

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 11

The following is the result of a hearing requested by you and held on February 11, 1970 on whether or not your government occupation as electrical working foreman and your ownership of an electrical contracting business are in conflict.

We are of the opinion that your government occupation and business ownership are in conflict.

We understand that you are the owner of an electrical company. The electrical work you do is subject to inspection by the electrical inspectors in the Building Department. We further understand that you are also an employee of the Building Department as an electrical working foreman. When the above facts are applied to subsection (b) of Sec. 11-101 of the Charter, it may give rise to conflict of interest. Subsection (b) provides that "Use his official position to secure special privileges or exemptions for himself or others." Although you may not actually use your position to secure special favors or exemptions from the electrical code, there may be appearances of such favoritism because of your employment as electrical working foreman with the City. Such favoritism may be possible with the enforcement of the electrical code in connection with the work that is done by your private firm because of your personal contacts with the electrical inspectors of the City. The possibility of such favoritism arises because your electrical contractor's work is reviewed by electrical inspectors in your Department with whom we are certain you have personal contact or are your personal friends. Even if you did not know any of the electrical inspectors personally, the fact that you are employed in the Building Department gives rise to inferences of favoritism. Accordingly, we conclude that there may be a possibility of a conflict arising out of your ownership of electrical contracting business which is subject to review by electrical inspectors who are employees of your Department and your employment as electrical working foreman with the same Department.

In view of the foregoing, we recommend that you take appropriate action to resolve your situation so as not to give an appearance of a conflict of interest.

Dated: Honolulu, Hawaii, March 11, 1970.

ETHICS COMMISSION
Very Rev. Robert R. Mackey, S.M., Chairman