

DECISION NO. 3

The Commission learned that a state employee who was also a licensed travel agent had been conducting her private travel agency business at her state office on state time and with the use of her state telephone. Because HRS §84-13(3) prohibits state employees from using state time, equipment, or facilities for private business purposes, the Commission sent a letter to the employee asking her to discontinue all private business activities at her office. The Commission informed the employee in the letter that it would file a formal charge against her if it learned that she was again conducting private travel agency business at her state office.

The Commission also contacted the director of the employee's department about the matter. The Commission informed the director that it would take no further action in the matter if he spoke to the employee and orally reprimanded her. Afterward, the director informed the Commission that he had reprimanded the employee, and the Commission terminated the matter at that point.

Later, however, the Commission learned that the employee had continued to sell airplane tickets at her state office, despite the warnings from the Commission and the director. The Commission determined that it had no recourse but to file a formal charge against the employee. The Commission thus issued a charge against the employee alleging that she had violated HRS §84-13(3) by engaging in private business activities on state time, with state equipment, and on state premises.

Because the employee denied any wrongdoing after the charge was filed against her, the Commission held a hearing to determine if in fact the employee had violated the ethics code. After the hearing, the Commission made the following findings of fact:

- (1)The employee had sold a number of airplane tickets to fellow employees at her state office.
- (2)The employee had used her state telephone to sell airplane tickets.
- (3)The employee had used state time to sell airplane tickets.
- (4)The employee had solicited a fellow employee at the office to purchase airplane tickets from her.

The Commission found that the employee had violated HRS §84-13(3) by using state time, equipment, and state premises to sell airplane tickets. HRS §84-13(3) reads as follows:

Fair treatment. No legislator or employee shall use or attempt to use his official position to secure to grant unwarranted privileges, exemptions, advantages, contracts, or treatment, for himself or others; including but not limited to the following:

. . . .

- (3) Using state time, equipment or other facilities for private business purposes.

After the Commission determined that the employee had in fact violated the ethics code, the Commission forwarded a complaint to the Office of the Attorney General for remedial action. Complaints are forwarded to the Office of the Attorney General when an employee leaves state employment before the Commission issues its decision. In this case, the employee had retired from the State shortly after the charge was filed against her. The Commission also, in accordance with HRS §84-32(c), made the record of the hearing and the decision in the case a matter of public record.

Dated: Honolulu, Hawaii, October 30, 1985.

STATE ETHICS COMMISSION

Allen K. Hoe, Chairperson
Tim Scott Farr, Vice Chairperson
Edith K. Kleinjans, Commissioner
Arnold J. Magid, Commissioner

Note: Commissioner Laurie Loomis was excused from the meeting at which this decision was considered.