

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 275

This is an advisory opinion in response to your letter requesting advice from the Ethics Commission as to what limitations there would be upon your outside employment as a consultant if you continue to work for the City.

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

You are a training specialist for an agency of the City and County of Honolulu ("Agency"). You conduct mandatory training sessions for certain licensees and their employees. Upon request, you also train other employees of licensed establishments on-site. Additionally, you provide for the training needs of employees of the Agency.

In your City employment, you are not involved in policy-formulation or decision-making for the Agency. Examinations on the material covered in the mandatory training are scored on objective criteria, and you work with those who fail to insure that they are eventually able to pass the exam.

On your own time, you have become certified to teach and distribute materials of commercial companies concerning behavioral awareness and modification in such areas as leadership, teamwork, workplace diversity, coping with stress, listening, time mastery, and attitudes. You would like to work as a consultant with local businesses in those areas, but you are aware that some of the companies most likely to be interested in such training happen to be licensees of the Agency.

The ethical question presented is whether you are prohibited from seeking employment on your personal time as a consultant to businesses that happen to be licensees of the Agency.

The general rule in relation to your question is found in the Revised Charter of the City and County of Honolulu 1973 (1994 Ed.) [RCH] 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 because your position as training specialist with the Agency does not involve discretionary authority, no conflict of interest would be created if you were to work as a consultant to businesses that happen to be licensees of the Agency. The Commission does not believe that such outside employment would be incompatible with your City duties or would impair your independence of judgment as a City training specialist.

The Ethics Commission's finding is based on its understanding that you will not violate Section 11-104, RCH, entitled *Fair and Equal Treatment* in your work as a consultant. That provision

of the Standards of Conduct 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.

Dated: February 24, 1997

GOLDIE D. BRANGMAN-DUMPSON
Chair, Ethics Commission