

OPINION NO. 73

An employee has inquired whether he will be in violation of chapter 84, Hawaii Revised Statutes, under the following facts:

His state duties include the examination of working places, the checking of complaints, and the checking of plans for permits granted by his agency.

As one of seven in his department, he may disqualify himself from acting on particular assignments, if necessary.

He plans to acquire a 10 per cent interest in a corporation and will be involved in its activities during non-office hours. Some of the corporation's clients may be regulated by his department.

The Commission finds that the state ethics law does not prohibit him from acquiring this investment interest since he may disqualify himself, should he have to make any recommendation involving a client or potential client of the firm. We have advised him not to use his state position to obtain clients for the firm, or to influence departmental action with regard to clients, in violation of HRS, §84-12 and 13, relating to confidential information and unwarranted treatment. We have further assumed that he will not use state time or equipment, including telephone facilities, in his private business. [See Opinion No. 31.]

Dated: Honolulu, Hawaii, June 1, 1970.

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

Note: Commissioners Vernon F.L. Char and Margaret W. Smalley were excused from the meeting at which this opinion was considered and adopted.