

OPINION NO. 17

A member of the Hawaii State Legislature who has an outside business asks whether the use in business advertisements of a telephone number listed as one of his legislative office numbers presents a violation of Act 263, SLH 1967. He states that he pays the entire telephone bill for that number and that his state-paid staff is only rarely called upon to answer that telephone, as it is in his inner office. When the Legislature is in session, he also has two telephones in his legislative office, listed to him as a legislator and paid for by the State, which are not advertised in or regularly used for his private business.

This case is distinguishable on its facts from the one presented to us in Opinion No. 12.

He is a legislator, and he is not appropriating for his private purposes state-paid-for telephone and answering service. It was the "practice of using public equipment for private profit" which we found violated the Act in Opinion No. 12; we are not faced with that practice here. Furthermore, the two state-supplied telephones provide the public with access to the legislator, so private business calls on the advertised number do not prevent receipt of calls involving legislative business.

Thus, we hold that a state legislator whose office is provided with two state telephones and who pays for an additional office telephone and does not use state staff to regularly answer that telephone does not violate the Ethics Act by advertising and using that telephone in his private business.

Dated: Honolulu, Hawaii, February 4, 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.