

**ETHICS COMMISSION  
CITY AND COUNTY OF HONOLULU**



**Advisory Opinion No. 57**

This is in reference to the disclosure filed by Employee X in which you found there was no conflict but was referred to the Ethics Commission because the Mayor and the Managing Director did not concur with your finding.

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

1. Employee X is an Architectural Drafting Technician with the Department of Parks and Recreation.
2. He had a real estate salesman's license and is employed by Y Corporation.
3. As an architectural drafting technician, his primary duties are to prepare working drawings for construction purposes under the supervision of an architect.
4. He is assigned to the architectural section within the Department of Parks and Recreation.
5. As a member of the architectural section, he is not privy to any advance planning or future capital programs of the Department of Parks and Recreation. He may, however, be assigned to the advanced planning section in the future as a promotion.
6. Although he has passed his examination for a real estate salesman's license, he is still awaiting the delivery of the license from the State Real Estate Commission.

The threshold question in the instant case is whether employee X's duties and responsibilities as an architectural drafting technician for the City make him privy to information which is not available to other real estate salesmen who are not employees of the City (RCH Sec. 10-104).

A review of the facts stated herein above, especially with reference to item 5, indicates that he is not privy to any information which will give him an advantage over other real estate salesmen who are not City employees. Any future capital improvement program or other similar information, being a public record, is available to non-City employees, especially the six-year capital improvement program.

Another consideration in this case is whether the duties and responsibilities of Employee X as an architectural drafting technician are incompatible or inconsistent with his outside employment as

a real estate salesman (RCH Sec.10-102.3). As a resolution to this aspect, we examined the facts to determine whether Employee X's judgment may be impaired in carrying out his duties and responsibilities as an architectural drafting technician for the City because of his real estate salesman's license. The fact that he has a real estate salesman's license has no relevance in the decision making process for Employee X. In other words, his judgment as an architectural drafting technician is not influenced by the fact that he has a real estate salesman's license.

In view of the foregoing, we conclude that Employee X, as an architectural drafting technician assigned to the architectural section in the Department of Parks and Recreation, creates no conflict of interest with his off-hour employment as a real estate salesman.

**Caveat:** Should Employee X ever be transferred and assigned to the advanced planning section, he should file a disclosure with the Ethics Commission at that time.

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

ETHICS COMMISSION  
Nathaniel Felzer, Chairman