

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 8

A City employee, X, requests an opinion of the Ethics Commission in connection with the following facts:

X is an inspector of the Building Department assigned to inspect and investigate, on a house-to-house basis, existing dwellings for housing code violation. X's outside activity involves the selling of life insurance and mutual funds on a commission basis. The time spent in this outside activity is approximately eight hours a week.

The question presented is whether any violation of the Code of Conduct set forth in Section 11-101 of the City Charter exists if X engages, or continues to engage, in such outside sales activities. In Opinion No. 1 of this Commission, we held that "any employee of the City invested with public powers by virtue of his position should not engage in outside free-lance selling activities, such as the selling of real estate or insurance, where an element of solicitation exists. We maintain this position irrespective of whether or not such solicitation involves persons or businesses which the solicitor, as a City inspector, has a duty to police." That statement of ethical principle is applicable here.

In the opinion of the Ethics Commission, if X continues to engage in his outside selling activities, he will be engaging in outside employment which would be violative of Section 11-101.3 of the City Charter, to-wit:

No appointive officer or employee may engage in outside employment or in any business or professional activity which may impair his independence of judgment in the exercise of his official duties.... or which is otherwise inconsistent or incompatible with or which interferes with the proper discharge of his official duties.

Dated: Honolulu, Hawaii, April 10, 1968.

ETHICS COMMISSION

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