

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 283

This is an advisory opinion in response to your letter requesting advice from the Ethics Commission as to whether your professional practice creates a conflict of interest with your responsibilities as an officer of the City and County of Honolulu.

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

You are now working as an independent consulting engineer based in Honolulu.

You have 29 years of experience, especially in the area of transportation.

Currently your work involves advising consultants on transportation projects located outside of the State. However, you would like to be able to work as a consultant on transportation issues on Oahu.

On January 31, 1995, you retired from the City as the Deputy Director of the Department of Transportation Services. Subsequently you were appointed to the Board of Directors of the Honolulu Public Transit Authority until its demise on June 30, 1997. You have been serving as a member of the Transportation Commission [TRN] since July 1, 1997, and as such, you are an officer of the City.

You are the only TRN member that has a professional background in the transportation field.

The ethical question presented is whether your professional practice as an independent consulting engineer in the field of transportation would create a conflict of interest with your service as a member of the City's TRN, if you work on projects that are located in Honolulu.

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], 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 believes that your history of work for the City on transportation issues and your continuing involvement on the TRN would at the very least give the appearance that you are being hired as a consultant because of your City connections. Therefore, based on the evidence presented, the Ethics Commission finds that you may serve on the TRN and work as an independent consulting engineer in the area of transportation as long as no work you undertake comes before any agency of the City for any type of discretionary approval. Additionally, you may make no appearances before any City agency on behalf of private clients.

Furthermore, both the RCH and the Revised Ordinances of Honolulu 1990 impose certain employment restrictions upon former officers and employees upon leaving City service. These would apply to you should you decide to resign from the TRN. The full text of those provisions can be found as part of the *Guidelines on Future Employment* that are attached to this opinion.

Dated: September 12, 1997

GOLDIE D. BRANGMAN-DUMPSON
Chair, Ethics Commission