

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 55

This is in response to your letter of April 20, 1976, requesting the Ethics Commission to determine whether or not there are any violations of the standards of conduct provisions contained in the Revised Charter and the Revised Ordinances of Honolulu 1969, as amended, based on statements contained in the letter of April 19, 1976 addressed to you by the President of Y Association.

We are of the opinion that there are no violations of any of the standards of conduct provisions prescribed in the Revised Charter, Article X, and, the Revised Ordinances of Honolulu 1969, Chapter 7, Article 16, as amended.

We understand the salient facts in this case are:

1. The basis of the subject letter is the application for a conditional use permit filed by a television network to engage in production of a TV series.
2. The subject letter lists information regarding Councilman X's relationship with certain realty companies.
3. The letter listed Councilman X's relationship with realty companies from 1964 through 1973.
4. Mr. A states that, in view of Councilman X's prior relationship with realty companies, he should not consider himself a representative of the public because he will still be influenced by his past relationship with the realty companies.
5. The area involved for the conditional use permit is situated within a residential zoned district and within the Ft. Ruger military reservation, which is under the jurisdiction of the State.
6. The Council has not acted upon the said application. It is the subject of a public hearing on April 28, 1976, after which the Council will deliberate whether or not to grant or deny the application.
7. Councilman X testified that he has no indirect or direct financial interest in the television network.

8. Councilman X also testified that he inactivated his real estate broker's license sometime in January 1975.

We have examined the standards of conduct provisions contained in the Revised Charter, Article X, and the R.O.1969, Chapter 7, Article 15, in light of the above facts. We conclude that Councilman X, in seeking the public's views regarding the conditional use permit for the television network, did not violate any of the standards of conduct provisions contained therein.

Moreover, the Commission believes that Mr. A implies that Councilman X should have filed a disclosure of a conflict of interest in view of his prior relationship with realty companies. If such were the implication, we find that there was no basis for Councilman X to file a disclosure of conflict of interest. The foregoing statement is based on the facts stated herein above which show that Councilman X has no interest which will conflict with the public interest, nor do the facts indicate Councilman X has engaged in any business transaction or has a direct or indirect financial interest in the television network.

Based on the foregoing, we conclude that Councilman X was not required to or need not file a disclosure of a conflict of interest with reference to the subject conditional use permit.

Dated: Honolulu, Hawai'i, April 27, 1976.

ETHICS COMMISSION
Nathaniel Felzer, Chairman