

**ETHICS COMMISSION  
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 239

This is an advisory opinion in response to a former City employee's ("A") letter requesting advice from the Ethics Commission as to how the City's post employment restrictions affect A's work with A's current employer ("ABC").

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

A was employed by the City and County of Honolulu, first as deputy director and then as director of a department ("Department") from 1989 until December 10, 1993. On July 1, 1993, a division ("Division"), which had been a part of the Department, became a full department in its own right. From that date, A had no official involvement with any matters related to the Division.

At the present time A is Vice President of an engineering consulting firm in Honolulu ("ABC"). A's responsibilities there are primarily in the areas of marketing and construction management.

The ethical question presented is what types of contacts are permissible between A and the Division and the Department at the present time.

The general rules in relation to A's question are found in the Revised Charter of the City and County of Honolulu 1973 (1984 Ed.) [RCH] and the Revised Ordinances of Honolulu 1990 [ROH]. Section 11-105, RCH, states in pertinent part:

No person who has served as an...appointed officer... of the city shall, within a period of one year after termination of such...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...employment.

Section 3-8.3, ROH, *Restrictions relative to post employment*, states additional information about the nature of restrictions that apply to former employees of the City. A is, for example, required to file an affidavit with the department before which A appears and the Ethics Commission under certain circumstances. Section 3-8.3(d) defines "appear" for the purposes of this issue.

Both the Charter and Ordinance provisions are dealt with in great detail in the *Revised Guidelines on Post Employment Restrictions* issued by the Ethics Commission on January 19, 1994. A copy of that document is enclosed for your information.

Based on the evidence presented, the Commission finds that A may not appear before the Department without restriction until December 10, 1994, and A may not appear before the Division without restriction until July 1, 1994.

Dated: June 2, 1994

SAMUEL L. DOMINGO  
Chair, Ethics Commission