

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



ADVISORY OPINION NO. 213

This advisory opinion is in response to a letter requesting advice from the Ethics Commission as to whether an investigator for the Liquor Commission may accept outside employment as a mortgage solicitor without creating a conflict of interest.

The Ethics Commission understands the facts relative to this inquiry to be as follows:

An investigator for the Liquor Commission wishes to obtain outside employment.

He would like to become licensed as a mortgage solicitor. Mortgage solicitors are defined and regulated in Chapter 454, Hawaii Revised Statutes. The law requires that mortgage solicitors be licensed and work as employees of or under the supervision of mortgage brokers.

The investigator serves as an assistant to the Chief Liquor Control Investigator and rotates between supervision of the activities of the licensing section and the enforcement section of the Liquor Commission. In either position, a number of liquor control investigators are supervised.

The ethical question presented is whether outside employment as a mortgage solicitor would create a conflict of interest with the investigator's current position.

The general rule in relation to this question is found in the Revised Charter of the City and County of Honolulu 1973 (1984 Ed.), Section 11-102.3, which states in pertinent part:

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.

Based on its understanding of the facts of this case, the Ethics Commission finds that there will be no conflict of interest if the investigator acquires a license as a mortgage solicitor, provided certain conditions are met. He must not do business as a mortgage solicitor with any person who comes before the Liquor Commission or who can be reasonably anticipated to be coming before the Liquor Commission in the future. He must also avoid doing business as a mortgage solicitor with any person who comes under the jurisdiction of the Liquor Commission. Further, he must not do business as a mortgage solicitor with any member of the Liquor Commission.

Dated: November 13, 1991

JANE B. FELLMETH
Chair, Ethics Commission