one of the nominees for appointment. Senate confirmation is not required. Each member's term is four years. Individuals may be appointed to no more than two consecutive terms on the Commission.

Every member of the Commission must be a U.S. citizen and a resident of Hawaii. Members may

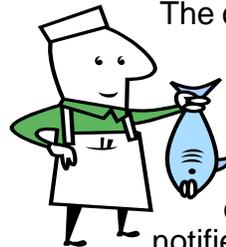
hold no other public office. Members may not take an active part in political management or in political campaigns during their term of office. Members receive no compensation for their service on the Commission.

Sales of Craft Supplies and Fish in State Office Lead to Ethics Charges

The Hawaii State Ethics Commission issued a charge against a state employee who operated a private business that made and sold crafts. The charge alleged that the employee used state time, equipment, facilities, and state personnel for her private business activities. According to the charge, the employee made crafts for craft sales in her state office during state time and sold craft supplies to other state agency employees at work during state time. The charge also alleged that the employee was assisted in her private business activities at work by a co-worker, who delivered craft supplies to other employees at their state offices.



The charge also alleged that the employee used state resources to help sell fish to other employees at work. A commercial fisherman, who once worked in the same office, delivered the fish to the office in a cooler. The charge alleged that the employee notified other employees when fish was for sale in the office and collected money from employees who purchased fish.



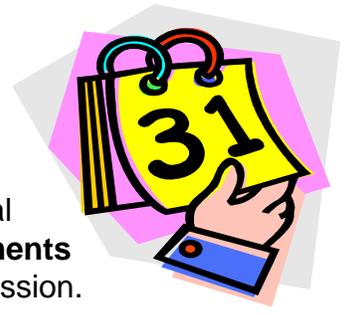
The employee responded to the charge through her private attorney. The employee generally admitted to the allegations in the charge and agreed to pay \$500 in restitution to the State of Hawaii. The employee's business activities at work ceased. Steps were taken to ensure that no private business activities were conducted at the employee's agency and that employees were made aware of the requirements of the State Ethics Code.

In light of the employee's admission to the charge, payment of restitution, and cooperation during the investigation, the Commission decided that further proceedings against the employee were not warranted. This case is discussed in Informal Advisory Opinion No. 2004-16, which is posted on the Commission's web site.

The Commission also issued a charge against the employee's co-worker, alleging that the co-worker used state time and state facilities to make crafts for private sale and make private sales deliveries of craft supplies. The co-worker paid \$100 in restitution to the State, which the Commission viewed as the co-worker's acceptance of responsibility for her conduct. This case is discussed in Informal Advisory Opinion No. 2004-17, which also is posted on the Commission's web site.

