

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 61

By letter of June 10, 1976, you requested a review and determination by this Commission of whether there is a conflict of interest involving a liquor control investigator whose wife works in the Catering Department of X hotel, which has a liquor dispenser's license.

We have reviewed the foregoing situation and determine that there is no conflict of interest.

Our initial investigation revealed the following findings:

1. The primary duty or responsibility of the investigator is to conduct an investigation concerning the background of any applicant for a liquor license.
2. He is assigned to a separate division of the Liquor Commission and is not responsible for enforcing liquor laws or rules and regulations against licensed liquor establishments.
3. The investigator is under the direct supervision of a division head.
4. The enforcement of liquor laws against X hotel is done by another unit, consisting of several inspectors who are under the direct supervision of a division head.
5. His wife, as an employee of the Catering Department of X hotel, is not involved in any dispensing or the handling of liquor at X hotel.

The foregoing findings indicate that the investigator is not required to enforce liquor laws against X hotel. Therefore, we are of the opinion that there is no conflict of interest between his public interest or duty as an investigator and X hotel, wherein he has a private interest because of his wife's employment.

On the other hand, we caution that, if in the future the investigator is assigned to another position wherein he is required to enforce liquor laws against all liquor establishments and his wife is still an employee of X hotel, this case should be reviewed based on the applicable standards of conduct in effect at that time.

Dated: Honolulu, Hawai'i, September 29, 1976.

ETHICS COMMISSION
Nathaniel Felzer, Chairman