

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



ADVISORY OPINION NO. 208

This advisory opinion is in response to a request for the Ethics Commission's advice as to whether a councilmember violated the City's Standards of Conduct in regard to his purchase of certain property.

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

In (date) the City Council, with the support of the local community and appropriate government agencies, approved an amendment to the Development Plan Land Use Map to change the land use designation for about X number of acres owned by the real estate arm of ABC Corp. from residential to resort. In (date), ABC Corp. acquired a parcel surrounded on three sides by the property which had been changed from residential to resort. Since the parcel was located in the councilmember's district, in (date) he requested redesignation of the parcel so it could be included in a building site previously approved by the Council. This was approved and enacted into law on (date).

In (date), the councilmember purchased a lot in the rezoned property for the advertised price. He dealt only with one real estate broker who was the exclusive sales agent for the project, and had no dealings with ABC Corp., the developer of the property.

The ethical question presented is whether the councilmember engaged in a business transaction which is incompatible with the proper discharge of his official duties when he purchased a lot in the project in (date).

The general rule in relation to this question is found in the Revised Charter of the City and County of Honolulu 1973 (1984 Ed.), Section 11-102.3, which states in pertinent part:

No elected or appointed officer or employee shall...[e]ngage in any business transaction or activity or have a financial interest, direct or indirect, which is incompatible with the proper discharge of such person's official duties or which may tend to impair the independence of judgment in the performance of such person's official duties.

Based on the evidence presented, the Commission finds that there was no violation of the Standards of Conduct in the councilmember's purchase of a lot in the project owned by ABC Corp. in (date).

Date: November 9, 1990

JANE B. FELLMETH
Chair, Ethics Commission