

**ETHICS COMMISSION  
CITY AND COUNTY OF HONOLULU**



**Advisory Opinion No. 48**

This is in reference to the disclosure of interest submitted by Employee X of your department.

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

We understand that Employee X is a systems analyst with the Department of Data Systems (computers). Her primary duties and responsibilities are to analyze and design systems for the City-wide integrated electronic data processing service. We further understand that the City's capital improvement program is programmed on the City computers. However, for Employee X to utilize such printout, she would have to make a special effort to seek out such printout and be able to analyze same to be of use for her personal advantage. By personal advantage, we refer to her real estate salesman's license, her connection with the U.S. Naval Reserve as a computer specialist, and as an officer of a wholesale sporting goods firm.

The pertinent provision which would be applicable in this situation is RCH Section 10-104, which reads:

No elected or appointed officer or employee shall use his official position to secure or grant special consideration, treatment, advantage, privilege or exemption to himself or any person beyond that which is available to every other person.

When the primary duties and responsibilities of Employee X are analyzed in relation to the foregoing Charter provision, we are of the opinion that Employee X's activities are not in conflict with the foregoing provision. However, there may be an appearance of conflict of interest because of her accessibility to computer printouts relative to the City's capital improvement program. On the other hand, she would have to seek out such printouts and be able to analyze same.

In view thereof, we are of the opinion that there is no necessity for her to inactivate her real estate salesman's license; but we recommend that she avoid the appearance of a conflict of interest by not seeking out the City's capital improvement program computer printouts.

With reference to her membership in the U.S. Naval Reserve as a computer specialist and as an officer of a wholesale sporting goods firm, we find that such outside activities are not inconsistent or incompatible with her present duties and responsibilities.

Hence, we conclude that there is no conflict of interest in the instant case.

Dated: Honolulu, Hawai'i, October 30, 1975.

ETHICS COMMISSION  
Nathaniel Felzer, Vice Chairman