

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 12

The following is the result of a hearing requested by you and held on June 17, 1970 on whether or not your government occupation as a Building Inspector Aid and your outside activity as a real estate salesman for a realty company are in conflict.

We are of the opinion that your government occupation and outside activity as a real estate salesman are in conflict.

We understand that you are a Building Inspector Aid of the Building Department with duties which are generally sensitive to real estate development. Although you allege that you do not carry on the duties and responsibilities as prescribed in the present job description, you someday may or can assume the duties and responsibilities prescribed in your present job description. We also understand that your real estate salesman's license is active with the Real Estate Commission.

The question presented is whether any violation of the Code of Conduct set forth in Section 11-101 of the City Charter or Section 7-14.2 of Ordinance No. 3442 will occur if you 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 you continue to engage in the selling of real estate, you will be engaging in outside employment which would violate 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.

Accordingly, inactivation of your real estate salesman's license will eliminate any conflict or possible conflict of interest.

Dated: Honolulu, Hawaii, June 26, 1970.

ETHICS COMMISSION

Very Rev. Robert R. Mackey, S.M., Chairman