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**Editorial | On Politics**

# State ethics chief might be headed for some trouble

By [Richard Borreca](#)

June 2, 2015

Ground zero for ethics in government is not the law, it is the enforcement.

For decades Hawaii politicians basically self-reported their compliance with the state ethics rules. If they were given a gift, it was up to the lawmaker to report it. If their income went up or down, if they got a new job, took out a loan or bought property, the public servant was supposed to report it to the state Ethics Commission.

Unreported gifts and meals, unreported jobs and unreported income only existed when they were reported. It was the sort of ethics law that only punished the honest.

Some things are changing with both the Honolulu Ethics Commission fining Council members for not reporting being wined and dined by lobbyists, and with Les Kondo, state Ethics Commission executive director, issuing blanket "Thou shall not" memos to legislators.

Reformers are saying, "There's a new sheriff in town."

Things went from simmering to high boil after House Speaker Joe Souki sent a four-page letter to the state Ethics Commission complaining about its "recent attempts to prohibit common and regular practices," including getting gifts, meals and charitable fundraiser tickets.

During legislative sessions, the Legislature isn't in danger of starving. If anything, it is more likely to be run over by messengers delivering the scads of gift baskets, bento boxes, manapua cartons and wine bottles sent by lobbyists.

In an interview yesterday, Souki added that he thought Kondo's restrictions were petty.

"It is manini," Souki said.

Souki is not alone in thinking Kondo is going too far. The House speaker said he acted after getting the approval of both House leadership and the House attorney.

Left unsaid is the fact that the Legislature mostly has been ignoring Ethics Commission requests to tighten up the state ethics laws.

In this session, for instance, only one of the eight suggested new laws even had a hearing. That bill — to tighten up conflict of interest rules for state employees — passed the Senate, but died quickly in the House.

A 2012 study by the Center for Public Integrity rated Hawaii 13th out of the 50 states with an overall grade of C.

"Aggressive enforcement of the state ethics law has infuriated some Hawaii lawmakers, who are accustomed to lax rules on accepting gifts and avoiding conflicts of interest," the report said.

The common practice of buttering up the legislators with gifts even showed up in an investigation by the Hawaii Tribune-Herald into the use of pCard charges by county employees.

Among the charges, the paper reported, was wine to give to legislators.

"Executive Assistant Clarysse Nunokawa acknowledged that she bought \$348.03 worth of wine at Tamura's Fine Wine store in Honolulu in April 2014.

"Nunokawa said in an email late Friday afternoon that she bought wine to use as omiyage, or gifts, for legislative visits.

"Taxpayers weren't reimbursed for that charge," the paper reported.

The state Ethics Commission is right now mulling Kondo's reappointment as executive director and Souki said it was "coincidental" that his letter showed up at the same time as the reappointment discussion.

Kondo last week told commissioners: "It's not my job to tell people what they want to hear or let them do what they want to do. It's my job to do what's right, not what's popular."

Lawmakers already decide how many bullets the state's ethics sheriff carries. It would not be by coincidence if the Legislature also got to pick the sheriff.

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**CORRECTON:** Sunday's "On Politics" column mistakenly discussed "eligible voters" as

the persons the state counts for reapportionment. While that used to be true, the state after a Constitutional amendment defined those counted as permanent residents, which after more lawsuits, allowed the state to exclude more than 100,000 military residents.

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