

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 21

This is in response to your request to the Ethics Commission relative to the involvement of Employee X in a land development hui. We are of the opinion that there is a conflict.

We understand that Employee X is assigned to the electrical inspection section of your Department. We also understand that the building plans of the subject hui passes through the electrical section for review. We further understand that Employee X has reviewed the building plans of the subject hui. Section 10-102(3) provides that:

No elected or appointed officer or member shall:

3. Engage in any business transaction or activity or have a financial interest, direct or indirect, which is incompatible with the proper discharge of his official duties or which may tend to impair his independence of judgment in the performance of his official duties.

The foregoing facts clearly indicate that Employee X is in violation of Revised Charter of Honolulu, Section 10-102(3), that is Employee X is engaged in work that is incompatible with the proper discharge of his official duties because his financial interest in the subject hui may impair his independence of judgment.

In view of the foregoing we recommend that either Employee X be assigned to another section which deals with inspection of City building plans in contrast to private building plans or that he dispose of his interest in the subject hui. We request that you inform this Commission as to what course of action has been taken in this case within ten working days from the date of this letter.

Dated: Honolulu, Hawai'i, June 26, 1973.

ETHICS COMMISSION
Edward D. Sultan, Jr., Acting Chairman