

# Hawaii State Ethics Commission Issues New Guidance on Gifts

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September 2011

Shortly before the Labor Day holiday, the Hawaii State Ethics Commission (Commission) published new gift guidelines on its website. While none of the underlying statutes or regulations have changed, the guidelines have received considerable attention because they represent a fundamental shift in the receipt of gifts by many state officials and employees.

Prior to the new guidelines, many state officials and employees reportedly assumed that they could accept virtually any gift given to them provided that any items in excess of \$200 were reported. For example, press reports noted that one legislator recently accepted a \$500 iPad from a movie studio executive, while nearly a dozen other legislators received \$360 in DVDs from the same executive's company.

Concerned by these and other developments, the Commission's Executive Director, Les Kondo, has begun pushing a more restrictive interpretation of the state's gifts laws. The new guidelines reflect his approach:

- **Tangible Gifts:** "Gifts of Aloha" and other nominal gifts are permissible. This includes cookies, calendars, and small promotional business items. Generally, this does not include items such as jewelry and sports equipment.
- **Meals and Receptions Involving Food/Beverage:** Such events are generally permissible if the cost is under \$25. If the cost is \$25 or more, such events are generally prohibited absent certain conditions.
- **Activity-Related Gifts:** Absent special circumstances, tickets to recreational events, athletic contests, golf, and similar activities

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may not be accepted.

- Travel: As a general rule, travel-related gifts of airfare, hotel, and meals may only be accepted if there is a "legitimate state benefit."

The new guidelines place even stricter conditions on those employees whose official duties include law enforcement, regulation, inspection, or procurement.