

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 2

An appointee to the Building Department Board of Appeals, Member X, requests an opinion of the Ethics Commission in connection with the following facts:

Member X, a present member of the Board, has had a change of employment. Formerly, the executive director of a specialized industrial association, Member X is now the manager of the Lumber and Wood Products Section of a major building supply house.

The question presented is whether, by virtue of Member X's change of employment, a conflict exists between his employment and his membership on the Board.

In the opinion of the Ethics Commission, a conflict exists.

While the Building Department Board of Appeals has certain requirements for expertise ⁽¹⁾, Member X is not an "expertise" member. The function of the Board embraces such matters as hearing and determining "appeals from the decisions of the Building Official in the administration of the Building Code, including any denial of the use of new or alternate materials, types of construction, equipment, devices, or appliances" ⁽²⁾ and the granting of variances from the application of the Building Code. ⁽³⁾

We are of the opinion that the continued membership of Member X on the Building Department Board of Appeals is incompatible with his present employment and would be violative of City Charter Section 11-101.3:

No appointive officer or employee may engage in outside employment in any business or professional activity which may impair his independence of judgment in the exercise of his official duties, or which might require or induce him to disclose confidential information acquired by reason of his official position or which is otherwise inconsistent or incompatible with or which interferes with the proper discharge of his official duties.

Dated: Honolulu, Hawaii, November 29, 1967.

ETHICS COMMISSION
Lawrence B.C. Lau, Chairman
John W. Anderson, Jr., Vice Chairman

(Mrs.) Mildred P. Briner, Member
Hiro Higuchi, Member
Harold H. Ohama, Member
Andrew Salz, Member
Robert L. Stevenson, Member

1. Four of the seven members to be "currently registered as engineers or architects with the State Board of Registration for Professional Engineers, Architects and Land Surveyors."

2. Section 16-1.1(3), Section 204(c) (aa), R.O. 1961, as amended.

3. Section 16-1.1(3), Section 204(c) (bb), R.O. 1961, as amended.