

CIVIL BEAT EDITORIAL

# Honolulu Ethics Director: Losing Him When We Need Him Most

Chuck Totto spoke truth to power and looked out for the public's interest in an environment where neither was appreciated.

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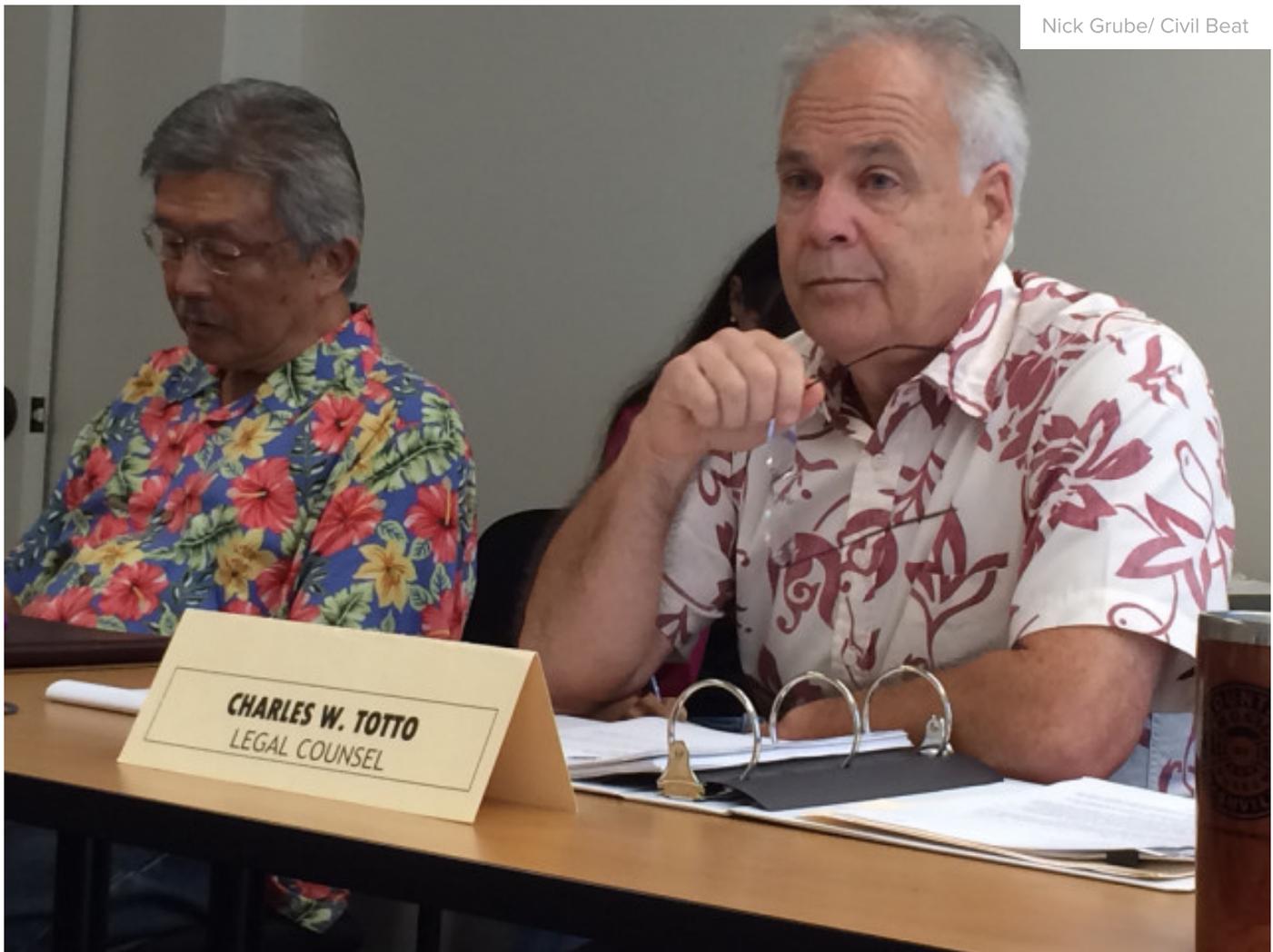
Cory Lum/Civil Beat

Chuck Totto deserved better.

The Honolulu Ethics Commission executive director's resignation on Wednesday was widely expected and deeply unfortunate. At a time when the affairs of the City and County of Honolulu are in particularly deep need of ethical oversight, Totto's "passion and unwavering attention" to matters of right and wrong, as the Ethics Commission said in the press release announcing his resignation, may be difficult to find in any replacement candidate.

Why? It should be presumed that any competitive applicant for the position will be able to read and will have access to the internet, where stories detailing the city's shabby treatment of Totto and its frequent ethical challenges are readily available. Civil Beat's Nick Grube's

comprehensive retrospective of [Totto's three years on Mayor Kirk Caldwell's hot seat](#) should be required reading for anyone seeking the job.



*After 16 years on the job, Honolulu Ethics Commission Executive Director Chuck Totto resigned last week, referencing “many, many problems” with Mayor Kirk Caldwell’s administration.*

Despite a long and successful tenure — he served in the commission’s top staff role for 16 years — it all turned south for Totto in 2013 when he launched an investigation of thin-skinned Caldwell’s inauguration gala. Donors had given \$381,000 to a nonprofit transition committee for the splashy gala at Moanalua Gardens, with tables going for as much as \$10,000.

Totto’s concern that donating to the gala provided an indirect way for individuals and businesses with interests in city government decisions to get on the mayor’s good side was entirely reasonable.

