

**ETHICS COMMISSION  
CITY AND COUNTY OF HONOLULU**



**ADVISORY OPINION NO. 182**

This advisory opinion is in response to a request on a CC-8 disclosure form of a senior advisor to a member of the City Council [Council] for the Ethics Commission [Commission] to determine whether the advisor's outside interests are proper under the City's standards of conduct.

Generally, the Commission believes that the advisor's outside interests as 1) coordinator of a botanical project for one nonprofit organization; 2) a director of a second nonprofit organization; and 3) a director of a third nonprofit organization are compatible with the advisor's official City duties.

The Commission understands the facts to be as follows:

Mr. X is a senior advisor to Councilmember Z. In this capacity, his official duties include advising Councilmember Z on all matters before the City Council and having access to confidential City information.

Mr. X also has three outside interests. He is a director of two nonprofit organizations, ABC and DEF. He is also the paid coordinator of a botanical project for ABC [the Project], a nonprofit organization associated with a church. His duties as such include directing the Project's activities on land leased from the church and informing the board of directors of the Project regarding these activities. None of the three outside interests have applications or other matters before the City.

Given these facts, the question presented is whether the activities listed above are compatible with the duties of a senior aide to a member of the City Council.

The general rule appears in Section 11-102.3, Revised Charter of the City & County of Honolulu 1973 (1984 Ed.), which states:

No elected or appointed officer or employee shall ... [e]ngage in any business transaction or activity or have a financial interest, direct or indirect, which is incompatible with the proper discharge of such person's official duties or which may tend to impair the independence of judgment in the performance of such person's official duties.

"Business" includes a nonprofit organizations.<sup>1</sup> "Financial interest" includes an employment for

