

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



ADVISORY OPINION NO. 134

The question is whether an involvement with an organization that provides family support services [ABC] would create a conflict with the duties of an administrator in a division of the Office of Human Resources.

The Ethics Commission [Commission] finds that since the administrator has already decided to resign his directorship in ABC, it will not be necessary to render an advisory opinion in this matter. The Commission requests that he submit a new Disclosure of Interest Form indicating that he is no longer involved with the board of directors of ABC.

The administrator indicated to the Commission that he would like to remain involved with ABC as a teacher. The Commission understands this to mean that he would assist in the program of providing family support services to the unemployed persons who seek assistance from ABC and their families. This program will take place in the evenings during his off-hours from City employment.

The Commission wishes to bring to the administrator's attention two relevant provisions of the Standards of Conduct found in the Revised Charter of Honolulu 1973 (1983 Ed.) [RCH].

Section 11-102.3, RCH, states:

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.

Section 11-104, RCH, states:

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.

The Commission feels that since the administrator's involvement with ABC as a teacher will be totally voluntary and because ABC is the only organization of its kind in Hawaii, there is at present no problem with his being involved with ABC as a teacher.

The Commission has brought these two provisions to the administrator's attention to keep in mind should circumstances change from those described in this opinion. He should feel free to contact the Commission again if any questions arise in the future regarding the applicability of the code to a particular situation.

Dated: March 20, 1984

GILBERT A. GIMA
Acting Chair
Ethics Commission