

**ETHICS COMMISSION  
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 280

This is an advisory opinion in response to your letter requesting guidance from the Ethics Commission as to how your role as a Trustee with respect to real property interests will affect your City position.

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

You are a director of a Department of the City and County of Honolulu. You are seeking guidance about how you can avoid conflicts of interest in your City position.

You are the Trustee under a generation-skipping irrevocable trust which was created for the benefit of your children. The majority of trust assets are located on the mainland, however the trust does hold a 50% interest in property located in Honolulu. It is part of a condominium property regime with 15,811 square feet of office/warehouse space located on the property.

It is your intention to recuse yourself from the administration, processing, or decision-making associated with any matter that involves the Honolulu trust property. In such a case, the matter will be assigned to the Deputy Director for oversight and the appropriate staff member for processing.

The ethical question presented is: What should you do as a department director in order to avoid creating a conflict of interest if any matter concerning the Honolulu trust property comes before your 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) 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 Ethics Commission unanimously finds that if you recuse yourself from all matters which come before the department dealing with the Honolulu trust property, you will avoid creating a conflict of interest. At this time, the Commission cannot foresee that you would be required to recuse yourself from matters concerning any other location in the proximity of the Honolulu trust property. However, if a question arises in the future about such other property, the Commission will be happy to look at those specific facts.

Dated: May 13, 1997

GOLDIE D. BRANGMAN-DUMPSON  
Chair, Ethics Commission