

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



ADVISORY OPINION NO. 195

This advisory opinion is in response to a request for an opinion on the issue of an investigator for a City agency retaining an attorney to represent him on a criminal charge in District Court, when that same attorney represents numerous clients before the City agency.

The Ethics Commission [Commission] understands the facts to be as follows: The Chief Investigator [Investigator] for the City agency was charged with Driving Under the Influence of Intoxicating Liquor. He subsequently retained the services of an attorney who frequently represents clients before the City agency. This Investigator directly supervises all of the investigators assigned to his section. It is the Commission's understanding that these investigators are called upon at times to testify against the clients of the attorney that the Investigator has retained to represent him.

It is the considered opinion of the Commission that pursuant to Section 11-102, Revised Charter of Honolulu 1973 (1984 Ed.), the Investigator should not appear on behalf of the City, nor be in any decision-making position regarding any cases in which his attorney is involved. The attorney/client relationship between the Investigator and his attorney is incompatible with the proper discharge of the Investigator's official duties as they apply to cases in which his attorney represents clients who come before the City agency. This attorney/client relationship may tend to impair the independent judgment of the Investigator.

Dated: April 27, 1989

JANE B. FELLMETH
Chair, Ethics Commission