

## OPINION NO. 79

A legislator has inquired whether the State ethics law prohibits him from appearing before a board under the following circumstances:

1. He is a member of five legislative committees, none of which bear any relationship to the business and activities of this particular State board.

2. He is a former executive of a mainland-based company. He has been requested to present data and other information concerning that company's local activities to the board.

3. It is proposed that he will be paid \$25 per hour. He estimates that the assignment will require approximately 20 hours.

This Commission has previously stated the criteria which will be considered in determining a violation of HRS, §84-13, relating to unwarranted treatment. (Opinion Nos. 26-28.) Based on the criteria therein, we do not think that it would be improper for this legislator to serve in the capacity outlined above because he is not a member of the legislative house which confirms membership to the board and passes upon the budget of that agency. Nor are his committee memberships closely related to the functions of the board. Moreover, his familiarity with the special facts was acquired by virtue of private employment prior to his public employment and finally, his hourly rate of compensation appears to be a reasonable one and not contingent upon the action of the State agency involved.

This opinion is based solely on the facts disclosed to the Commission by the legislator as enumerated above and does not govern any situation or action not revealed to this Commission.

Dated: Honolulu, Hawaii, July 20, 1970.

STATE ETHICS COMMISSION  
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