

## OPINION NOS. 74 & 75

Note: Opinion Nos. 74 and 75 have been combined for summary because the ethical considerations are the same.

Two employees have inquired whether they may accept short-term consultant work under the following circumstances:

The first individual is the superior in charge of certain research and development projects, the results of which are published periodically and are generally available to the public.

The second individual is his subordinate.

The employees have indicated that they do not have confidential information or have access to same.

Because of the expertise and the specialized information gained from the research projects, they have been approached by out-of-state private corporations and foreign governmental agencies for short-term consultant work. They will be paid expense money and/or consulting fees when they are required to leave the State and when they render these services on their own time during vacation leave. They are not privately compensated when they render consultant services locally, either during state office hours or their own time.

When they render similar out-of-state consultant services on state time with the approval of their superiors, the State is reimbursed directly for their expenses and services.

The State Ethics Commission advised them that they are permitted under the state ethics law to accept compensation under the circumstances described. The facts they have submitted indicate that 1) the private employment will not interfere with their state duties; 2) they will not be taking official action directly affecting a business or matter in which they have a substantial financial interest; and 3) they do not have any specialized information which is deemed confidential.

Because their involvement in state-sponsored research projects makes them valuable to private industry, they must take care that they do not use or attempt to use (or give the appearance thereof) their official position to secure unwarranted privileges, contracts or treatment for themselves or others, in violation of HRS, §84-13. Since they have stated that they do not receive compensation for consultation to local private firms, and have further indicated that they will be paid only when they render these consultant services by leaving the State during vacation leave, the Commission does not consider this a violation of that section relating to unwarranted treatment.

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.