

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



ADVISORY OPINION NO. 220

This advisory opinion is in response to a letter requesting advice as to whether an employee in the Mayor's Office of Culture and the Arts may accept outside employment with ABC, INC. as an art consultant while continuing to serve in the Office of Culture and the Arts. The Commission understands the facts relative to this inquiry to be as follows:

ABC, INC. is a consulting firm in Hawaii which is developing a proposal for the Hawaii Community Development Authority and has asked the City employee to serve as its consultant. If the Coordinator accepts the offer he would indicate types of art projects and would focus on identifying criteria for the variety of art projects to be developed over time, rather than specific pieces of art. Such work would not require the employee to appear before any City agency.

The employee is responsible for the development and implementation of a City-wide culture and arts program. In that capacity, he administers contracts with a variety of artists to provide cultural programs in the City and County of Honolulu.

The ethical question presented is whether work as a consultant with ABC, INC. would create a conflict of interest with the City employee's 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 the evidence presented, the Commission finds that the City employee's work as an art consultant to ABC, INC. would not be incompatible with his official duties nor would it tend to impair his independence of judgment in the performance of his official duties. Therefore, it would create no conflict of interest with his City position.

Dated: October 12, 1992

JANE B. FELLMETH
Chair, Ethics Commission