

## OPINION NO. 55

We have been asked whether the spouse of a commissioner may apply for and be awarded property administered by his commission.

If proper procedure is followed, there will be no violation of the ethics law in the awarding of this property to the commissioner's spouse.

HRS, §84-14, prohibits employee participation in official action directly affecting a matter in which the employee has a substantial financial interest. Because an employee's interests include those of his spouse [§84-3(6)], this employee may not, in his public capacity, participate in any way, be it discussion, recommendation or voting, in the commission's official action on this matter. If he scrupulously disqualifies himself, there will be no violation of the ethics law.

We reserve the question of whether or not the awarding of the property to the spouse will necessitate the commissioner's resignation from the commission. If an award is made, he should request a supplemental opinion on this issue.

Dated: Honolulu, Hawaii, January 26, 1970.

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