

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



ADVISORY OPINION NO. 218

This advisory opinion is in response to a letter requesting advice as to whether membership on the board of People's Workshop, Inc. [PWI] creates a conflict of interest with a commissioner's membership on the Commission on Housing and Community Development [CHCD] of the City and County of Honolulu.

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

The Commissioner has served for several years as a member of the CHCD of the City and County of Honolulu. This group advises the Director of the Department, but is not a decision-making body. The CHCD does not deal with confidential information, since all of its meetings are open to the public.

PWI is a non-profit community-based corporation located in Leeward Oahu, which was established in 198- for the purpose of helping low and moderate income people to help themselves. The Commissioner is a board member of PWI, and was involved with that organization prior to her appointment to the CHCD.

In the past, PWI was awarded a grant from a community foundation to fund an art project, but that is the only grant it has received. PWI is now in transition and anticipates that it may seek funding for housing programs from various agencies, which could include the City and County of Honolulu. However, if that should occur, the CHCD will not be involved in any decision-making about the awarding of funds.

The ethical questions presented are whether the Commissioner's membership on the board of directors of TPW creates a conflict of interest with her position as a member of the City's CHCD and whether her membership on the CHCD would permit PWI to be the beneficiary of special treatment.

The general rules in relation to this question are found in the Revised Charter of the City and County of Honolulu 1973 (1984 Ed.) [RCH]. Section 11-102.3 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.

Additionally, Section 11-104, RCH, states as follows:

Elected or appointed officers or employees shall not use their official positions to secure or grant special consideration, treatment, advantage, privilege or exemption to themselves or any person beyond that which is available to every other person.

Based on the evidence presented, the Ethics Commission finds that no conflict will exist if the Commissioner continues to serve as a member of the CHCD and as a board member of PWI. However, if any matter concerning PWI comes before the CHCD, the Commissioner should recuse herself from participating in any discussion of PWI. Furthermore, if any of the facts in the situation change, the Commissioner should promptly consult the Ethics Commission for its advice as to how she should proceed.

Dated: September 10, 1992

JANE B. FELLMETH
Chair, Ethics Commission