

CIVIL BEAT EDITORIAL

Hawaii Ethics Commission Should Avoid the Long Arm of Speaker Souki

The Hawaii House leader's recent letter creates an appearance problem, especially since the Legislature has been loath to produce much-needed ethics reform.

MAY 27, 2015 • By The Civil Beat Editorial Board 

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Hawaii House Speaker Joe Souki's jarring appearance last week in the mailbag of the state Ethics Commission just as the body takes up its personnel evaluation of its controversial executive director, Les Kondo, should be enough to ensure that the commission reaffirms its full support of Kondo at this morning's meeting. That may not be the outcome Souki wanted, but it's one [his ill-timed correspondence](#) has virtually guaranteed.

Souki is among many who are critical of the Ethics Commission under Kondo, who has served as executive director since 2011. Kondo has brought significant changes to interpretations of the state Ethics Code, but some don't like the changes, as Civil Beat's Nathan Eagle [reported last Friday](#):

"Kondo [has been in the hot seat](#) practically since he took over the executive director spot in 2011, tangling with lawmakers over his hard line on accepting meals and gifts, disclosing financial interests and lobbying by task force members. Even then, he was upfront about the seriousness with which the commission intended to enforce the ethics code and crack down on violators."

Cory Lum/Civil Beat



State House Speaker Joe Souki was critical of the Ethics Commission's actions under the leadership of Executive Director Les Kondo in a recent letter to the commission.

It's one thing to grumble about enforcement of the Ethics Code, but it's quite another for the House leader to send a signal that Kondo ought to be reined in. Even if unintended, Souki has created an appearance of attempted legislative interference in what ought to be the Ethics Commission's own business.

While allowing such a perception to go unchallenged might be problematic for any variety of state offices, it would create very specific questions for the Ethics Commission regarding independence, influence and, ultimately, credibility.

Souki argues that his letter wasn't intended to influence any decisions regarding Kondo's employment. Rather, he believes recent Ethics Commission actions "have led to confusion and uncertainty" and that if Kondo and the commission want to change the state ethics code, it should pursue legislative remedies.

PF Bentley/Civil Beat

Fair enough. But as Civil Beat's Ian Lind [pointed out earlier this month](#), "not a single bill



Les Kondo has tangled with lawmakers over his interpretations of the state Ethics Code.

introduced by the Hawaii State Ethics Commission passed this legislative session,” even though Kondo himself publicly expressed a need for further legislation to eliminate fuzziness and ensure clarity around enforcement of the ethics code.

The Legislature likewise showed little interest in enacting lobbying reforms called for last year in a report from an independent study group working under the

leadership of consultant Peter Adler. [“Transparency & Influence. A White Paper from the Dialogue on Lobbying”](#) argued for a range of common-sense transparency and disclosure reforms to address the D-minus grade Hawaii earned last year on a Center for Public Integrity scorecard grading policies intended to deter corruption. (Full disclosure: The study group’s work was funded in part by a grant from the Omidyar Group, “which represents the personal, professional and philanthropic interests of Civil Beat Publisher and CEO Pierre Omidyar and his wife, Pam.”)

The recently completed session was not a banner year for ethics reform.

Legislators did provide \$130,000 to develop an electronic system for financial, lobbyist and gift disclosures to handle and make more accessible the 4,000-plus

reports the commission receives annually. They also passed three modest disclosure bills that, for instance, reduce the amount of anonymous donations a candidate can receive at a political function and strengthen reporting requirements for “noncandidate committees.”

Nevertheless, the recently completed session was not a banner year for ethics reform, or even a robust response to last year’s D-minus on the anti-corruption exam. So when Souki “encourages” the Commission “to propose a legislative package which addresses all of the specific practices that it or its staff has sought to impose over the

last several years,” one wonders how heartfelt that encouragement may be.

The Ethics Commission agenda for Wednesday’s meeting, at minimum, signals that it is taking Kondo’s performance evaluation seriously. Of the first five agenda items, three pertain to Kondo. And in between the commission’s consideration of executive session minutes regarding the evaluation and a discussion of Kondo’s evaluation directly with him, the group is scheduled to have a discussion of Souki’s letter.

Entertaining theater, perhaps, but spectators shouldn’t be left wondering who orchestrated the plot.

If the commission has issues with its executive director’s performance, it should address them, but the decisions it makes should avoid what it so often seeks to prevent in its evaluation of others — even the appearance of impropriety.

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Well stated!

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Thank you Civil Beat for providing some measure of accountability in this process.

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How different this conversation would be if it was the councilmen/women's own money in question.

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**Andrea Peatmoss**

The 'consent of the governed' is being compromised at many levels by people who have political power...now are we expected to let the moneyed interests lobby lawmakers without an autonomous Honolulu Ethics Commission and Executive Director besides?

The all too familiar pay- to- play syndrome continues of developer dollars greasing political campaigns of selected politicians with land use rezoning against the resident's (public) trust interest being the result. Don't take the gifts, the free golf, free trips, whatever...how hard to understand is that?

This hearing seems designed to call the... [See More](#)

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**Howard Michaels** · Honolulu, Hawaii

Is that you, Emperor Palpatine?

Like · Reply ·  1 · May 28, 2015 3:35pm**Daniel Gardner** · Naval Postgraduate School

Greater transparency, more openness, strengthening ethical practice, reducing the influence of "pay to play" are all hall marks espoused by the modern Democratic Party. How in a State that has a vast Democratic majority can these ideals be so hard to come by? Once again a forthright input from the editors of Civil Beat. Well Done!

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