

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 52

This is in reference to the disclosure of interest submitted by Employee X of your department.

We are of the opinion that there is no violation of standards of conduct provisions either in the Revised Ordinances or the Revised Charter in the instant case.

Our investigation has revealed that Employee X is employed by an insurance rating bureau. The insurance rating bureau is a nonprofit organization. There is one in each State, and the insurance companies pay the insurance rating bureau. Employee X's job with the insurance rating bureau is to inspect and rate for insurance purposes all buildings with automatic sprinkler systems. Any rating done thereunder is based on written criteria established by the rating bureau. His position with the City is Fire Equipment Operator, which mainly involves driving a fire truck.

The pertinent provisions which would be applicable in this situation are RCH Sections 10-102.3 and 10-104, which read as follows:

Section 10-102. Conflicts of interest — No elected or appointed officer or employee shall:

. . . .

3. Engage in any business transaction or activity or have a financial interest, direct or indirect, which is incompatible with the proper discharge of his official duties or which may tend to impair his independence of judgment in the performance of his official duties.

Section 10-104. Fair and Equal Treatment — 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 said Section 10-104, we are of the that Employee X's outside activity is not in conflict with the cited provision because his present duties and responsibilities do not provide him the opportunity to obtain information from the Fire Department.

Neither is his activity as an insurance rate inspector in connection with sprinkler systems incompatible with his official duties nor does it impair his independence of judgment in the performance of his duties because his position as a fire equipment operator does not involve any inspection or rating of buildings for fire insurance purposes.

Based on the foregoing, we conclude that Employee X's outside employment with the insurance rating bureau does not conflict with his duties and responsibilities nor is there an appearance of any conflict of interest.

Dated: Honolulu, Hawai'i, March 16, 1976.

ETHICS COMMISSION
Nathaniel Felzer, Chairman