

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



ADVISORY OPINION NO. 206

This advisory opinion is in response to a request for advice from the Ethics Commission [Commission] as to whether participation in certain projects undertaken by ABC, Inc., whose president [Mr. A] is a former City department head, would conflict with the City's post-employment restrictions.

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

After five years on the job, Mr. A resigned his position with the City as Director of a City agency on (date). There was virtually no confidential information available to him in his work because the agency's zoning interpretations are written down and a matter of public record.

Mr. A is now president of ABC, Inc., which has the opportunity to become involved in five projects on Oahu. None of these projects would involve contracts with his former department and none would utilize confidential information gained in his former position.

The ethical question presented is whether Mr. A's participation in any of the five projects would be in violation of the City's post-employment restrictions.

The general rule in relation to his question is found in Section 11-105 of the Revised Charter of the City and County of Honolulu 1973 (1984 Ed.) which states as follows:

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 such person's active consideration, or with respect to which knowledge or information was made available to such person during the period of said service or employment.

Based on the evidence presented, the Commission finds that Mr. A's participation in any of the five projects possibly to be undertaken by ABC, Inc., would not be in violation of the City's post-employment restrictions, provided that he makes no appearances before any City agency on behalf of any of the projects prior to (date which is one year following his resignation).

Dated: September 7, 1990

JANE B. FELLMETH
Chair, Ethics Commission