

### OPINION NO. 63

An employee has asked the Commission whether he may reactivate his real estate salesman's license and retain his insurance solicitor's license. The employee performs administrative functions which do not include decisions or actions involving real estate or insurance.

The Commission advises him that the renewal of his real estate salesman's license and the retention of his insurance solicitor's license are not violations of the state ethics law because his job description indicates his duties will not affect or relate to these outside employments. [Op. 7, 23.] The law, furthermore, does not prohibit the selling of real estate and insurance by a state employee when such activity is done at other than office hours [Op. 23], and provided he does not use his official position to obtain clients or contracts. Accordingly, he should not attempt to sell insurance or real estate to the other employees or members of the public he deals with, because such action would be a violation of HRS, §84-13, relating to the use of official position to obtain unwarranted treatment. [Op. 22, 44.]

Dated: Honolulu, Hawaii, March 30, 1970.

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

Note: Commissioners July Simeona and Margaret W. Smalley were excused from the meeting at which this opinion was considered and adopted.