

**ETHICS COMMISSION  
CITY AND COUNTY OF HONOLULU**



**Advisory Opinion No. 66**

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

We understand the facts to be as follows:

1. Employee X is employed by the Sewers Division of the Department of Public Works.
2. He is a civil engineer.
3. His primary duties and functions are to draft and design plans for future expansion of the sewer system.
4. He has access to capital improvement project information which is accessible to the public, but unless the public is aware of the intricacies of the capital improvement program and budget, interpretation of the information therein is not readily understood.
5. He has a real estate salesman's license.
6. To date, he has not sold any real property pursuant to his salesman's license.

Under the foregoing facts, the following sections of Article X, Revised Charter of Honolulu 1973, may be applicable:

1. Section 10-102.3, relating to having a financial interest which may tend to impair his judgment or which is incompatible with the proper discharge of his official duties.
2. Section 10-102.2, relating to the disclosure or use of confidential information for the personal gain or benefit of anyone.

When the foregoing facts are applied to the specific provisions of the Charter mentioned herein above, we find that:

1. Employee X's financial interest as evidenced by the real estate salesman's license may impair his judgment as an engineer in the planning and designing of a proposed sewer system. That is, he may be tempted to plan and design a sewer system which may enhance the possibility of the future sale of real property which he contemplates handling

as a real estate salesman.

2. He has ready access to information which is not readily accessible to the public but may be utilized by him to his advantage in furthering his own financial interest.

In view of the foregoing, we conclude that Employee X may acquire a conflict of interest against the public interest which he is supposed to protect.

We therefore recommend that he inactivate his real estate salesman's license to minimize the occurrence of an actual conflict of interest.

Dated: Honolulu, Hawai'i, January 18, 1977.

ETHICS COMMISSION  
Nathaniel Felzer, Chairman