

Civil Beat Editorial

# Honolulu Must Toughen Its Lax Lobbying Rules

Weak disclosure rules make it easy for lobbyists to conceal how much they are spending wining and dining city officials.

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By Civil Beat Editorial Board  / June 21, 2017

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Two years ago, then-Honolulu City Councilman and former state legislator Nestor Garcia [was fined \\$8,100](#) by the [Honolulu Ethics Commission](#) for accepting free meals and golf from lobbyists regarding rail transit and transit-oriented development, among other interests.

Garcia had violated city laws regarding the acceptance of prohibited gifts and the failure to disclose conflicts of interest.

The settlement was part of a larger investigation that had resulted in state Rep. Romy Cachola, himself a former City Councilman, having to pay a \$50,000 fine for similar conduct while he was on the council.

The commission, then under Executive Director Chuck Totto, was also looking at other possible corruption involving past and present council members, particularly tied to what was then the \$6 billion Honolulu rail project, the largest public works project in state history.



But [antiquated ethics laws](#) make it difficult to punish people who wine and dine council members. “Lobbyists are only required to file a registration form with the Ethics Commission and fill out an annual report that says how much they spent on lobbying, who they worked for and what policies they sought to influence,” Civil Beat reported.

It’s now two years later, the rail project is pegged at \$10 billion and rising, and the Hawaii Legislature is considering going [into special session](#) later this summer to find a way to help the city pay for the over-budget, oft-delayed construction.

If ever there were a time for tough ethics laws and ways to follow the money at the City and County of Honolulu level, that time is now.

But that’s not the case.

A Civil Beat story [published Monday](#) revealed that it is difficult for the Ethics Commission to carefully track the spending of money used to influence politicians. Jan Yamane, who took over the city Ethics Commission last fall

from Totto, went so far as to say that the current lobbying disclosure process simply isn't working.

The city doesn't require lobbyists to provide any details about how they spend money, and so most of them don't bother. Many lobbyist reports are dated, even though there are mandatory reporting deadlines.

A lot of forms are handwritten and posted online as pdfs, which makes it a chore for the public and the media to give the data a close look. The city lobbying reports are required only once a year, unlike at the [Hawaii State Ethics Commission](#), which has three annual reporting deadlines. The media and the public need the most updated information when it comes to conflicts of interest.

The state reports also ask businesses to file their own spending reports even if they have lobbyists working for them. The state also asks for more details than the city requires on where exactly the money is going.

You'll also find financial and gift disclosure forms from state officials on the state Ethics Commission website.

Yamane said she wants her office to align more closely with the state Ethics Commission, where Executive Director Dan Gluck — like Yamane, a recent hire — has already moved to improve that agency's operations.

In fact, many of the hundreds of lobbyists registered with the state also lobby the city, yet the state posts [a searchable database online](#) while the city does not. By cross-referencing that database with the online campaign spending disclosures filed with the [State Elections Offices](#), it's possible to connect the financial dots between special interests, the people who represent them and the people they intend to influence.

We support the revamping and alignment of the city Ethics Commission sought by Yamane. We also think it wise to dump the requirement that lobbying reports be notarized. It's a waste of time.

Helping the city Ethics Commission will require more resources for staff and technical assistance. That will be a difficult sell for a mayor and City Council set to raise various city fees and possibly to supplement the financing of rail, perhaps through increased property taxes.

There is also the matter of politics. When Totto tried to get more money, he was stymied by Corporation Counsel's office, to which the commission is administratively attached. Totto had clashed with the Caldwell administration, which [worked to undermine Totto](#).

In addition to more resources, the council should give the Ethics Commission greater autonomy from the administration. Like its state counterpart, it is an essential watchdog over the people's money.

The needed change in city ethics will take time, care and patience. It won't happen overnight.

But it will also take leadership. We hope the mayor, the council and voters give greater consideration to the matter. Because, to paraphrase Johnny Cash, we hear the rail a comin'.

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