

OPINION NO. 50

A University of Hawaii professor asks if he would violate the state ethics law (chapter 84, HRS) by renting a house he and his relatives owned to University students.

We hold that he would not, in these circumstances.

His normal duties put him in the classroom as a teacher, and he has no official connection with housing at the University. Nor do any of his relatives have any connection with the University. His house is advertised in the paper and on bulletin boards at local supermarkets and shopping centers, and all his renters, only one-half of whom are students, were obtained through this advertising. There is no mention of his position at the University made in the advertisements.

There is no violation of the ethics law in his renting to students. The professor's public capacity is in no way related to housing; nor does he supervise or have jurisdiction over those who are responsible for housing. Thus, his official action cannot affect his private interest, and there will be no violation of section 84-14.

Furthermore, he does not advertise the housing in his capacity as professor. If he did, or if he exerted pressure on his students at the University to live in the accommodations he owned, he would be using his official position to obtain unwarranted treatment, in violation of section 84-13.

Thus, in the circumstances presented, a member of the University teaching staff does not violate the ethics law in renting to students.

Dated: Honolulu, Hawaii, December 9, 1969.

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