

## OPINION NO. 16

An elevator inspector for a division of a state department inspected and found unacceptable the elevators in an apartment building in which he had an agreement to purchase an apartment. He had been seeking release from the agreement since prior to the time he inspected the elevators. When he realized that his interest in the apartment might present a conflict, he reported it to his supervisor and disqualified himself from all further dealings with the apartment in favor of his supervisor. He then requested an opinion on the above state of facts.

Section 8, the conflict of interests section of the Ethics Act, prohibits official action directly affecting a business or matter in which an individual has a substantial financial interest. The agreement to purchase an apartment is such an interest, and inspecting the elevators of the building in which the apartment is located is official action directly affecting that interest.

By disqualifying himself from all further official action directly affecting the apartment, the employee has taken proper steps to avoid future violation of the Act. His disqualification should continue until such time as he divests himself of his interest in the apartment.

The employee's two inspections of the apartment's elevators constituted official action in violation of section 8(a) of the Act. However, this violation was committed prior to his awareness of the prohibitions of the Act, and, while ignorance of law neither prevents nor excuses its violation, his prompt action in reporting the possible conflict to his supervisor, thus subjecting his action immediately to review by a disinterested person qualified in the same position, his self-disqualification from further action affecting his interest, and his disclosure of his action and the interest to this Commission are evidence of his concern for the public interest and are, in the circumstances, sufficient steps to safeguard that interest. It is further noted that his official action, finding the elevator unacceptable, appears to have been in the interest of public safety.

It does not appear that the public interest would be served in this instance by this Commission's taking any further action on the violation.

Dated: Honolulu, Hawaii, January 24, 1969.

STATE ETHICS COMMISSION  
Vernon F.L. Char, Chairman  
James F. Morgan, Jr., Vice Chairman  
S. Don Shimazu, Commissioner  
July Simeona, Commissioner

Note: All members of the Commission concur in this opinion. The vacancy left by Commissioner George's resignation in favor of public office has not been filled.