

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 56

This is in reference to the disclosure made by Employee X in which the Mayor, Managing Director and you determined that there may be a conflict of interest.

We are of the opinion that there is no conflict of interest. We understand the facts to be as follows:

1. Employee X is a land use plans checker with the Building Department.
2. As a land use plans checker, he reviews engineering or working drawings that accompany a building permit application to determine whether or not the building plans meet the land use ordinance requirements.
3. He is employed as a cadastral draftsman during his off hours.
4. As a cadastral draftsman, he primarily translates survey team findings which are ultimately used as a survey map showing the lot sizes, roads, and other information generally reflected on a survey map.
5. As a land use plans checker, the information he has will be of no value to him as a cadastral draftsman because he is not preparing working drawings or engineering plans for construction purposes.
6. In this instance Employee X has no real estate salesman's license or broker's license.

The primary issue in the instant case is whether Employee X has two masters. That is, the City's interest on the one hand and the off hour employer's interest on the other which may be inconsistent or incompatible and thereby affect Employee X's judgment in carrying out his duties as a land use plans checker (RCH Sec. 10-102.3). Upon examining the above facts, we specially note that the information he applies and utilizes as a land use plans checker is not germane or useful in his work as a cadastral draftsman. As such, we find there is no conflict of interest which would impair the judgment of Employee X.

Another issue is whether Employee X would be privy to special information which is not available to others as a land use plans checker and would utilize same to further his interest as a cadastral draftsman (RCH Sec. 10-104.) We find that Employee X, as a land use plans checker, is not privy to any special information which will enhance his interest as a cadastral draftsman.

Based on the foregoing, we conclude that Employee X's position as a land use plans checker for the City and as a cadastral draftsman for a private employer does not create a conflict of interest.

Dated: Honolulu, Hawai'i, May 11, 1976.

ETHICS COMMISSION
Nathaniel Felzer, Chairman