

**ETHICS COMMISSION  
CITY AND COUNTY OF HONOLULU**



ADVISORY OPINION NO. 207

This advisory opinion is in response to a letter requesting advice from the Ethics Commission as to whether an officer of the City violated any of the Standards of Conduct in the Revised Charter of the City and County of Honolulu 1973 (1984 Ed.) [RCH] or Revised Ordinances of Honolulu 1978 (1983 Ed.) when he purchased a residential market unit in Westloch Estates, a City-sponsored housing project.

The Commission understands the facts to be as follows:

Westloch Estates is a residential housing project conceived by the City and County of Honolulu to provide an increment of affordable housing on Oahu. There are a total of 593 single-family housing units constructed on approximately 90 acres in the Honouliuli District. The project was developed by West Loch, Inc., which was required to sell 60% of the units to families defined as being in the low-moderate income category. The balance of the homes were to be sold by the developer at prevailing market prices to the general public.

In a Honolulu Advertiser article dated November 18, 1989, the price for market housing at Westloch Estates was indicated as ranging from \$275,000 to \$300,000. The officer purchased a lot in (date). The officer also included certain upgrades of materials for an additional \$ (amount). The officer testified that he neither sought nor received special treatment at any stage of the purchase.

In (date) the officer activated his real estate broker's license. At that time he notified the Mayor, but did not notify the Ethics Commission of his actions. In (date) he deactivated his broker's license, but did not notify the Ethics Commission at that time.

The ethical question presented is whether the City officer used his official position to secure special consideration and treatment in his purchase of a residential market unit in Westloch Estates.

The general rule in relation to this question is found in RCH, Section 11-104, which states as follows:

Elected or appointed officers or employees shall not use their official positions to secure or grant special consideration, treatment, advantage, privilege or exemption to themselves or any person beyond that which is available to every other person.

Based on the evidence presented, the Commission found that the City officer did not violate any of the Standards of Conduct in the Charter or Ordinances when he purchased a residential market unit in Westloch Estates. However, the Commission found that he violated the *Guidelines on Real Estate Sales and Brokers Licenses* when he activated his broker's license and when he deactivated it without notifying the Ethics Commission.

Dated: December 3, 1990

BONIFACE K. AIU  
Vice Chair, Ethics Commission