

OPINION NO. 99

An employee has asked whether his position conflicts with his membership on a state board.

His responsibilities include establishing space criteria and development standards of a state program; compiling a capital improvement program budget and assisting in coordinating it with the planning of a related system in the State; and establishing standards for design and evaluation of new facilities.

As a member of the state board he will not ordinarily be concerned with his employing agency because of the distinct functions of such agency.

There did not appear to be any immediate conflict between the two state positions, and the possibility of using his official position to personal advantage seemed remote. However, there was the possibility that the board of which he is a member may occasionally be involved in reviewing, recommending or in some way acting upon a matter involving his employing agency, and depending upon the circumstances, it may very well be that board action may affect his employment interest. Because of the evolving goals of the system and the multiplicity of ways in which a conflict of interest problem may arise, we reserved the right to advise on the matter when a specific situation of conflict should arise and he was requested to notify the Ethics Commission when this event occurred.

Dated: Honolulu, Hawaii, February 11, 1971.

STATE ETHICS COMMISSION
James F. Morgan, Jr., Chairman
Vernon F.L. Char, Vice Chairman
Gwendolyn B. Bailey, Commissioner

Note: Commissioners Walters K. Eli and S. Don Shimazu were excused from the meeting at which this opinion was considered.