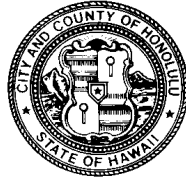


**ETHICS COMMISSION  
CITY AND COUNTY OF HONOLULU**

925 DILLINGHAM BOULEVARD, SUITE 190 • HONOLULU, HAWAII 96817  
PHONE: (808) 768-9242 • FAX: (808) 768-7768 • EMAIL: [ethics@honolulu.gov](mailto:ethics@honolulu.gov) • INTERNET: [www.honolulu.gov/ethics](http://www.honolulu.gov/ethics)



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May 10, 2022

The Honorable Tommy Waters  
Chair and Presiding Officer  
and Members  
Honolulu City Council  
530 South King Street, Room 202  
Honolulu, Hawaii 96813

Dear Chair Waters and Councilmembers:

SUBJECT: Bill 25 (2022)—Response to Council Meeting on May 4, 2022

Thank you for the opportunity to provide additional information in response to questions and concerns raised at the Council meeting held on May 4, 2022, related to Bill 25 (2022), relating to the notary requirement for lobbyists.

During the meeting, Councilmember Tsuneyoshi asked for clarification as to why the removal of the notary requirement would be helpful. As we noted, self-certification of the information provided by a lobbyist is sufficient, which makes notarization of the lobbyist's signature unnecessary. Further, self-certification makes the city's law consistent with the Hawaii State Ethics Commission. Consistency between the two similar jurisdictions cuts down on questions and errors in form submission.

We have attached for your information the current lobbyist registration form. Bill 25, if passed, would remove from the form the right side of Part IV.

The councilmember also asked if self-certification means the information on the form is truthful, and what the legal ramification for providing false information on a notarized document versus self-certified document is. We note the lobbyist, not the notary is attesting to the truthfulness of the information.

According to the [Notary Public Manual](#), published by the Department of the Attorney General, Revised March 2021:

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Chair and Presiding Officer  
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“A Notary Public’s functions include:

- (1) administering oaths;
- (2) witnessing the signing of documents;
- (3) attesting to the identity of the signers of the document;
- (4) noting protests; and
- (5) taking acknowledgments of documents.”<sup>1</sup>

In the case of the lobbyist forms for the Ethics Commission, the notary is administering an oath, witnessing the signing of documents, and attesting to the identity of the signers of the document—functions 1, 2, and 3. The notary is not in a position to discover any falsity of information beyond the identity of the signer.

The penalty to an individual who provides false information on either a self-certified or notarized document would be the same. The penalty in ROH Sec. 3-13.8 states,

“Except as otherwise provided in this article, the ethics commission may suspend or revoke the certificate of registration of a lobbyist who has been found to have violated any provision of this article. No certificate shall be suspended or revoked except after a notice has been issued to the violator and a hearing held. The suspension or revocation shall not exceed one year from the date of the hearing.”

Councilmember Elefante asked, “At what point is someone a lobbyist?”

The trigger point to be considered a lobbyist is when a person is paid to lobby. We have attached our brochure [Ethics Guidance for City Lobbyists](#) which provides information for any person who wishes to lobby the city.

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Thank you for the opportunity to respond to the questions raised during the meeting. We look forward to discussing this measure further when it is heard in committee. Should you have any questions, please call me at (808) 768-9242.

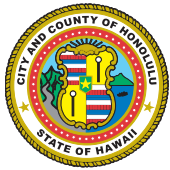
Very truly yours,

Laurie A. Wong-Nowinski  
Asst Executive Director and Legal Counsel

LWN/HNM

Attachments

cc: Rick Blangiardi, Mayor  
Michael D. Formby, Managing Director



**Honolulu Ethics Commission**  
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**www.honolulu.gov/ethics/lobbyist**

THIS SPACE FOR OFFICE USE ONLY

# 2022 REGISTRATION

## Lobbyist Registration

PART I. LOBBYIST – This section applies to you as a lobbyist		
NAME (Last)	(First)	(M.I.)
LOBBYIST FIRM/EMPLOYER (If applicable)		TELEPHONE
MAILING ADDRESS (No. and Street or P.O. Box)		EMAIL
(City)	(State)	(Zip Code)

PART II. A. ORGANIZATION – This section refers to the organization for which you lobby		
NAME OF ORGANIZATION (Do not abbreviate)	TELEPHONE	
MAILING ADDRESS (No. and Street or P.O. Box)	EMAIL	
(City)	(State)	(Zip Code)
ESTIMATED NUMBER OF MEMBERS (if lobbying on behalf of a membership organization) <input type="checkbox"/> Not Applicable		
METHODS USED BY MEMBERS TO MAKE POLICY DECISIONS <input type="checkbox"/> Not Applicable		

