

## OPINION NO. 104

A nominee to a state advisory board inquired whether his private employment constituted a conflict of interest.

He is a salesman of products widely used by state agencies with whom he comes into close contact as a board member. His board functions do not include enforcement or quasi-judicial functions, nor recommendatory action which would directly affect the persons he may come in contact with as a salesman.

The factual circumstances as presented did not indicate a violation of HRS, §84-14, relating to conflicts of interests, inasmuch as the board of which he is a member does not act upon or make administrative decisions which would directly involve or affect his private employment or private employer. Should such an occasion arise, however, he was advised to disqualify himself from participation in such a matter.

We called his attention to HRS, §84-13, relating to fair treatment. In order to avoid a violation of this provision he was advised not to use his official position to obtain or give the appearance that he has received unwarranted treatment or public contracts. The use of his official position to obtain clients or contracts for his employer would be a violation of HRS, §84-13.

Dated: Honolulu, Hawaii, March 12, 1971.

STATE ETHICS COMMISSION  
James F. Morgan, Jr., Chairman  
Vernon F.L. Char, Vice Chairman  
Gwendolyn B. Bailey, Commissioner  
Walters K. Eli, Commissioner  
S. Don Shimazu, Commissioner