

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 54

The disclosure of interest submitted by Employee X of your department was referred by the Mayor to this Commission for its review because he possesses a real estate salesman's license and has been appointed as a Deputy Corporation Counsel.

We recommend that Employee X's real estate license be placed on the inactive list with the State Real Estate Commission.

We understand that Employee X is assigned to the Family Support Division of the Department of the Corporation Counsel. That Division is primarily concerned with paternity, reciprocal support and enforcement of divorce support decrees. It does not concern itself with land acquisition or counselling of officers and employees concerned with approval of land developments or building permit applications or budgetary matters dealing with the capital improvement program. Moreover, this Division operates from the former Prosecuting Attorney's Office located at the corner of Bethel and Merchant Streets. Therefore, he has no direct or immediate access to any written information or documents related to land development which is processed through or approved by the Department of the Corporation Counsel located at City Hall.

Although he has been appointed as a Deputy Corporation Counsel, the foregoing facts clearly indicate that he will not be in any position to gain any knowledge or information relative to land development questions or documents. However, we are of the opinion that so long as he is a Deputy Corporation Counsel, the public has the impression he is connected with a department which is intimately concerned with land development matters. Consequently, possession of a real estate salesman's license as a Deputy Corporation Counsel gives an appearance of conflict of interest. That is, there may be a latent possibility for a conflict of interest in view of his status as a Deputy Corporation Counsel and possession of an active real estate salesman's license, although we are confident that he will not be involved in an actual conflict of interest because of his legal training. We believe that there will be no economic hardship on his part by having his real estate license inactivated during his term of office as a Deputy Corporation Counsel because his disclosure revealed that he has, to date, spent "0" hours in real estate sales transactions.

In conclusion, we reiterate that there is no conflict of interest by mere possession of a real estate salesman's license, but there is a latent possibility for a conflict of interest because of the office to which he has been appointed. Moreover, by inactivating his real estate salesman's license, the credibility of your department would be preserved from the public's standpoint.

Dated: Honolulu, Hawai'i, April 15, 1976.

ETHICS COMMISSION
Nathaniel Felzer, Chairman