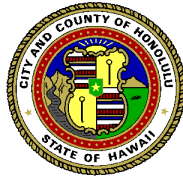


ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



CHARLES W. TOTTO
EXECUTIVE DIRECTOR & LEGAL COUNSEL

MINUTES
ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU

Date and Place: November 17, 2005
Standard Financial Plaza
Conference Room, Suite 211

Present: Robin D. Liu, Chair
Lex R. Smith, Vice Chair
Susan S. Heitzman
Matthew H. Kobayashi
Wayne T. Hikida
Cynthia M. Bond
Charles W. Totto, Executive Director and Legal Counsel (EDLC)
Matthew J. Viola, Outside Counsel

Stenographer: Norm Fisher

I. CALL TO ORDER

The 390th meeting of the Ethics Commission (Commission or EC) was called to order at 11:45 a.m. by the Chair.

II. APPROVAL OF THE MINUTES OF THE OPEN SESSION OF THE
OCTOBER 18, 2005 OPEN MEETING

The minutes of the open meeting of October 18, 2005, were unanimously approved.

III. OLD BUSINESS

- A. Confirming the date and time of the December 13, 2005 meeting and setting the date and time for the January 24, 2005 meeting

The EC confirmed the December 13, 2005 at 11:30 a.m. and set the date and time for the January 24, 2005 at 11:30 a.m. meeting in the Standard Financial Plaza Conference Room, Suite 211.

IV. NEW BUSINESS

A. Administrative news

The Executive Director and Legal Counsel (EDLC) referred to his memorandum dated November 10, 2005, outlining the ethics training conducted to date in fiscal year 2006.

B. Report on Bill 52, changing the regulation of lobbyists from the Council to the Ethics Commission

The EDLC reported that the bill has passed the 3rd reading and is being reviewed by the Mayor. The EDLC reported that if the bill is approved by the Mayor, staff will send out letters to lobbyist informing them of the change.

C. Report on Charter amendments proposed by the Commission

The EDLC directed the EC's attention to a packet containing four proposals that were handed out to the commissioners. The EDLC reported that the Charter Commission has taken the approach that the sponsor of a Charter amendment will not be known. The EDLC reported that he will inform the EC when the hearings are scheduled should any of the commissioners want to attend.

D. Report on the meeting of the Commission staff with various agencies regarding public integrity matters

The EDLC reported that the meeting is set for November 21, 2005. The EDLC stated that the meeting will include Corporation Counsel, City Auditor, Internal Control and the Labor Relations Division.

The EC moved, seconded, and unanimously carried to go to the executive session.

V. EXECUTIVE SESSION SUMMARY

A. Approval of the minutes of the executive session of the October 18, 2005 meeting

The minutes of the executive session of October 18, 2005 were unanimously approved.

B. Report and recommendation regarding possible violation of RCH Section 11-104 (misuse of city resources) by a city employee; EC No. 05-147(o)

The EDLC reported that a city employee has been selling Avon products to city employees for 23 years, often during city office hours and on city premises and sometimes using city resources.

The EDLC stated that there is a potential breach of RCH Section 11-104 because the city employee misused her city position, city resources and city premises to help her conduct her Avon sales.

The EDLC stated that the city employee says she has suspended her Avon business with city employees. However, she refused to sign a letter stating that she would no longer use city resources to benefit her business.

The EDLC stated that the Commission has the discretion not to render an advisory opinion in this case because the complaint was oral. The EDLC stated that staff recommends that this matter go through the standard Commission process because the city employee would not agree that she had violated the standards of conduct or sign the settlement letter that she would cease her improper sales. The EDLC stated that staff also recommends that the EC transmit a Notice of Possible Violation to the city employee, to which she may respond.

After further discussion, the EC moved, seconded and unanimously carried to have staff transmit a Notice of Possible Violation to the city employee.

The EC moved, seconded, and unanimously carried to return to the open session.

VI. ADJOURNMENT

The EC moved, seconded, and unanimously carried to adjourn the meeting. The meeting was adjourned at 12:10 p.m.