

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 266

This is an advisory opinion in response to your letter requesting advice from the Ethics Commission as to whether the proposed employment by a City employee ("A") would create a conflict of interest with A's City position.

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

A is a training specialist employed by a commission. He conducts mandatory training sessions for those licensed and regulated by the commission. Upon request, he also trains other employees of licensed establishments.

On his personal time, A attended training which certified him to teach and distribute materials of a company ("XYZ") which use instrumented learning systems that measure behaviors. Among other things, the program permits participants to learn what is necessary to improve their productivity in their work environment.

A would like to recruit clients by presenting seminars through the University of Hawaii's continuing education program. Although the XYZ materials might be useful to some Oahu licensees, A would not accept employment from them as long as he works for the commission. If any licensees are anxious to have the XYZ training, A will refer them only to other qualified trainers with whom he has no financial relationship.

The ethical question presented is whether A's proposed employment by XYZ is incompatible with his duties as Training Specialist with a commission or whether it would tend to impair A's independence of judgment in his City position.

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 no conflict of interest is created if A provides training and distributes materials on behalf of XYZ as long as A refrains from accepting employment by any licensee on Oahu. Furthermore, A should not refer Oahu licensees to any XYZ trainer with whom he has a financial relationship.

Dated: February 1, 1996

SAMUEL L. DOMINGO
Chair, Ethics Commission