

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



ADVISORY OPINION NO. 103

The question is whether there is a conflict of interest between the official duties of a Honolulu Zoo employee and his participation in a radio talk show which relates to Zoo animals.

The Ethics Commission [Commission] is of the opinion that there is no conflict of interest.

The Commission understands the facts to be as follows:

1. The employee is a veterinarian.
2. He participates in a radio talk show which relates to Zoo animals.
3. His primary duties relate to administration, animal maintenance, maintenance of the Zoo facility and grounds, research activities, and assistance in education of the public about the Zoo and other public relations activities, including appearing before the electronic media, lecturing to interested organizations, and conducting special tours of the Zoo facility.
4. The radio talk show is primarily related to information relative to the Honolulu Zoo and excludes any information relative to cats and dogs.

Under the foregoing facts, the following standards of conduct are considered to determine whether or not there is or may be a conflict of interest:

1. Section 11-102.3, Revised Charter of the City and County of Honolulu 1973 (1979 Supp.) [RCH], which provides that:

Section 11-102. Conflicts of Interest -No elected or appointed officer or employee shall:

. . . .

3. 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.

2. Section 6-1.2(a)(2), Revised Ordinances of Honolulu 1978 [ROH], which states that:

No officer or employee of the City, except as hereinafter provided, shall:

....

(2) Acquire financial interest in business enterprises which he has reason to believe may be directly involved in official action to be taken by him.

3. Section 6-1.2(a)(5), ROH, which states that:

No officer or employee of the City, except as hereinafter provided, shall:

....

(5) Enter into any contract in behalf of the City with an officer or employee or with a business in which an officer or employee has a controlling or substantial financial interest, involving the furnishing of services, materials, supplies, and equipment unless the contract is made after competitive bidding; provided that this paragraph shall not apply to personal contracts of employment with the executive branch of the City as prescribed in subsections (g) and (h) of Section 6-303 of the Revised Charter or equivalent contracts with the legislative branch of the City as prescribed in subsection (f) of Section 6-304 of the Revised Charter.

4. Section 11-104, RCH, which states that:

Section 11-104. Fair and Equal Treatment – 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.

After applying the foregoing standards of conduct to the facts of this case, the Commission is of the opinion that violation of the standards of conduct by the employee in question appears to be remote. The primary reason is that as a private veterinarian he does not exercise any jurisdiction over the Zoo animals. Moreover, the Zoo does not have the kinds of animals which he ministers to as a private veterinarian. Therefore, his participation in the electronic media does not conflict with his official duties at the Zoo. Moreover, he does not utilize the

electronic media to enhance his private practice but for the City's interest with respect to the Zoo and its animals.

To protect the employee from any other allegations of a conflict of interest or an appearance of a conflict of interest between his official duties and his performance on the electronic media, the Commission recommends that his immediate superior from time to time listen to his program or review the tape recording of his program.

The Commission also recommends that on any electronic media program which relates to the City Zoo no reference be made that the employee is a veterinarian and has a private practice.

Dated: July 15, 1982

MAZEPPA K. COSTA
Chair, Ethics Commission