

**ETHICS COMMISSION  
CITY AND COUNTY OF HONOLULU**



**Advisory Opinion No. 6**

A member of the Police Department, Officer X, requests an opinion of the Ethics Commission in connection with the following facts: Officer X is a Field Sergeant with the Honolulu Police Department. He is also the president of Y Corporation, which engages in body fender repairs, auto painting, general mechanical repairs, and the sale of tires, batteries and paints. The items offered for sale are part of the normal inventory of the business and much of such items are used in the service aspect of the business. Y Corporation does not engage in any tow service. Officer X spends approximately 20 hours per week in his private capacity doing administrative and bookkeeping work.

The Ethics Commission is of the opinion that a conflict exists if Officer X continues to maintain and engage in his outside activity while at the same time being an officer of the City.

We reach the foregoing conclusion by virtue of the following considerations: (1) In view of Officer X's position with the City, there may be the possibility, or at least the appearance to the public of the possibility, of Officer X's maintaining an advantage of gain in his commercial pursuits. This advantage would appear to exist solely by virtue of Officer X's official position. (2) There appears to be the possibility of the impairment of Officer X's judgment in the carrying out of his official duties in connection with the apprehension and prosecution of violators of the traffic code, particularly if such violators are inclined to patronize the commercial establishment with which Officer X is connected. (3) There exists the possibility, or the appearance of the possibility to third persons, that the judgment of subordinates under the supervision of Officer X might be impaired in the discharge of their official duties, if such violators are inclined to patronize the commercial establishment with which Officer X is connected.

In stating that these possibilities, or the appearance of these possibilities to the public, exist, it is not the intention of the Ethics Commission to suggest that Officer X is guilty of improper behavior. Rather, it is because irrespective of Officer X's behavior that the public would tend to give such a relationship an appearance of wrongdoing that this Commission feels a dual role on the part of Officer X would constitute a violation of Section 11-101.3 of the City Charter: No appointive officer or employee may engage in outside employment in any business or professional activity which may impair his independence of judgment in the exercise of his official duties, or which might require or induce him to disclose confidential information acquired by reason of his official position

or which is otherwise inconsistent or incompatible with or which interferes with the proper discharge of his official duties.

Dated: Honolulu, Hawaii, February 14, 1968.