

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 245

This is an advisory opinion in response to a letter requesting advice from the Ethics Commission as to whether a city officer ("A") might send out a letter on behalf of the March of Dimes using City stationery.

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

A is the Honorary Chairperson for the March of Dimes WalkAmerica event for 1995. A wanted to send out a letter to approximately forty persons inviting them to attend the WalkAmerica Leadership Breakfast on January 25, 1995. At the time the letter would need to be mailed, A still would be serving as a City officer. A's term of office expired on January 2, 1995. All work, including the typing of the letter, stuffing of envelopes, and postage were to be paid for by the March of Dimes. A would contribute only the letterhead stationery, envelopes, and A's signature.

The ethical question presented is whether such action on A's part would create a conflict of interest for A as a City officer.

The general rule in relation to your question is found in the Revised Charter of the City and County of Honolulu 1994, Section 11-102(c), 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.

The Ethics Commission understands "business activity" to include such matters as that about which have been inquired because the Revised Ordinances of Honolulu 1990 in Section 3-8.1 define a "business" as including "any...organization carrying on a business, *whether or not operated for profit*" (italics added).

This letter confirms what the Commission told A by telephone on December 21, 1994. Based on the evidence presented, the Commission found that no conflict of interest would be created by A's use of about forty pieces of City stationery and envelopes on behalf of the March of Dimes as long as the letters were mailed while A was still in office. Since the City agency had no meetings scheduled between the time of the Ethics Commission's opinion and the end of A's tenure in office, there was no possibility of a conflict of interest being created. Furthermore, the Ethics Commission believes that City personnel may lend their titles to support worthy non-profit events if no conflict of interest is created.

Dated: January 20, 1995

SAMUEL L. DOMINGO
Chair, Ethics Commission