

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 43

This is in response to your request for an advisory opinion whether or not there would be any violations of any standards of conduct provisions in the Revised Ordinances or the Revised Charter with respect to purchase of low and moderate income apartment unit in the Kukui Plaza by Employee X.

We are of the opinion that there is no violation of any standards of conduct provisions in either the Revised Ordinances or the Revised Charter under the facts of this case.

We understand that the Kukui Plaza development is a joint project of the City and County of Honolulu and Oceanside Properties, Inc., hereinafter referred to as developer. It is located on a block bounded by Fort Street, Beretania Street, Nu‘uanu Avenue and Kukui Street. The development consists of shops, parking garages and apartments. The apartment in question relative to this advisory opinion is the apartment characterized as low and moderate income unit. Among the purchasers for the low and moderate income unit is Employee X of your agency.

We further understand that the selection of such purchasers will be a joint undertaking between the Honolulu Redevelopment Agency, an agency of the City and County of Honolulu, and the developer.

Pursuant to this Commission's written request of April 22, 1974, you have furnished this Commission with additional information relative to the priorities for selection of purchasers for low and moderate income units. That report shows five priority classes to determine the qualifications of a prospective purchaser regardless of whether or not he is a City and County employee.

Based on the priority list established by your agency and the developer, we are of the view that there will be no preferential treatment of Employee X nor give an impression of such treatment to the public. In order to have proper dissemination of your priorities and method of selection, this Commission recommends that such priorities and method of selection be publicized so that the public will be aware that there are certain priorities and criteria to be met by prospective purchasers of the low and moderate income units. Such publicity would alleviate any "appearance" of preferential treatment of City and County employees who may qualify to purchase such units.

Dated: Honolulu, Hawai‘i, May 13, 1974.

ETHICS COMMISSION

Edward D. Sultan, Jr., Chairman