

OPINION NO. 116

A state legislator inquired, pursuant to his right under HRS, §84-31(a)(2) whether the obtaining of employment by another legislator in a field in which the legislator was previously employed constituted a violation of the State ethics law, chapter 84, Hawaii Revised Statutes. We held that it did not.

We examined the facts submitted to us and interviewed the legislator in question. We found no evidence to show that the legislator had used his official influence to obtain this position. Since he was experienced in this occupational field and since the selection process for such a position was highly subjective, we found no violation of §84-13, HRS, relating to the use of official state position to gain unwarranted treatment.

In addition, we had no facts before us to indicate that he had used his official position to obtain unwarranted advantage for his private employer nor did we have reason to believe he had divulged confidential information (HRS, §84-12) which he may have acquired in the course of his official duties. His employment did not in and of itself constitute a violation of any of the applicable sections of chapter 84, Hawaii Revised Statutes.

We noted that HRS, §84-14, relating to conflicts of interests, did not apply to legislators, we therefore made no finding under that provision of the law.

Dated: Honolulu, Hawaii, September 20, 1971.

STATE ETHICS COMMISSION
Vernon F.L. Char, Acting Chairman
Gwendolyn B. Bailey, Commissioner
Fred S. Ida, Commissioner

Note: The vacancy created by the resignation of James F. Morgan, Jr. had not been filled. Commissioner Walters K. Eli abstained from voting on this advisory opinion.