



HAWAI'I STATE ETHICS COMMISSION

Komikina Ho'opono Kulekele o Hawai'i Moku'āina

GENERAL ADVISORY OPINION NO. 2026-2

Acceptance and Personal Use of Travel Rewards Earned on Official State Travel

February 18, 2026

I. Question Presented

Whether consistent with the State Ethics Code, state officers and employees may retain and make personal use of frequent flyer miles and similar promotional benefits earned in connection with official state travel, pursuant to the Comptroller's amended travel policy, where safeguards are implemented to ensure that such benefits do not increase costs to the State or improperly influence travel decisions.

II. Background

On July 3, 2024, the State Comptroller issued Comptroller's Memorandum No. 2024-18¹ ("Memorandum"), amending the State's travel policy to allow state employees to retain and make personal use of promotional items — such as frequent flyer miles, seat upgrades, and similar benefits — earned while traveling on official government business (regardless of whether the travel is paid for by the State or another entity), provided that such benefits are (1) offered under the same terms as those available to the general public and (2) obtained at no additional cost to the State of Hawai'i. This Memorandum amended and overruled Comptroller's Memorandum No. 1992-09,² which previously indicated that any promotional items earned while on government business "must, where at all possible, be used for State business." Only where the benefits could not be used for a future state purpose could the employee "use State travel benefits for personal travel."

¹ State of Hawai'i, Dep't of Accounting & Gen. Servs., Comptroller's Memorandum No. 2024-18: Frequent Flyer Programs (July 3, 2024), <https://ags.hawaii.gov/wp-content/uploads/2024/07/CM2024-18.pdf>.

² State of Hawai'i, Dep't of Accounting & Gen. Servs., Comptroller's Memorandum No. 1992-09: Travel Benefits Relating to Frequent Flyer-Type Programs (Mar. 19, 1992), <https://ags.hawaii.gov/wp-content/uploads/2012/09/1992-09-Travel-Benefits-Relating-to-Frequent-Flyer-Type-Programs.pdf>.

The Comptroller's memorandum aligns Hawai'i's travel policy with the Federal Travel Regulation,³ which was amended in 2002 to permit federal employees to retain promotional travel benefits earned on official travel, subject to similar conditions.

The Comptroller's revised policy departs from assumptions underlying several prior advisory opinions issued by the Hawai'i State Ethics Commission, which generally treated frequent flyer benefits accrued through state travel as belonging to the State or as impermissible personal benefits absent an express state policy allowing personal use.

In discussions with the Commission, the Comptroller has acknowledged the Commission's concerns that personal retention of travel benefits may incentivize employees to select particular airlines or routing options to maximize personal mileage benefits, potentially resulting in higher costs to the State. To address these concerns, the Comptroller has indicated that the Department of Accounting and General Services will implement stricter guardrails, such as (1) a baseline fare estimate requirement to ensure that the state does not pay more than the lowest reasonable available fare, and (2) begin developing an online booking system designed to standardize travel purchasing and control costs.⁴

The Commission also notes that state travel is now subject to greater public transparency than in the past. The Comptroller indicated that agencies are now required to publicly report travel expenditures and related costs as part of the budget process. This increased transparency provides an additional mechanism for public and legislative oversight of travel practices and supports compliance with ethics and cost-control objectives.

III. Applicable Law

The State Ethics Code, Chapter 84, Hawai'i Revised Statutes ("HRS"), is intended to preserve public confidence in government by preventing state employees from misusing their official position for personal or financial benefit.

Relevant provisions include:

- **HRS §84-13 (Fair Treatment)**, which prohibits a legislator or employee from using or attempting to use their official position to secure unwarranted privileges, advantages, or benefits for themselves or others.
- **HRS §84-11 (Gifts)**, which prohibits the solicitation or acceptance of gifts under circumstances in which it can reasonably be inferred that the gift is intended to influence or reward official action.

³ See Using Promotional Materials and Frequent Traveler Programs, 41 C.F.R. pt. 301-53 (2025).

⁴ The Comptroller notes that the development of a more centralized travel booking system may take several years to implement as other systems must be modernized first.

IV. Prior Ethics Commission Precedent

In Advisory Opinion No. 88-9 (1988), the Commission concluded that frequent flyer benefits accrued while on state travel generally must be used for state purposes, but recognized that nontransferable benefits that could not reasonably be used for state business might be used for personal travel if the State adopted an express policy allowing such use and implemented mechanisms to administer and enforce that policy.

In Advisory Opinion No. 95-1 (1995), the Commission concluded that an airline seat upgrade obtained in connection with official travel constituted an impermissible personal benefit where it was solicited through the legislator's official position and where first-class travel was not authorized for state purposes. The Commission emphasized that even benefits that impose no marginal cost on the donor may still have substantial value to the recipient and create an appearance of impropriety.

These opinions reflect the Commission's longstanding concern that personal benefits associated with official travel can undermine public confidence if they appear to influence official decision-making or result in unwarranted personal gain.

