

OPINION NO. 107

The executive officer of a state commission requested an opinion because his agency contemplated entering into a personal service contract with a former commissioner. He indicated that the Office of the Attorney General had advised that the Ethics Commission should first determine whether the contract was permitted under chapter 84, HRS.

The facts submitted for consideration are that the prospective party to the contract was, until recently, a member of the commission. Under the proposed personal service contract he will do preliminary work for a future commission project. The proposed employment contract was recommended by the executive officer and approved by an executive committee of the commission. The prospective party to the contract was not a member of the executive committee, nor was he, while a commissioner, involved with the subject matter of the contract.

We found that the proposed contract was not prohibited by chapter 84, HRS, because it was a personal contract of employment, which fell under the exception of HRS, §84-16(c). The facts did not indicate a violation of HRS, §84-13.

Dated: Honolulu, Hawaii, April 8, 1971.

STATE ETHICS COMMISSION
James F. Morgan, Jr., Chairman
Vernon F.L. Char, Vice Chairman
S. Don Shimazu, Commissioner

Note: Commissioners Walters K. Eli and Gwendolyn B. Bailey did not participate in this opinion.