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.

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
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.

Fair enough. But as Civil Beat’s Ian Lind pointed out earlier this month, “not a single bill
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.

Follow Civil Beat on Facebook and Twitter. You can also sign up for Civil Beat’s free daily newsletter.

About the Author

CIVIL BEAT STAFF

The Civil Beat Editorial Board

The members of Civil Beat’s editorial board are Pierre Omidyar, Patti Epler, Bob Ortega, Richard Wiens, Chloe Fox and Todd Simmons. Opinions expressed by the editorial board reflect the group’s consensus view. Contact Opinion Editor Todd Simmons at todd@civilbeat.com or 808-377-0247.

Use the RSS feed to subscribe to The Civil Beat Editorial Board's posts today
6 Comments

Add a comment...

**Patricia Blair** · University of Nebraska-Lincoln
Well stated!
Like · Reply · May 27, 2015 9:19am

**Shane Albritton** · Haiku, Hawaii
Thank you Civil Beat for providing some measure of accountability in this process.
Like · Reply · 2 · May 27, 2015 11:21am

**Leilani Clark** · Park University
How different this conversation would be if it was the councilmen/women's own money in question.
Like · Reply · May 27, 2015 11:58am

**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 politicos 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
Like · Reply · May 28, 2015 11:23am

**Howard Michaels** · Honolulu, Hawaii
Is that you, Emporer 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!
Like · Reply · May 28, 2015 9:02pm

Facebook Comments Plugin
Enter your email to receive Civil Beat's free daily newsletter.

SUBMIT