While Caldwell wasn’t found guilty of any wrongdoing (he wasn’t involved in fundraising for

the event or with the committee that raised the cash), about one-third of the money raised for the event was found to have been given [in violation of city ethics laws](#). It came from donors who either had lobbyists representing their interests before the city or had contracts to provide services to the city. Caldwell expressed gratitude that he was cleared but also said he was “surprised” that he was investigated in the first place.

What followed the commission’s 19-page opinion in the matter was death by a thousand paper cuts for Totto spread over three years. Refusals by key administration staffers to participate in investigations. Cuts to the Ethics Commission budget. Interference by city attorneys.

Despite it all, Totto and the commission continued doing important work, most notably in cases involving former City Council members [Romy Cachola](#) and [Nestor Garcia](#). The two paid a combined total of nearly \$65,000 in fines for repeated, flagrant ethics laws violations, many of them regarding accepting gifts from businesses connected to the Honolulu rail project.

Yes, *that* rail project. The one now so bloated with runaway costs that Caldwell and City Council Chair Ernie Martin last week publicly called for the final one-fourth of the rail route to be eliminated because [there’s no money to pay for it](#).

**The commission plans to begin searching for a replacement right away. Commission members and Caldwell should do some soul searching first.**

Totto said City Council votes on rail decisions could be nullified, if council members voted without disclosing conflicts. That also drew the ire of the Caldwell administration, with city attorney Donna Leong strongly denying any votes would need to be vacated.

After that, Totto found his leash even shorter. Caldwell appointees on the Ethics Commission last year sought to dramatically restrict his ability to speak publicly about commission decisions, putting in place an outrageous policy to muzzle him that was only rescinded after sharp criticism from the media, [including Civil Beat](#).

But the paper cuts continued, including Totto being pointlessly required to document his daily work in six-minute intervals and even a dubious 30-day suspension. In the end, it was all just too much.

Totto spoke thoughtfully to reporters following the closed-door meeting at which he resigned. While he didn't directly blame the mayor for his departure, he noted "many, many problems dealing with the Caldwell administration."

"I think the commission is going to have a real task ahead of it to put together staff that can handle those, a knowledgeable staff, that can handle all the issues that we do, besides the training and giving advice, and doing complaint investigations," said Totto

Combined with the earlier departures of other staff members, his resignation leaves the commission with no investigators.

"They may have some better approach than I've had, but I've tried my damndest and it's very hard to do that. I really wish them luck, because this is a very, very important agency for city government."

We particularly appreciated another observation from Totto: "Speaking truth to power is never easy." Not easy, yet it is the very nature of the commission executive director's role.

The commission's news release announcing Totto's departure said it will begin searching for a replacement right away. Commission members and Caldwell should do some soul searching first.

Do they want serious enforcement of city ethics laws, including rigorous investigation of complaints, no matter which elected or appointed officials or city employees find themselves under the microscope? Or do they want someone who will keep his/her mouth closed and take a less energetic approach to allegations of ethics infractions — a go-along, get-along type?

Taxpayers deserve the former. The actions of the mayor, his administration and the commission suggest they'd be more comfortable with the latter.

We wish Totto the best in his future endeavors and wonder, with no small amount of concern, whether the commission and Honolulu will see the likes of him again.

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**Patricia Blair**

3 hours ago

Obviously a change in mayor, his administration, and commission is in the best interest of Honolulu citizens. Thanks for this editorial opinion and to Mr. Tutto for his integrity.

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**Natalie Iwasa**

7 hours ago

“We wish Tutto the best in his future endeavors, and wonder, with no small amount of concern, whether the commission and Honolulu will see the likes of him again.” Ditto.

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**Miter***3 hours ago*

Unfortunately, ethics investigations, which necessarily concern people, are almost always shrouded in secrecy for “personnel” and “privacy” reasons. As such, I do not believe there has been a sufficient level of investigative reporting and discernment on the reported dysfunction in the Ethics Commission under Chuck Totto for a conclusion that Totto is without criticism. It is illogical that three judges with fine and distinguished careers on the apolitical bench would suddenly become political operatives for a Mayor after joining the Commission. Rather, I suspect these three judges saw practices that concerned them, they took steps to curb the practices and, sadly, they rue the day they ever agreed to be on the Commission. A fuller investigation is warranted.

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**Squidluau Newell***2 hours ago*

The Very type of government official that Hawaii needs for representation of it's people has been treated so miserably that he reached the 'fed-up' point, and resigned. Exactly what hawaii needs for it's protection has been 'leaned on' hard enough, and long enough to give up. This is nothing new in hawaii politics, but that it still continues is a shame. The people must speak, and choose wisely at the voting booth. Thank you Ed. staff for this report.

**Choon James***19 minutes ago*

Another reason to NOT VOTE for Kirk Caldwell as Mayor of Honolulu. Caldwell has done irreparable harm to our island home on so many issues.

Caldwell claimed no part in retaliating against Totto just as Caldwell claimed he did not know who his donors were at his mayoral gala. Caldwell recently used the same lame excuse - “I don't know” - about the recent disclosure that the Feds estimated the Rail cost-overruns of \$2 BILLION in 2014.

Caldwell has a bad record of uncontrollable retaliatory behavior, with little “public good” leadership. Behind the Caldwell palaka shirts and grin is a crony who abuses the powers and resources of the Office. A case in point:

<http://www.forbes.com/sites/instituteofjustice/2014/02/11/woman-criticizes-honolulu-government-has-her-protest-signs-bulldozed/> The federal judge ordered city to pay our legal

TEES. HE CONTINUES to bully three Hauuia kupuna in federal court even after the City Council deleted his pork project - <http://countrytalkstory.com/?p=751>

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