

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 263

This is an advisory opinion in response to your letter requesting advice from the Ethics Commission as to whether the solicitation and acceptance of some used equipment from a bank by City personnel created a conflict of interest.

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

In response to a request that the agency improve customer relations, two agency employees sought ways to improve the lobby of the building where the agency is located at minimal cost to the City. They particularly wanted to address the need for signs to direct customers to specific agency services.

Since 1988, there has been a continuing relationship between the agency and the bank. One agency employee telephoned a person he has worked with at the bank on agency accounts to inquire whether the bank had any used metal sign stands that it would be willing donate to the City. The agency employee was eventually referred to the warehouse manager who indicated that the bank had a number of surplus sign stands which it would be happy to give to the agency. The agency employee was invited to select those he needed from the warehouse, which he did.

Although the used sign stands probably had no value to the bank, they would have cost \$150 each if the agency had been required to purchase them new.

The ethical question presented is whether the solicitation and acceptance of used metal sign stands from the bank by the agency employee violated the City's Standards of Conduct.

The general rule in relation to your question is found in the Revised Charter of the City and County of Honolulu 1973 (1994 Ed.) [RCH], Section 11-104, which 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 Commission finds that no conflict of interest was created by the acceptance of the metal sign stands. However, RCH Section 11-104 was violated when bank officials were personally solicited for a donation by telephone, because a private business would have been unable to avail itself of free surplus equipment from the bank and because it is possible that bank personnel could have experienced the request as being coercive.

Since it is in the City's best interest to be able to have the metal sign stands and their return might cause misunderstanding by the bank, the agency may keep and use the sign stands donated by the bank. However, the Ethics Commission requests that employees of the agency no longer be permitted to solicit donations to the agency from private sources either in person or by telephone, since those approached may experience such requests as being coercive, even though that is not the intent. Rather, such solicitations should be made in writing, so that the request is less personal which enables the person or business to feel comfortable in refusing or ignoring

such a request. Letters or written advertisements (whether paid or unpaid) would be ideal methods for seeking future donations for the needs of the agency.

Dated: November 22, 1995

SAMUEL L. DOMINGO
Chair, Ethics Commission