

OPINION NO. 38

An architect for one branch of a division of state government supervises draftsmen concerned with the repair, alteration and maintenance of existing state buildings.

He has been approached by a private architect to do part-time work preparing renderings. The employee would do this work at other than state working hours, and would not use state materials, equipment or facilities. Employment would be limited to the preparation of renderings and would involve no subsequent consultant work on the same project.

Renderings are artistic illustrations, based on finished blueprints, of what the building designed in the blueprint will look like. While the employee has been asked to do the renderings for a specific project, he requests an opinion to cover future situations involving different projects and different architects as well.

The question of whether this employment is permitted by the state ethics code, chapter 84, HRS, arises because renderings are submitted, as are blueprints, to another branch of the same division. Thus, the renderings are subject to review by a different branch of the same division and department for which the employee works. We note that they are not subject to review by the branch for which the employee works, that branch being limited strictly to work on existing buildings.

Because, as he has stated, the work which he wishes to do privately is in no way connected with his official duties, there is no possibility of the employee taking official action directly affecting the project. For this reason he will not, in the course of his official duties, act in violation of section 14.

Nor, if he is careful, will he violate any other standard of the code. Because he is in the same division as the branch charged with passing upon the work he will do, he must take great care not to take advantage of any acquaintance or friendship with those in other branches of the division or department to obtain or appear to obtain unwarranted treatment for this or any private architect for whom he should do private work. For instance, he should not discuss with others in the department or inquire about any work he or the architect by whom he is employed has done for the State.

Dated: Honolulu, Hawaii, August 4, 1969.

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

Note: Commissioner Margaret W. Smalley was excused from the meeting at which this opinion was considered and adopted.