

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



ADVISORY OPINION NO. 143

The question is whether the one-year post employment restriction on appearances before City agencies applies to a firm owned by the spouse of a former member of a City commission.

The Ethics Commission [Commission] understands the facts to be as follows:

The former commission member [Mr. X] was a member of the City commission [Commission G] for (number of years) and his term expired on (date). Commission G directs the activities of City Agency H.

Mr. X's wife, Mrs. X, owns Company Z. Mr. X is also an employee of Company Z. Company Z has contracts with federal, state and county agencies, as well as private concerns.

During Mr. X's years on Commission G, Mrs. X and Company Z did not try to obtain any contracts from Agency H, the activities of which Commission G directs.

In reviewing the powers, duties and functions of Commission G, it is apparent that it is not directly involved in the awarding of contracts. The members of Commission G are not involved with implementing or administering its policy decisions. Commission G is limited to broad policy matters. Agency H, and not Commission G, awards contracts.

Section 11-105, RCH, relating to restrictions on post employment, states:

No person who has served as an elected or appointed officer or employee of the city shall, within a period of one year after termination of such service or employment, appear for compensation before any agency of the city, or receive compensation for any services rendered in behalf of any private interests in relation to any case, proceeding or application with respect to which such person was directly concerned, or which was under his active consideration, or with respect to which knowledge or information was made available to him during the period of said service or employment.

As discussed previously in this opinion, as a member of Commission G, Mr. X was not directly concerned with the awarding of contracts and such contracts were not under Mr. X's

active consideration. The Commission has discussed this matter with the head of Agency H, who has assured it that no knowledge or information was made available to Mr. X during the period of service to the City that would relate to the awarding of contracts.

Therefore, it is the Commission's opinion that Mrs. X and Company Z need not wait for a period of one year after the expiration of Mr. X's term on Commission G to apply for contracts from Agency H.

Date: September 18, 1984

GILBERT A. GIMA

Chair, Ethics Commission