

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 260

This is an advisory opinion in response to your letter requesting advice from the Ethics Commission as to whether a conflict of interest would be created if the Honolulu Police Department [HPD] were to accept on behalf of the Police Activities League [PAL] a financial gift from a business ("XYZ").

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

The purpose of the PAL is to provide after-school and weekend activities in order to establish a relationship with Oahu youth and to keep them occupied constructively. The program is staffed by HPD officers, none of whom work on the Pawn Shop Detail.

The PAL is funded by the Department. The PAL Trust Account through the City provides for unbudgeted extras in the program. All gifts to the City over \$1,000 must be accepted by the City Council. This gift would be deposited in the Trust Account, if accepted.

XYZ was not solicited to make a gift to the PAL. Rather, the owner chose to donate \$2,000 to the Honolulu Police Relief Association and \$1,500 to the PAL because his shop was used to pawn stolen jewelry. The owner considers the \$3,500 involved to be "blood money" which the owner wants to give away to worthy causes.

The ethical question presented is whether the acceptance by HPD of \$1,500 from XYZ for the PAL would create a conflict of interest for the Department.

The general rule in relation to your question is found in the Revised Charter of the City and County of Honolulu 1973 (1994 Ed.), Section 11-102 (c), 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 the acceptance by HPD of \$1,500 from XYZ for the PAL would not create a conflict of interest for the Department.

Dated: October 24, 1995

SAMUEL L. DOMINGO
Chair, Ethics Commission