

**ETHICS COMMISSION  
CITY AND COUNTY OF HONOLULU**



ADVISORY OPINION NO. 210

This advisory opinion is in response to a letter requesting advice from the Ethics Commission as to whether a councilmember's prior association with two organizations creates an ongoing conflict of interest in regard to certain matters before the City Council and its committees.

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

Prior to his election to the City Council the councilmember was legal coordinator for two organizations in their suit against the City and County of Honolulu concerning alleged violations by the City. On (date) the councilmember notified the Council Chair that he was resigning from the positions he held with the organizations, and he subsequently terminated his membership in those two organizations.

The ethical question presented is whether a conflict of interest can be created by past associations with organizations involved in litigation against the City.

The general rule in relation to the councilmember's question is found in the Revised Charter of the City and County of Honolulu 1973 (1984 Ed.), Section 11-102.3, which states as follows:

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 no ongoing conflict of interest exists. There is no reason for the councilmember to recuse himself from voting in committees where issues associated with the two organizations are being discussed, nor is he required to abstain from voting at Executive Sessions on matters related to that suit.

Dated: February 28, 1991

JANE B. FELLMETH  
Chair, Ethics Commission