

DEPARTMENT OF THE CORPORATION COUNSEL
COUNTY OF MAUI

200 South High Street

Wailuku, Hawaii 96793

INTEROFFICE CORRESPONDENCE

October 29, 2002

MEMO TO: Grant Chun, Managing Director

FROM: Traci Fujita Villarosa, Deputy Corporation Counsel 

SUBJECT: Use of Large County Seal by HGEA

You have asked this office for an opinion on the use by the Hawaii Government Employees Association ("HGEA") of the large county seal hanging on the 9th floor wall of the county building for the event, "A Tribute to Patsy Mink" on Wednesday, October 30, 2002. It is my understanding that this is a function being sponsored by various labor unions and not the County of Maui. HGEA has offered to lease the large county seal wall-hanging for a fee for the event. The county seal wall-hanging was purchased by the Office of the Managing Director on June 26, 2001.

On previous occasions when asked for advice concerning the use of the county seal for various purposes, our office has opined that the seal should be used for official purposes only, and not for purposes that are, or may be mistaken as, private purposes. We have commented that this restriction as to use is compromised if the seal is allowed to be used in situations where such use gives the mistaken or false impression that a private event, activity, or purpose is endorsed or supported by the county government. On occasions past, we have consulted with the Office of the County Clerk regarding the use of the county seal because the County Clerk has custody of the county seal under section 5-3(3), Revised Charter of the County of Maui (1983), as amended ("Charter"). In brief, the County Clerk has concurred with the position that the county seal should be reserved for official county business use only.

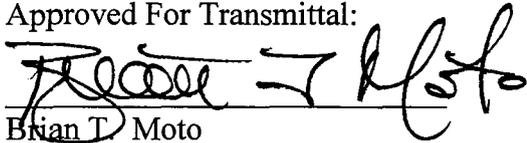
Further, Charter section 10-4(1)(e) states: "No officer or employee of the county shall use county property or personnel for other than public activity or purpose." Because the event is being organized by non-governmental entities, the event is arguably not a public activity

nor for a public purpose.¹ Therefore, to avoid possible violation of Charter section 10-4(1)(e) by a County officer or employee, the county seal should not be used by HGEA or other non-governmental entities.

Finally, section 9-7(3) of the Charter states: "Unless otherwise specifically provided for in this charter, all fees, rates, assessments and taxes imposed by the county shall be set in the annual budget." Even though HGEA is willing to lease the county seal wall-hanging for a fee, such fee is not set forth in the 2003 budget ordinance. Thus, in any event, the county would not be able to lease the county seal wall-hanging.

If you should have any further questions, please do not hesitate to contact me at extension 7925.

Approved For Transmittal:



Brian T. Moto
First Deputy Corporation Counsel
County of Maui

¹ The Hawaii Supreme Court has not defined "private interest." However the court, in discussing the definition of the word "public" has stated: "The word "public" is susceptible of various shades of meaning. In one sense it means everybody, and accordingly the body of the people at large or the community at large. It is also apt in referring to the whole body politic or the aggregate of the citizens of a state, nation, or municipality. So employed, "public" refers to organized government. In the past this court has taken the word "public" to mean of or relating to Government.