V. Analysis

The Commission recognizes that the Comptroller has statutory authority and operational responsibility for establishing and administering statewide travel policies. The Ethics Code does not prohibit the State, acting as an employer, from adopting travel policies that allow employees to retain publicly available promotional benefits, provided that such policies do not result in unwarranted advantages or benefits.

The Commission also notes that many other jurisdictions have adopted policies or issued advisory opinions permitting public employees to retain and make personal use of frequent flyer miles and similar promotional benefits earned during official travel, so long as such benefits are available on the same terms to the general public and do not result in additional cost to the government.⁵ Notably, these jurisdictions frequently pair such permissive policies with structural safeguards designed to mitigate abuse and control costs, including centralized or mandatory booking systems, requirements that employees select the lowest reasonable available fare, and limitations on deviations from standard travel options. These approaches reflect a broader trend toward allowing participation in publicly available mileage programs while maintaining institutional controls to ensure that travel decisions are driven by governmental need and fiscal prudence rather than personal benefit.

⁵ See, e.g., *Ohio Ethics Comm'n, Advisory Opinion No. 2025-02 (Aug. 4, 2025)*, *N.Y. State Comm'n on Ethics & Lobbying in Gov't, Advisory Opinion No. 08-04 (2008)*, *Wash. Exec. Ethics Bd., Advisory Opinion No. 03-03 (May 20, 2003)*.

To this end, the Commission remains concerned that unrestricted personal retention of frequent flyer miles and similar benefits could incentivize employees to favor particular airlines, routes, or fare classes based on personal benefit rather than cost-effectiveness, potentially increasing costs to the State and implicating HRS § 84-13's prohibition on securing unwarranted privileges. Although current travel requirements generally require employees to obtain two airfare quotations,⁶ those safeguards may be susceptible to manipulation; for example, by selectively obtaining higher-priced comparison quotes or by timing fare searches to select a preferred carrier rather than the lowest reasonable cost to the State. These circumstances underscore a potential risk that personal travel benefits could influence official purchasing decisions absent stronger safeguards.

The Commission therefore concludes that the Comptroller's amended policy may be reconciled with the Ethics Code only if stronger safeguards are implemented to ensure that official travel decisions are not influenced by personal benefit and do not result in increased costs to the State.

The Comptroller's commitment to require a baseline estimate – defined as a standardized fare comparison identifying the lowest reasonable available airfare for the required itinerary, derived from a common methodology or centralized source applicable to all travelers – and to work towards developing a centralized booking system designed to control costs and standardize purchasing is critical to this conclusion. By requiring agencies to measure proposed travel against an objectively generated benchmark rather than traveler-selected comparison quotes, these measures help minimize opportunities to manipulate fare comparisons, reduce variability in purchasing practices, and provide a concrete mechanism for monitoring, accountability, and enforcement. Together, they directly address the risk that personal mileage incentives could distort travel decisions.

VI. Conclusion

The Hawai'i State Ethics Commission concludes as follows:

1. **Permissibility.** State officers and employees may retain and make personal use of frequent flyer miles and similar promotional benefits earned on official state travel, consistent with the Comptroller's travel policy, provided that such benefits are available to the general public and obtained at no additional cost to the State.
2. **Conditions.** This conclusion is expressly conditioned on the Comptroller's implementation of concrete safeguards designed to ensure that official travel decisions are cost-effective and not influenced by personal benefit. Such safeguards

⁶ State of Hawai'i, State Procurement Off., Procurement Circular No. 2007-03, Amendment 5: Intra- and Out-of-State Travel (Oct. 24, 2022), https://spo.hawaii.gov/wp-content/uploads/2022/10/PC2007-03-Amendment-5-Intra-and-Out-of-State-Travel_10-24-2022.pdf.

should include a baseline fare estimate requirement and the continued development or use of online tools or processes reasonably designed to identify the most appropriate and cost-effective travel options available at the time of booking to ensure that travel selections reflect the best available combination of price, routing, and governmental need, rather than personal benefit.

3. **Amendment of Prior Precedent.** To the extent that Advisory Opinions No. 88-9 and 95-1 may be read to prohibit personal use of nontransferable frequent flyer benefits in the absence of a statewide policy, those opinions are clarified and modified by this opinion, consistent with the Comptroller's amended policy and the safeguards described above.
4. **Continuing Oversight.** The Commission cautions that misuse of travel privileges, manipulation of travel arrangements to maximize personal benefits, or failure to comply with established cost-control mechanisms may still constitute violations of HRS §§ 84-11 or 84-13, depending on the circumstances.

The Commission issues this opinion to balance the State's need for administrative flexibility in managing travel policies with the Ethics Code's core purpose of preventing employees from abusing their official positions and maintaining public trust. The Commission also notes and appreciates the Comptroller's cooperation and engagement in discussing these concerns and in developing safeguards intended to ensure compliance with the Ethics Code.

Dated: Honolulu, Hawai'i, February 18, 2026.

Wesley Fong, Chair
Robert Hong, Vice Chair
Cynthia Thielen, Commissioner
Roderick Becker, Commissioner
Moya T. D. Gray, Commissioner