

### OPINION NO. 43

Can the head of an income and audit division of the Tax Department submit his name to a county council to serve as a member of the county police commission without violating the state ethics law (chapter 84, HRS)?

We hold that he can.

In his state position the head of the income assessment and audit division is responsible for the administration of all income and miscellaneous taxes in his district. He supervises subordinates, approves and signs additional assessments and overpayment credits, assigns audits to be conducted, evaluates employee work performance and performs other supervisory duties.

The county police commission appoints and removes the police chief, provides rules and regulations on the dismissal and suspension of any officer or employee, and makes investigation of the police department and its officers and employees. Its members serve without compensation.

In rendering this opinion, we assume that the state employee's county police commission duties will not take time from his state work, and will not prevent him from properly carrying out those duties.

These two positions do not relate in jurisdiction. The exercise of his duties in his state office does not influence the police department; nor do his functions on the police commission relate to his taxation duties. While the answer might be different were the employee's state Tax Department duties different, in this particular instance, there would be no violation of the standards of conduct set forth in the state ethics law were he to be appointed to the county police commission.

Dated: Honolulu, Hawaii, November 18, 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.