

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 273

This is an advisory opinion in response to your letter requesting advice from the Ethics Commission in regard to whether the City's Standards of Conduct were violated when a City officer ("A") arranged for a product display in City Council office space during customary work hours.

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

On June 19, 1996, a vendor whom A had met at the home show on June 15, came to see A at A's request to show A her product line. Because there was insufficient space available in A's City office to arrange the items which had been brought, A asked a co-worker's secretary if she could borrow the co-worker's larger office. The secretary was not told the purpose for which A intended to use the space.

The salesperson set out her products in the co-worker's City office for A to view. Since this occurred during the lunch hour, A orally invited City employees to come and see the display. No written invitations were sent nor were refreshments served. On June 19, A placed an order with the representative who had come to the City office. Others may have placed orders, as well.

The ethical question presented is whether the City's Standards of Conduct were violated when A arranged for the products line to be displayed in a City office and invited City employees to come view it.

The general rule in relation to the question is 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.

Based on the evidence presented, the Commission found that A violated the Standards of Conduct by using A's position as a City officer to grant to a sales representative the special advantage of displaying her product line in the City's offices although salespersons of other products have not been permitted to do likewise. Furthermore, A was advised that in the future she should refrain from inviting vendors into City offices for the purpose of selling their products to City employees.

Dated: September 27, 1996

GOLDIE D. BRANGMAN-DUMPSON
Chair, Ethics Commission