

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



ADVISORY OPINION NO. 163

This advisory opinion concerns a request by an employee of the Honolulu Police Department [HPD] to determine if the HPD properly denied his request to be a security guard at the Aloha Flea Market.

The Ethics Commission [Commission] believes that the HPD properly denied his request. This opinion is based on the following facts:

The employee is a police officer with the HPD, and the HPD denied his request to be a security guard at the Aloha Flea Market. The Aloha Flea Market is a private company that leases the Aloha Stadium to operate a flea market. The Aloha Stadium is a State agency that employs special duty police officers when the flea markets are held.

Special duty police officers are assigned by the HPD to such duty, wear their uniforms and other indicia of their official status, but are paid by the entity to which the HPD assigns them.

The ethical question is whether a police officer appears before the City in behalf of a private interest when the officer has outside employment as a security guard to a concessionaire of the employer of police officers assigned to special duty.

Section 6-1.2(3), Revised Ordinances of the City and County of Honolulu 1978 (1983 Ed.) [ROH], prohibits City employees from appearing in behalf of private interests before any City agency.

Under the City's standards of conduct, the Aloha Flea Market is a private interest because it is a private concessionaire of the State, which operates Aloha Stadium. As a security guard, the employee would be working for a private interest at the same time the HPD has assigned officers to special duty at Aloha Stadium. As such, he would be representing a private interest before the special duty officers, representatives of the City and the State. Therefore, he would be informally appearing before the City in behalf of a private interest and thus be in violation of the standards of conduct.

Such informal appearances may create conflicts. Special duty officers may find themselves less willing to properly discharge their duties when another officer is working as a security guard and appears before them in behalf of a private interest. Moreover, this situation

may be the result an outside employer like the Aloha Flea Market desires when it offers employment to police officers. Outside employers may seek to facilitate their enterprises by hiring police officers.

In summary, the Commission believes the HPD properly denied the police officer's request to be a security guard for the Aloha Flea Market because such employment would cause him to informally appear before other officers assigned to special duty at Aloha Stadium. These appearances may inhibit the special duty officers in the proper discharge of their duties, a result the Aloha Flea Market may have considered when it offered him employment as a security guard.

Date: January 27, 1987

JANE B. FELLMETH
Chair, Ethics Commission