

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 244

This is an advisory opinion in response to a letter requesting advice as to whether a conflict of interest exists because an investigator ("A") owns a house with an employee of a business licensed by a commission with which the investigator is employed.

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

A is an investigator for a commission. On April 26, 1994, A purchased a house with an individual ("B"). B has worked at several establishments which are licensed by the commission.

Currently B is employed by a licensee. B has no business or financial interest in that establishment except that of employee.

When questioned by the Ethics Commission, A stated without reservation that B's employment by the licensee or by any other licensed establishment would not affect A's professionalism as an investigator. She cited an example of a time that she had "written up" an establishment for violating the law, despite the fact that another friend of A's was employed by that business. Subsequent to her meeting with the Ethics Commissioners, the commission administrator notified the Ethics Commission that A had issued a notice of violation to B's employer for violating the law.

The ethical question presented is whether A's financial interest in a house jointly owned with an employee of a licensed establishment is incompatible with the proper discharge of A's duties or would tend to impair A's independence of judgment as an investigator.

The general rule in relation to your question is found in Section 11-102(c) of the Revised Charter of the City and County of Honolulu 1973 (1994 Ed.), 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 no conflict of interest is created by A's ownership of a house with B at this time. The Ethics Commission has no reason to believe that A's official duties will be affected in any way by her business relationship with B.

However, if any significant facts change in the future, a new opinion should be requested from the Ethics Commission.

Dated: December 21, 1994

SAMUEL L. DOMINGO
Chair, Ethics Commission