



HAWAII STATE ETHICS COMMISSION

State of Hawaii • Bishop Square, 1001 Bishop Street, ASB Tower 970 • Honolulu, Hawaii 96813

M E M O R A N D U M

TO: All Department Heads

FROM: Daniel J. Mollway
Executive Director

DATE: November 13, 2000

At its November 8, 2000, adjudicatory meeting, the Hawaii State Ethics Commission reviewed a case in which a state official circulated sign-up sheets for employees in the state official's department to purchase fundraiser tickets in order to raise money for a private organization.

On November 8, the State Ethics Commission took appropriate action with regard to the fundraising case it had before it for consideration, but asked that I send a letter to department heads to ask that the department heads again remind the state officials and employees within their departments that private fundraising is prohibited under the State Ethics Code, chapter 84, Hawaii Revised Statutes (HRS).

In particular, HRS section 84-13, entitled the "Fair Treatment" section of the State Ethics Code, prohibits state officials from giving themselves or others any unwarranted advantage. Further, HRS section 84-13(3) prohibits the use of state time, equipment, and facilities for a private business purpose. HRS section 84-13 is set out in its entirety below:

§84-13 Fair treatment. No legislator or employee shall use or attempt to use the legislator's or employee's official position to secure or grant unwarranted privileges, exemptions, advantages, contracts, or treatment, for oneself or others; including but not limited to the following:

- (1) Seeking other employment or contract for services for oneself by the use or attempted use of the legislator's or employee's office or position.

- (2) Accepting, receiving, or soliciting compensation or other consideration for the performance of the legislator's or employee's official duties or responsibilities except as provided by law.
- (3) Using state time, equipment or other facilities for private business purposes.
- (4) Soliciting, selling, or otherwise engaging in a substantial financial transaction with a subordinate or a person or business whom the legislator or employee inspects or supervises in the legislator's or employee's official capacity.

Nothing herein shall be construed to prohibit a legislator from introducing bills and resolutions, serving on committees or from making statements or taking action in the exercise of the legislator's legislative functions. Every legislator shall file a full and complete public disclosure of the nature and extent of the interest or transaction which the legislator believes may be affected by legislative action.

The State Ethics Commission has long maintained that the initial paragraph of HRS section 84-13 and HRS section 84-13(3) prohibit state officials and employees from using state time, equipment, facilities, and personnel for fundraising purposes for a private entity or business. The State Ethics Commission has long held that a state official or employee violates HRS section 84-13 by conducting fundraising activities for a private enterprise or business within his or her state department.

On behalf of the State Ethics Commission, I would like to ask you to circulate this memorandum or otherwise inform state officials and employees in your department that fundraising activities for private enterprises and businesses violate the State Ethics Code. If there are questions regarding whether certain fundraising activities may be permissible, please do not hesitate to contact our office at 587-0460.

On behalf of the State Ethics Commission, I would like to thank you for your assistance in regard to this matter.