

**ETHICS COMMISSION  
CITY AND COUNTY OF HONOLULU**



ADVISORY OPINION NO. 233

This advisory opinion is in response to a request for advice from the Ethics Commission [Commission] as to whether a conflict of interest exists between an employee's City and non-City employment.

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

The employee is an operator in the City's Department of Wastewater Management. He works the nightshift.

During the day, he is employed in the same sort of job in a privately owned wastewater treatment plant. At this time the City and County of Honolulu has no involvement with this facility, although it could be taken over by the city at some time in the future.

The ethical question presented is whether his employment at the private wastewater treatment plant creates a conflict of interest with his duties in a similar position in the Department of Wastewater Management of the City and County of Honolulu.

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

No elected or appointed officer of 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 his non-City employment compatible with the proper discharge of his City duties, and it is not work that would tend to impair his independence of judgment in the performance of his City duties. Therefore, no conflict of interest exists between his employment with the City and County of Honolulu and his employment at the private facility. However, if the City becomes officially involved with the private facility at any time in the future, he must seek a review of the situation by the Ethics Commission.

Dated: December 10, 1993

BONIFACE K. AIU  
Chair, Ethics Commission