

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 250

This is an advisory opinion in response to a request for advice from the Ethics Commission as to how to avoid conflicts of interest between a City officer's ("A") position and A's former employer, a company ("XYZ").

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

A has served as a City officer since November 16, 1994. Prior to that time A was a Director and Vice President of XYZ, a private architectural firm in Honolulu. At the time of A's resignation from XYZ, A owned twelve percent of the firm's stock and A was owed back pay and vacation pay. By March 31, 1995, XYZ had repurchased A's stock and paid A all outstanding debts. A no longer has any financial interest in PLA.

In A's City position there are several ways that A might be called upon to interact with XYZ. These include the following: interpretation of the building code as it applies to building plans and specifications presented by XYZ on behalf of its clients, selection of non-bid consultants to be retained by A's department, and review of XYZ's work if it is selected as a consultant.

The ethical question presented is whether a conflict of interest would be created if A interprets the building code as it applies to XYZ's plans or if A selects XYZ to be a consultant retained by A's department, which will then also require review of XYZ's work.

The general rule in relation to your question found in the Revised Charter of the City and County of Honolulu 1973 (1994 Ed.), Section 11-104, which states as follows:

Elected or appointed officers or employees shall not use their official positions to secure or grant special consideration, treatment, advantage, privilege or exemption to themselves or any person beyond that which is available to every other person.

The Ethics Commission notes that A no longer has any financial interest in XYZ. Therefore, based on the evidence presented, the Commission finds that as long as A responds to XYZ with the same objectivity and fairness with which A would treat any other architectural firm, there will be no violation of the Standards of Conduct.

Dated: May 10, 1995

SAMUEL L. DOMINGO
Chair, Ethics Commission