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Hawaii News

State ethics chief stands by work

By [Susan Essoyan](#)

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Les Kondo, the executive director of the state Ethics Commission, defended his job performance Wednesday, backed by leaders of other agencies who called him a dedicated professional who excels in a tough job.

The five-member commission had rated him "average" overall, down from "outstanding" in 2012, and was considering whether to remove him from the job he has held since January 2011. But after hours of discussion behind closed doors, commissioners recessed until June 9 without a decision.

Kondo has ruffled feathers with his interpretation of the state Ethics Code almost from the get-go. Shortly after he was hired, he infuriated some legislators when he told them they couldn't accept free tickets from lobbyists to attend expensive charitable fundraisers.

More recently, he has enforced prohibitions against state employees accepting free golf outings and other gifts. This spring, his office shocked educators by declaring that teachers may not accept free travel from tour companies on educational trips they organize for their students.

Schools Superintendent Kathryn Matayoshi attended the meeting to express concern over how Kondo and his staff are handling that issue and referred to the "contentious tone" of their inquiries at schools.

She noted the commission took nine months to respond to a request for guidance on a proposed school trip that later was deemed prohibited by the Ethics Code. Now, the

commission staff is requiring teachers to answer 41 questions about each potential trip to determine whether it passes muster.

In a letter to commissioners, House Speaker Joe Souki criticized the commission staff for "rewriting the Ethics Code" by prohibiting once-common practices such as fundraising at the Legislature and other state venues, and the receipt of gifts and meals.

Many more people, however, praised Kondo's performance, including the executive directors of the state Campaign Spending Commission, City Ethics Commission, Charter School Commission, Office of Hawaiian Affairs and the nonprofit Common Cause Hawaii, as well as former ethics commissioners.

"I have found him to be honorable, intelligent, professional, courteous, helpful, approachable and collaborative," Kristen Izumi-Nitao, head of the Campaign Spending Commission, testified. "I have further found his legal analysis to be impeccable and his work ethic unparalleled."

Daniel Hanagami, chief special agent in charge of the investigations division of the Department of the Attorney General, said Kondo helps keep state employees on the right road so they don't wind up the subject of criminal investigations.

"The path that Les takes is very courageous and commendable," Hanagami said. "I see Les as an extremely dedicated professional whose goal is to make government attain the highest standard of conduct. ... His integrity, professionalism, humor and honesty are second to none."

Kondo also got support from Bruce Coppa, former chief of staff for Gov. Neil Abercrombie, and former Lt. Gov. James "Duke" Aiona, who both testified in person on his behalf.

The commission, with a 10-member staff, enforces the state Ethics Code and lobbyists law, educating and advising tens of thousands of state employees on ethical behavior.

The volunteer commissioners met before an overflow crowd, but their discussion of Kondo's evaluation went on in executive session. They did not question anyone who submitted testimony and did not tip their hand on the issue.

Kondo offered a spirited defense of his job during the public portion of the meeting, citing excellent ratings from people who attend his ethics training sessions and good relations with colleagues.

"I'm proud of the work we do," he said. "It's my job to do what's right, not what's popular."

During his last evaluation in 2012, commissioners deemed his performance "outstanding," he noted.

"Since that evaluation, I haven't changed," Kondo said. "I do my job the same way. The only difference is that we have new commissioners.

"I understand you may want to do things differently, to point the commission in a different direction, to set different priorities. That's absolutely fine. ... It seems unreasonable and unfair to me to tell me I'm doing a substandard job when no one has told me the target has moved."

He questioned why some commissioners ranked him poorly on his legal advice, relations with other departments and working with the media.

There have been signs of friction between Kondo and a couple of commissioners, who prefer a more collaborative and less hard-line approach. In a few instances, the commission has declined to pursue Kondo's recommendations, including a proposal that Aloha United Way change the way it solicits contributions from government employees.

A recent directive from Kondo that would have kept candidates in teachers' union elections from using mailboxes at school for campaign materials was quickly nixed by the Hawaii Labor Relations Board.

On the chaperone issue, HSTA Executive Director Wilbert Holck pleaded unsuccessfully with commissioners to allow teachers who have already planned school trips to proceed without fear of penalty.

Commission staff members said they are assessing each trip individually on the basis of questionnaires filled out by teachers, and they advise teachers to report free trips on gift disclosure forms. State employees are prohibited from soliciting or accepting gifts if it is reasonable to infer they are intended to influence or reward them for performing their official duties.

Commissioners suggested the Department of Education could pay the teachers' way, or the tour company could work with the school rather than individual teachers.

"My concern is the trips have been planned and that we resolve this issue so the teachers can go forward without a cloud going over their head," Commission Chairman Ed Broglio said. "In the future, the DOE is going to implement a process that allows the trips to go on and that doesn't violate state law."