

**ETHICS COMMISSION  
CITY AND COUNTY OF HONOLULU**



**Advisory Opinion No. 23**

This is in response to your request for advice whether there is any violation of conflict of interest statutes or ordinances as a member of the Outdoor Circle serving on the Parks Advisory Board.

Please be advised that there is no violation of conflict of interest statutes or ordinances. We understand that you, "write to and appear before the City Council and its committees, to speak to both the City and County administration and individual councilmen, to the legislature and officials of the State of Hawai'i and to public groups and individuals on behalf of The Outdoor Circle." Upon examination of the powers and duties of the Department of Parks Advisory Board, we find that the advisory board has no quasi-judicial or quasi-legislative powers.

Section 7-15.2(c) is pertinent to your situation. Subsection(c) thereof, in pertinent part, provides that:

No officer or employee of the City, except as hereinafter provided, shall:

c. Appear in behalf of private interests before any agency other than a court of law, nor shall he represent private interests in any action or proceeding against the interests of the City in any litigation to which the City is a party; provided, however, that a member of any board, commission or committee, whose board, commission or committee does not exercise either quasi-judicial or quasi-legislative power, may appear for compensation in behalf of private interests before agencies other than the one on which he serves and other than those agencies that have the power to review the actions of the agency on which he serves, or to act on the same subject matter as the agency on which he serves; provided further that no officer or employee shall be denied the right to appear before any agency to petition for redress of grievances caused by any official act or action affecting his personal rights, privileges or property . . .

A reading of the cited provision indicates that any board or commission member may appear before any City agency for compensation whose board or commission does not exercise either quasi-legislative or quasi-judicial power.

Accordingly, we conclude that under the facts stated herein above there is no violation of Section 7-15.2(c), R.O.1961.

Dated: Honolulu, Hawai'i, May 5, 1970.