

**ETHICS COMMISSION  
CITY AND COUNTY OF HONOLULU**



**Advisory Opinion No. 46**

This is in response to your letter of July 2, 1975, requesting the Ethics Commission to determine whether or not Employee X violated any of the provisions of the standards of conduct in the Rev. Ordinances of Honolulu 1969 and the Revised Charter.

Our answer is no.

Our investigation has revealed that Employee X has a real estate salesman's license, and his job title with the City is Civil Engineer VI with the Field Operations Division of the Board of Water Supply. His primary function is as staff assistant to the head of the Field Operations Division. The Field Operations Division is primarily concerned with maintenance of the water pipe system throughout the City and County of Honolulu. His function as staff assistant to the Division Head is as troubleshooter for the Division Head.

The pertinent provision which would be applicable in this situation is RCH Section 10-104, which reads:

No elected or appointed officer or employee shall use his official position to secure or grant special consideration, treatment, advantage, privilege or exemption to himself or any person beyond that which is available to every other person.

When the primary duties and responsibilities of Employee X are analyzed in relation to the foregoing Charter provision, we are of the opinion that Employee X's activities with respect to his real estate salesman's license are not in conflict with the foregoing provision. However, if he takes advantage of his position as an employee of the Board of Water Supply to seek and obtain information relative to the capital improvement program and budget which generally indicate where the future development of real estate may occur because of the capital improvements to be made by the Board of Water Supply and uses such information to his advantage which is not available to others, he would be violating said Section 10-104.

Thus, you should caution Employee X to avoid situations which would give rise to an appearance of conflict of interest because he has a real estate salesman's license. For example, he should avoid being seen with officers and employees who are directly working with the capital improvement program and budget of the Board of Water Supply, unless absolutely necessary to carry out his duties and functions, because this may give an inference that he is trying to obtain information for his personal advantage in connection with his real estate activities, in view of the fact that he is a real estate salesman.

Hence, so long as Employee X does not attempt to obtain any information relative to the capital improvement program or budget of the Board of Water Supply in connection with any of his real estate activities, we conclude that there is no apparent conflict of interest.

Dated: Honolulu, Hawai'i, October 30, 1975.

ETHICS COMMISSION

Nathaniel Felzer, Vice Chairman