

**ETHICS COMMISSION  
CITY AND COUNTY OF HONOLULU**



**ADVISORY OPINION NO. 125**

This advisory opinion concerns a member of a City board who participated in a proceeding before the board concerning a request by the owner of the real property [landlord] in which the member's employer rents office space.

The Ethics Commission [Commission] appreciates the board member's concern regarding the ethical aspects involved under the circumstances of his case. Upon careful review of the facts furnished by the Department which relates to the City board's activities, the Commission is of the opinion that there is an appearance of a conflict of interest because of his personal indirect interest involved in the proceeding, but there was no violation of any standard of conduct provisions found in the Revised Charter of Honolulu or in the Revised Ordinances of Honolulu.

The Commission understands that the facts in the case are as follows:

1. The subject is a member of the City board.
2. On (date) the board denied a request by the landlord of the building in which the board member's employer is a tenant.

Under the foregoing facts, the Commission finds that no standard of conduct provisions involving financial or business interests are applicable. Consequently, the board member did not violate any applicable standard of conduct provisions when he participated in the proceedings.

On the other hand, the Commission recommends that hence-forth, the board member submit a written disclosure, either directly to the Commission or through his appointing authority of any possible conflicts of interest before he participates in any proceedings which may conflict or appear to conflict with his duties as a member of the board. The Commission further recommends that he examine Section 11-103, RCH, regarding filing of disclosures.

The Commission makes these recommendations to minimize the likelihood of any misunderstanding by the public of the board member's action in future proceedings involving similar facts. In this case, he disclosed to the Commission the public's perception of his action is that an employee is unlikely to do a favor for an employer without accepting something in return. Since such perception may be visualized by the public, the Commission suggests that the Board member submit any disclosure of a probable conflict of interest before he participates in such proceeding, as in this case.

The Commission thanks the board member for his disclosure.

Dated: September 21, 1983

MAZEPPA K. COSTA  
Chair