PART II. B. NO LONGER LOBBYING	
<input type="checkbox"/> I am no longer authorized to lobby on behalf of the organization in Part II. A. and I will submit an annual report through the termination date.	TERMINATION DATE

### PART III. DESCRIPTION OF SUBJECTS ON WHICH YOU EXPECT TO LOBBY

<input type="checkbox"/> Budget	<input type="checkbox"/> Business, Economic Development	<input type="checkbox"/> Specific Legislation: <input type="checkbox"/> Additional Sheet(s) Attached  Bill No. _____ (Year) _____  Reso No. _____  Admin. Rule No. _____  Dept. _____
<input type="checkbox"/> Community Services	<input type="checkbox"/> Housing	
<input type="checkbox"/> Intergovernmental Affairs	<input type="checkbox"/> Parks	
<input type="checkbox"/> Public Infrastructure	<input type="checkbox"/> Public Safety and Welfare	
<input type="checkbox"/> Sustainability	<input type="checkbox"/> Technology	
<input type="checkbox"/> Tourism	<input type="checkbox"/> Transportation	
<input type="checkbox"/> Zoning, Planning	<input type="checkbox"/> Other (indicate): _____	

### PART IV. LOBBYIST CERTIFICATION

<i>I hereby certify that the foregoing statements are true and correct.</i>	Subscribed and sworn to before me
_____	This _____ day of _____, _____.
Lobbyist Signature	By: _____
_____	<i>Notary or any official authorized to administer oaths</i>
Date	My commission expires: _____

### PART V. AUTHORIZATION TO LOBBY

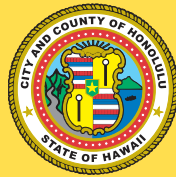
NAME		TITLE OF AUTHORIZING OFFICER OR PERSON REPRESENTED	
NAME OF ORGANIZATION (if applicable)		TELEPHONE	
MAILING ADDRESS (No. and Street or P.O. Box)		EMAIL	
(City)	(State)	(Zip Code)	
<i>I hereby authorize the above-named person to engage in lobbying activities on behalf of the undersigned.</i>			
Signature of Authorizing Officer or Person Represented		Date	

## HONOLULU ETHICS COMMISSION

### Mission Statement

To ensure that all employees, elected officials, and appointed officers demonstrate the highest standards of ethical conduct so that the public may have trust and confidence in the integrity of government.

“We hold the public’s trust.”



### Honolulu Ethics Commission

Kapālama Hale

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 [@HonEthicsComm](https://twitter.com/HonEthicsComm)



# ETHICS GUIDANCE for CITY LOBBYISTS

**Registrations, Annual Reports  
Due by January 10th Each Year**

## Q: AM I A LOBBYIST?

**A:** You are a lobbyist if you are paid to influence, directly or indirectly, the City's policy making process.

The "policy making process" includes city officer or employee actions on a bill, resolution, rule, regulation, standard, rate, or other regulatory law.

Register with the Ethics Commission by Jan. 10th of each year or within 5 days of lobbying the City. Report your lobbying activities for the preceding calendar year by Jan. 10<sup>th</sup> of each year.

## Q: WHERE CAN I FIND LOBBYIST FORMS?

**A:** The Ethics Commission website: [www.honolulu.gov/ethics](http://www.honolulu.gov/ethics). Notarize your registration form and have an officer of the organization you represent authorize you to lobby.

Notarize your annual report and show expenditures, compensation, subjects on which you lobbied, and decisions you sought to influence.

*The State Constitution requires the City to adopt a code of ethics, including lobbyist regulation. The City implemented this mandate by declaring that identification of those who engage in efforts to persuade the City Council or city officers would preserve and maintain the integrity of the policy making process. The purpose of lobbyist regulation is to make available to city officials and the public information on lobbyist activities.*

## YOU ARE NOT A LOBBYIST IF YOU ...

- Express your personal opinion at a city public hearing.
- Appear in your official capacity as a federal, state, or county official.
- Appear in your official capacity as an elected public official.
- Own, publish, or are employed by a newspaper or regularly published periodical.
- Represent a church to protect the public right to practice the church's doctrines.
- Are an unpaid volunteer for a nonprofit organization that designates you as its representative in a letter to the Ethics Commission.

This brochure is a general guide and not legal advice.