

**ETHICS COMMISSION  
CITY AND COUNTY OF HONOLULU**



**ADVISORY OPINION NO. 102**

The question is whether a City employee who is an expert in his field may also have outside employment as a consultant in the same field.

The Ethics Commission [Commission] is of the opinion that there will be no conflict of interest between his duties with the City and his outside employment as a consultant, provided that he confines his consulting activities to locations outside the City and County of Honolulu.

The Commission understands the facts of this matter to be as follows:

- (1) The subject is employed by a City agency as an expert in his field.
- (2) He has supervisory functions over employees.
- (3) He intends to provide professional consultant services to non-City and County of Honolulu private corporations and individuals who are not serviced by the City.

The foregoing facts raise questions regarding: (1) disclosure of confidential information gained by reason of the employee's position with the City, which disclosure is prohibited by Section 11-102.2, Revised Charter of the City and County of Honolulu 1973 (1979 Ed.) [RCH]; (2) involvement in an activity incompatible with proper discharge of official duties, which involvement is prohibited by Section 11-102.3, RCH; and (3) use of official position to secure special advantage or privilege not available to others, which use is prohibited by Section 11-104, RCH.

It is the Commission's opinion that, generally speaking, none of the foregoing standards of conduct provisions would be breached, provided he confines his consulting services to projects outside the City and County of Honolulu. If his consulting services are thus confined, he would not likely be in a position to: (1) disclose confidential information, (2) engage in activity incompatible with his official duties, or (3) use his official position to secure advantages not available to others because the data developed for the City and County of Honolulu in connection with his official duties would be inapplicable to other islands. However, because of: (1) the extent of his official duties, (2) the scope of confidential information to which he may be privy, and (3) his role as a

representative of a City agency on all matters in his field dealing with federal, state, municipal and private agencies, or the community at large, he may find that a particular consulting contract offered to him, although outside the City and County of Honolulu, presents the possibility of a conflict or appearance of a conflict of interest. The Commission therefore recommends that he meticulously scrutinize all potential outside contracts with an eye to possible conflicts or appearances thereof and that he request an advisory opinion from this Commission prior to accepting any contract if there seems to be any question whatsoever as to whether such contract would breach one of the standards of conduct or present a conflict or an appearance of a conflict of interest.

Dated: June 9, 1982

MAZEPPA K. COSTA  
Chair, Ethics Commission