

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



ADVISORY OPINION NO. 113

This interim opinion was issued by the Ethics Commission [Commission] in order to have an employee inactivate his real estate sales license [license] before any allegation or criticism by the public might arise. The Commission did so because the employee occupies a sensitive position in a City department where the employees have access to confidential information relating to land use.

The employee's position is considered sensitive because he is privy to land acquisition projects, which are confidential. He testified that he attended meetings conducted by his department and that he takes notes at these meetings. The Commission surmises that at such meetings, discussion of future land acquisition projects may take place and that these discussions are not public record – that is, future land acquisition projects which are under consideration for his department and which may eventually find their way into the annual capital appropriations ordinance or the six-year capital program. Moreover, he may be privy to intra-departmental memoranda relating to future land acquisition projects.

The Commission is not impugning the employee's honesty or character, but the public may perceive that he may take advantage of such information because he has a license. Therefore, if he inactivates his license, such public perception may be unfounded. Moreover, he will avoid any allegations or criticism by the public should he inactivate his license. The allegation or criticism by the public may be based on a possible conflict between the employee's private pecuniary interest and the public's interest. Accordingly, the Commission recommends that he inactivate his license.

The Commission appreciates the employee's appearance and his forthright response to questions posed by the Commissioners. The Commission requests that he inform it in writing within fifteen days after the date noted on this opinion whether or not he has accepted the Commission's recommendation.

Dated: January 25, 1983

ETHICS COMMISSION
Mazeppa K. Costa, Chair