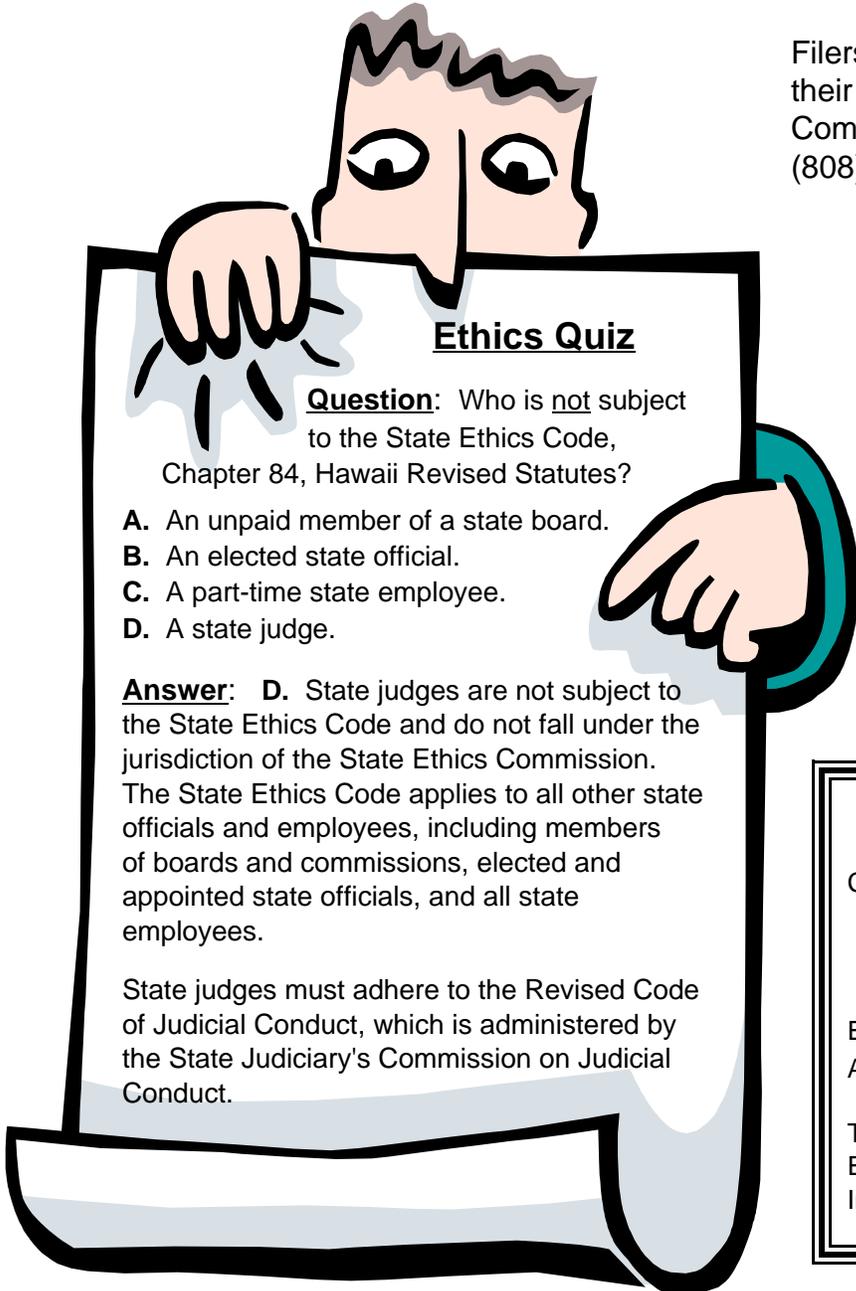
May 31 Filing Deadline Approaches

May 31, 2005, is the filing deadline for state legislators, department heads, deputies, board and commission members, and other state officials to file their annual **financial disclosure statements** with the State Ethics Commission.



Lobbying expenditures statements are also due on May 31, 2005, covering the period from March 1 through April 30, 2005. Expenditures statements must be filed by lobbyists, persons who spent \$750 or more lobbying, and persons who employ lobbyists.

Filers who need assistance in completing their forms are encouraged to contact the Commission's office before the filing deadline at (808) 587-0460.



Ethics Quiz

Question: Who is not subject to the State Ethics Code, Chapter 84, Hawaii Revised Statutes?

- A. An unpaid member of a state board.
- B. An elected state official.
- C. A part-time state employee.
- D. A state judge.

Answer: D. State judges are not subject to the State Ethics Code and do not fall under the jurisdiction of the State Ethics Commission. The State Ethics Code applies to all other state officials and employees, including members of boards and commissions, elected and appointed state officials, and all state employees.

State judges must adhere to the Revised Code of Judicial Conduct, which is administered by the State Judiciary's Commission on Judicial Conduct.

Next Issue of *The High Road*

Supervisors play an important role in promoting ethical conduct in state government. But sometimes ethical lapses occur, and the misuse of a supervisor's authority can lead to ethics violations. Read about some of these ethical lapses and what led to them in the next issue of *The High Road*.

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

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