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Editorial | Our View

City ethics staff needs greater independence

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The Honolulu Ethics Commission, its reputation tarnished by the inept disciplining of longtime executive director Chuck Totto, has work to do.

It must strengthen a perpetually overworked and under-resourced staff. More important, it must restore its standing as an effective — and independent — government watchdog.

The rebuilding has begun. The commission last week hired Jan Yamane, the former acting state auditor, to replace Totto, who resigned under pressure in June. It also brought back associate legal counsel Laurie Wong-Nowinski and is looking to hire an investigator.

So far, so good. But filling vacancies won't be nearly enough. The commission lost a lot of credibility when it muzzled and then suspended Totto, who had spent 16 years rooting out corruption and ethical lapses in city government — no doubt making enemies along the way.

First the commission, led by members newly appointed by Mayor Kirk Caldwell, adopted a strict policy against talking to the media after Totto publicly questioned the validity of the votes of some City Council members who allegedly had improperly accepted gifts from lobbyists and other parties without disclosing them — serious infractions that led to some Council members paying hefty fines. Only after a public outcry did the commission revise and soften its media policy.

Then the commission suspended Totto without pay for alleged mismanagement of his

staff. Eventually, Totto quit.

As a result, the commission has become a political football, with two candidates for Honolulu mayor claiming Caldwell went after Totto because he investigated a luau



✕nsored by Caldwell's supporters in 2013.

✕ a recent PBS Hawaii forum, Charles Djou charged that "the city Ethics Commission has been completely railroaded."

Peter Carlisle, who was hired by Totto as his personal attorney during his travails with the commission, said that "there has been the complete evisceration of ethics in the City and County of Honolulu."

Caldwell strongly rejects these claims, saying that "we have a strong, independent Ethics Commission" that made its own decisions without his involvement.

Carlisle and Djou are being melodramatic. Caldwell is being disingenuous.

The mayor may have kept his distance, but the city's lawyer, Corporation Counsel Donna Leong — whom Caldwell appointed — did not. She publicly criticized Totto's comments about the City Council votes and supported the commission's resulting ill-fated media policy. Furthermore, because the commission is administratively assigned to Leong's office, the Caldwell administration has control over its budget — and has not hesitated to make funding decisions over the objections of Totto. These are not the hallmarks of a "strong, independent Ethics Commission."

If the next mayor wants to restore the integrity of the commission, he can start by backing off.

Rather than bring back Totto, as Djou has suggested, the commission should be free to choose its own capable executive director.

The commission also should have more control over its budget. The sky won't fall. In fact, there are two current proposals to amend the City Charter in that direction: One would give the Ethics Commission greater flexibility in setting salaries for its staff. The other would give the city Prosecutor's Office much more autonomy over its budget.

Corporation counsel, as much as possible, should avoid advising the commission on its work. The City Charter allows the commission to hire "attorneys who may advise the commission independently of the department of the corporation counsel." The commission should do so as a matter of course.

The mayor should instruct his staff to cooperate with the commission, and the commission should call out agencies or officials who attempt to stonewall requests for information.

Finally, the ethics commissioners need to understand that their job is not simply to investigate and issue advisory opinions. Equally important is their role in representing

and educating the public.

As such, the commissioners and staff must be open to discussing their work candidly and thoroughly with the media and in other public forums.



Only then will the Ethics Commission fulfill its vital role as a truly independent watchdog for good government.