

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 88

This is in response to a disclosure filed by Fireman X who has a business interest in a limited partnership in Firm Y, which primarily does repaving and marking of tennis courts.

We are of the opinion that so long as Firm Y competitively bids for any of the repaving and marking of City tennis courts there would be no violation of any of the standards of conduct provisions contained in the Revised Ordinances of Honolulu 1969 [RO] or the Revised Charter of Honolulu 1973 [RCH].

As a limited partner of Firm Y, Fireman X states that his firm will be seeking competitive bids for any work to be done on City tennis courts. So long as Firm Y obtains City work on its tennis courts by way of competitive bidding, Fireman X will fall within the ambit of exceptions prescribed in RO Section 7-15.2(e).

Section 7-15.2(e) in pertinent part states that no officer or employee shall:

(e) Enter into any contract in behalf of the City with an officer or employee or with a business in which an officer or employee has a controlling or substantial financial interest, involving the furnishing of services, materials, supplies, and equipment unless the contract is made after competitive bidding; ...[Emphasis added]

The cited section clearly excepts from the ambit of the standards of conduct provisions prescribed in the RO and the RCH the business interest of Fireman X in Firm Y so long as it obtains City work pursuant to competitive bidding. Hence, we conclude that so long as Fireman X's firm obtains City work pursuant to competitive bidding, there will be no violation of the standards of conduct provisions.

We, however, recommend that whenever Fireman X's firm submits a bid for a City project, a written disclosure be submitted to the Director of Finance stating that as an employee of the City he has a business interest in Firm Y.

Dated: Honolulu, Hawaii, January 10, 1979.

ETHICS COMMISSION
Mazeppa K. Costa, Vice Chairman