

CIVIL BEAT EDITORIAL

Honolulu Ethics Commission's Do-Over Is a Chance to Do Right by the Public

The commission's media policy is a solution in search of a legitimate problem. In fact, there's simply no need for a media policy.

JULY 22, 2015 • By The Civil Beat Editorial Board 

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It's heartening when a governmental body has the integrity to admit when it's made a mistake. It signals an ability to reflect honestly on decisions that probably weren't good and a collective understanding that it's almost never too late to do better.

The Honolulu Ethics Commission has such an opportunity at Thursday's meeting. It stumbled badly last month when commissioners [passed a poorly thought out policy](#) for working with news media. A significant departure from how the commission has handled that work for years, it would probably be more appropriately described as a policy to prevent meaningful work with the media, given the substantial muzzle it placed on the mouth of plainspoken Executive Director Chuck Totto.

Civil Beat was among many to [sharply criticize the move](#), calling on the commission to scrap the guidelines and "take an important step toward restoring the faith in its work that its new media policy so sadly undermines."

To their credit, a majority of commission members now want to do exactly that. On the agenda for Thursday's meeting is a request for a motion to rescind the four-week-old policy. According to [Civil Beat's Anita Hofschneider](#), commission Chair Katy Chen, Vice Chair Michael Lilly and commissioners Stephen Silva and Stanford Yuen all support the measure, virtually guaranteeing its passage.



Honolulu Ethics Commission Executive Director Chuck Totto has been bound for the past month by a restrictive new media policy that the commission may rescind at its meeting Thursday.

However, the commission isn't out of the woods yet. Lilly and commissioner Riki May Amano, author of the policy set to be repealed, have teamed up on a draft of new media policy they'd like the commission to consider.

On the positive side, the draft policy would allow Totto to respond to media queries in the normal course of daily activities, essentially returning the commission to its old — and many would say, effective — way of working with reporters. On the not-so-positive side is a holdover from the policy being voted out that would require Totto to consult commission leadership or a designated commissioner when a media statement is sought — a seeming contradiction of the provision described above.

We don't know whether that holdover was purposeful or simply the unintentional byproduct of a rushed effort to get rid of the roundly maligned old policy, as Lilly could not speak to Civil Beat on the record and Totto is still bound by the current policy, which prevents him from engaging in “media activities to ... interpret or comment on any

decisions or advisory opinions.”

Creating cumbersome administrative protocol to govern what ought to be simple exchanges of information between commission staff and the media serves neither the media nor its consumers, the voting public.

But in a July 17 memo to Chair Chen providing background and guidance on Thursday’s agenda, Totto and Commission Associate Legal Counsel Laurie Wong recommended the provision be deleted, calling it “inefficient and subject to varying interpretations.”

Leaving the unnecessary paragraph in place would have another consequence, also perhaps unintended: It would solidify the

impression that the current media policy was simply political payback from Honolulu Mayor Kirk Caldwell’s administration, which has had a thorny relationship with Totto over ethics investigations and budget cuts to the commission.

The current policy was written by Amano and voted in by Amano, Allene Suemori and Victoria Marks — all three Caldwell appointees — at the urging of Caldwell’s attorney, Honolulu Corporation Counsel Donna Leong. Silva and Yuen also voted in favor at the June meeting but now support a change in policy.

Leong had particularly complained about Totto’s remarks to media following former City Councilman [Nestor Garcia’s payment of an \\$8,100](#) fine over 72 ethics violations that the commission disclosed in May. Totto speculated that Garcia’s violations and a \$50,000 fine paid earlier by former Councilman Romy Cachola for similar conduct might invalidate their votes on the issues in question, chief among them votes concerning the Honolulu rail project — a major initiative of Caldwell.

The media policy since its inception has seemed to be a solution in search of a legitimate problem. If it’s his intent to keep Totto on a retributively short media leash, Caldwell will only ensure everyone sees who’s walking the dog.

Totto says Ethics Commission staff queried similar offices in other jurisdictions, and of

the 11 that responded, none had a media policy specific to its operations. The states of New York and Louisiana, the cities of New York, Seattle, San Diego, Chicago and Denver and the Florida counties of Miami-Dade and Duval simply allow their ethics commission staff to respond to media queries. The City of Minneapolis ethics commission is simply covered by the same media policy governing all city administrative agencies.

Creating cumbersome administrative protocol to govern what ought to be simple exchanges of information between commission staff and the media serves neither the media nor its consumers, the voting public. Commissioners and their staff have more important things to do with their time than to waste it on this pointless exercise.

The commission should rescind the current policy, reject the replacement proposal and go back to doing what they do best — “advancing the standards of ethical conduct in government.”

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