

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



ADVISORY OPINION NO. 223

This advisory opinion is in response to a letter requesting advice from the Ethics Commission as to whether part-time employment with a major Waikiki hotel creates a conflict of interest for a clerical employee with the Liquor Commission.

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

A clerical employee's duties with the Liquor Commission include registering employees of liquor licensees for identification cards, taking their photographs, and explaining the procedures. The employee's only discretionary power is in relation to one minor aspect of the issuance of the identification cards.

In (date) the clerical employee accepted a position with the Food and Beverage Department of a major Waikiki hotel which is a licensee of the Liquor Commission. The employee works as a part-time cashier, rotating among the hotel's restaurants and bars, as needed. The employee is not involved in taking orders for or preparing alcoholic beverages in his/her work for the hotel.

The ethical question presented is whether the employee's part-time employment as a cashier with the Food and Beverage Department of the hotel, a licensed premise with the Liquor Commission, creates a conflict of interest with his/her full-time employment with the City and County of Honolulu.

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 independence of judgment in the performance of such person's official duties.

Based on the evidence presented, the Commission finds that no conflict is created by the clerical employee's part-time employment as a cashier for the Food and Beverage Department of the major Waikiki hotel.

Dated: January 11, 1993

JANE B. FELLMETH
Chair, Ethics Commission