

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



ADVISORY OPINION NO. 201

This advisory opinion is in response to a request for guidance from the Ethics Commission [Commission] as to whether an architect working for the City can use his architectural registration stamp on the construction drawings of Phase 3 of a building project for his church.

In general, the Commission believes that the architect may use his architectural registration stamp on the construction drawings, subject to several conditions.

The Commission understands the facts relative to the inquiry to be as follows:

The architect is a member of a religious society which is a non-profit corporation. Three years ago, the church began a three-phase building project. Without receiving any compensation or reimbursement for expenses, the employee served as their licensed architect for Phases 1 and 2 of the project. It had been the architect's intention to continue to donate his services as their architect through the final phase of construction. However, on (date) he began employment with the City and County of Honolulu. He continued to want to serve as their licensed architect for Phase 3 of the project, which would require the use of his architectural registration stamp on the construction drawings submitted for approval.

The ethical question presented is whether he would violate the City's restriction against employees appearing in behalf of private interests before any City agency if he used his architectural registration stamp on the construction drawings of Phase 3 of his church's building project.

The general rule appears in Section 6-1.2(3), Revised Ordinances of Honolulu, 1978 (1983 Ed.), which states in pertinent part:

No officer or employee of the City, except as hereinafter provided, shall ...
[a]ppear in behalf of private interests before any agency other than a court of law....

The Commission has previously decided that a professional's name and stamp on plans submitted for City approval does constitute an appearance before an agency. Further, although the religious society is a non-profit corporation, it is a private interest. However, the Commission has previously permitted attorneys employed by the City a reasonable amount of time to complete cases from their former practice. The Commission finds the employee's present situation to be analogous to the completion of cases by attorneys, since this is a three-phase project that he began before he was a City employee.

There are, however, two conditions placed upon the Commission's approval for the architect to use his registration stamp on the construction drawings of Phase 3 of the church's building project. First, he must complete a copy of the Disclosure of Outside Interest by Officers and Employees (Form CC-8) and submit it to his appointing authority for approval prior to undertaking this work. Second, he is prohibited from submitting plans which rely upon Section 105 of the Uniform Building Code.

In conclusion, the architect may use his registration stamp on the construction drawings of Phase 3 of his church's building project, subject to the timely submission of the Commission's form CC-8 and a prohibition against his use of Section 105 of the Uniform Building Code.

Dated: March 15, 1990

JANE B. FELLMETH
Chair, Ethics Commission