

**ETHICS COMMISSION  
CITY AND COUNTY OF HONOLULU**



**Advisory Opinion No. 67**

This is in response to an appeal filed by Sergeants X and Y regarding your decision to deny them non-City employment as chauffeurs for V, Inc.

We understand the salient facts to be as follows:

1. The appellants are sergeants in the uniform patrol division under field operations, which is under the supervision of an Assistant Chief of Police.
2. As members of the uniform patrol division, they are required to enforce all laws, ordinances and rules and regulations of the State and the City.
3. V, Inc. is a private corporation which provides limousines and chauffeurs for VIP tourists who can afford the cost of employing the services of V, Inc.
4. V, Inc. is subject to all the laws, ordinances, and rules and regulations of the State and the City.

Based on the foregoing facts, the primary issue is whether the non-City employment requested by Sergeants X and Y is incompatible with their duties as members of the uniform patrol division. We are of the opinion that it is RCH Section 10-102.3 provides that no officer or employee shall:

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.

Another provision which may be applicable in the instant case is RCH Section 10-104 which reads as follows:

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.

We believe that the following examples should impress upon Sergeants X and Y the bases for our decision. Although Sergeants X and Y may not actually shirk their duties and responsibilities, employment of Sergeants X and Y by V, Inc. may give an impression to the

public that the following omission of duty actually occurs.

With respect to incompatibility, an example of a situation wherein Sergeants X and Y's judgment may be impaired because of their employment is where the patrons of V, Inc. who are riding in limousines owned by V, Inc. and driven by Sergeants X and Y may commit a crime, and Sergeants X and Y may not carry out their primary duties and responsibilities to enforce all laws against violators which they are required to do even during off hours.

Another example is where Sergeants X and Y may be reluctant to enforce traffic violations against employees of V, Inc. who may be driving V, Inc. limousines with VIP patrons because such action on their part may affect their private pecuniary interest. In other words, Sergeants X and Y may give V, Inc. special consideration arising out of their employment.

The Police Department has a policy not to provide "special protection" for any member of the public without good cause. In view of this policy, the public may assume that V, Inc. has employed Sergeants X and Y to promote its business by implying that it provides "special protection" for its VIP clients because it employs members of the Honolulu Police Department as chauffeurs. Such assumption may give rise to a charge that Sergeants X and Y and their superiors are giving special treatment to V, Inc. because it employs off-duty police officers as chauffeurs for their limousines.

Sergeants X and Y may not actually violate any provision of standards of conduct even if they were actually employed by V, Inc; but, as stated in the foregoing examples, because of their pecuniary relationship with V, Inc., it may give the public an impression that Sergeants X and Y may not carry out their duties and responsibilities as required by law.

In view of the foregoing appearance of violations of standards of conduct which may be alluded to by the employment of Sergeants X and Y, the Commission hereby denies the appeal of Sergeants X and Y because it is imperative that the Police Department continue to retain its image as an organization which enforces the laws, ordinances, and rules and regulations of the State and the City fairly and equally upon any member of the public.

Dated: Honolulu, Hawai'i, February 15, 1977.

ETHICS COMMISSION  
Nathaniel Felzer, Chairman