



*“The people of Hawaii believe that public officers and employees must exhibit the highest standards of ethical conduct and that these standards come from the personal integrity of each individual in government.”*

— Hawaii State  
Constitution  
Article XIV

## Hawaii State Ethics Commission

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# The High Road

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## Governor Appoints Wesley F. Fong to State Ethics Commission

Governor Ige has appointed Wesley F. Fong to a four-year term on the State Ethics Commission. Mr. Fong is an attorney and an adjunct professor at the University of Hawaii, where he teaches law and ethics. His distinguished legal career includes having worked as a Supervising Deputy Attorney General for the State of Hawaii and a Senior Deputy Corporation Counsel for the City and County of Honolulu. He is also a retired Colonel in the U.S. Army and the recipient of two Bronze Star medals. Mr. Fong has a long history of public service, which includes serving as the Chair of his Neighborhood Board and as president of many community organiza-

tions. He is the recipient of the Jefferson Award for Public Service and the Distinguished University of Hawaii Alumni Award.



## Holiday Gifts and the State Ethics Code

State employees often ask whether they may accept gifts given to them during the holidays. In general, employees may not accept any gifts from anyone they regulate or from vendors or contractors. If you are unsure whether a gift can be accepted, the best course of action is to contact the State Ethics Commission for advice or else politely decline the gift. In situations where a gift cannot be declined or returned, it may be permissible to donate the gift to a charitable organization, such as a homeless shelter.

All state employees are encouraged to review the following publications about gifts and the State Ethics Code:

*Ethics Reminders for the Holidays and Misconceptions about Gifts and the State Ethics Code* (The High Road, Issue No. 2016-4: <https://ethics.hawaii.gov/wp-content/uploads/2016/11/HR-2016-4.pdf>)

*Prohibited Gifts Are Not Better When Shared With The Office* (The High Road, Issue No. 2018-3: <https://ethics.hawaii.gov/wp-content/uploads/2018/06/HR-2018-3.pdf>)

*Quick Guide On Gifts* ([https://ethics.hawaii.gov/wp-content/uploads/2017/05/quickguide\\_gifts.pdf](https://ethics.hawaii.gov/wp-content/uploads/2017/05/quickguide_gifts.pdf))

Don't hesitate to contact the Commission's office at [ethics@hawaiiethics.org](mailto:ethics@hawaiiethics.org) or (808) 587-0460 for ethics guidance about holiday gifts or any other questions.

**Hawaii State  
Ethics Commission**

**Commissioners:**

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Ruth Tschumy,  
Vice Chair  
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## Are you the lucky winner?



A state agency pays for one of its employees to attend a technology conference. The employee wins a tablet computer as a door prize at the conference. Can the employee keep the prize and give it to his daughter for her school work?

The State Ethics Code prohibits employees from using their state positions to give themselves any “unwarranted privileges” (Hawaii Revised Statutes section 84-13). In other words, employees cannot use their state positions to unfairly benefit or enrich themselves. Employees who receive gifts, door prizes, special discounts (other than discounts available to the general public or all government employees), or other personal benefits because of their state positions should contact the State Ethics Commission’s office for guidance. These gifts, prizes, or other personal benefits may be prohibited.

The employee in the above situation wins a tablet computer while attending a conference as part of his state job. The State Ethics Code prohibits the employee from keeping the tablet computer for his own personal use or giving it to his daughter. However, it may be permissible for the employee to accept the prize and turn it over to his state agency so that the tablet computer becomes state property. The employee should contact the State Ethics Commission for ethics guidance about this.

## Ethics Training for State Government Attorneys (1.5 CLE Ethics Credits)

What’s better than an ethics training session for state attorneys? An ethics training session for state attorneys worth 1.5 CLE credits for ethics!

This course is specifically intended for state government attorneys and will focus on how the State Ethics Code applies to them as state employees and to their state government clients (such as the members of state boards and commissions). Topics to be covered during the 1.5 hour course will include conflicts of interests, gifts and gifts reporting requirements, misuse of official position, and post-employment restrictions for former state employees.

There is no fee for this course and online registration is now open.

### Ethics Training for State Government Attorneys

December 3, 2018 (Monday)

9:30 a.m. – 11:00 a.m.

State Capitol Auditorium (Chamber Level)

Register now at: <http://ethics.hawaii.gov/2018-12-03attorneys/>



*“The purpose of this chapter is to . . . establish an ethics commission which will . . . render advisory opinions and enforce the provisions of this law so that public confidence in public servants will be preserved.”*

*Preamble,  
Hawaii Revised  
Statutes Chapter 84  
(State Ethics Code)*

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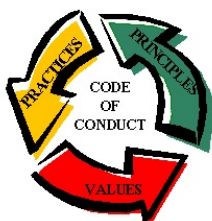
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## The State Ethics Code and Additional Standards of Conduct for Legislators and Employees



The State Ethics Code establishes standards of ethical conduct for state legislators and employees. However, these are not the only standards of conduct that apply to legislators and employees. For instance, if you are a state attorney or if you procure goods and services for your agency, there are additional standards of ethical conduct that you must follow. Here are a few examples:

State government attorneys. State attorneys are also subject to the Hawaii Rules of Professional Conduct for lawyers, administered by the Hawaii Supreme Court and the Disciplinary Board of the Hawaii Supreme Court.

State employees with professional licenses. State employees who hold other kinds of professional licenses, such as engineers and psychologists, must comply with laws and administrative rules that prohibit professional misconduct. These standards of conduct are administered by the licensing boards for the professions.

State procurement personnel. State employees who procure goods and services for their agencies must comply with the Hawaii Public Procurement Code, which establishes requirements for ethical public procurement (Hawaii Revised Statutes section 103D-101).

Department of Education employees. All employees of the Department of Education (“DOE”) must comply with a Code of Conduct, which includes standards of ethical conduct adopted by the DOE (<https://www.hawaiipublicschools.org/DOE%20Forms/CodeofConduct.pdf>).

University of Hawaii employees. University of Hawaii employees must comply with the University’s ethical standards, which include the Board of Regents policy regarding ethical standards of conduct in research and scholarly activities (<https://www.hawaii.edu/policy/docs/temp/rp12.201.pdf>).

State legislators. State legislators must comply with rules adopted by the Senate and the House of Representatives for their respective members regarding standards of conduct and conflicts of interests (Senate Rules 81-85 and House Rule 60).

Remember that you must still comply with the State Ethics Code even if there are additional standards of conduct that apply to you.

If you have questions about the State Ethics Code, contact the State Ethics Commission for guidance. If you have questions about any additional standards of conduct that may apply to you, check with your own agency or the agency that administers those standards of conduct.