

OPINION NO. 117

A state employee inquired whether the following facts constituted a violation of chapter 84, HRS.

He is a full-time employee of a state agency. His duties, which are basically ministerial in nature, involve the collection of funds from private persons, investigation and examination of books, and the performance of other duties as may be required.

He has disclosed that he is an officer of a corporation and that one of his responsibilities is to keep the books of the corporation for which he is compensated \$65.00 per month; in addition, he prepares and files various state forms which are reviewed at a higher level in his agency. In his state capacity, he has never had to take action with respect to this corporation.

We did not find any evidence that he had taken any official action directly affecting the corporation. We advised him, however, that should a situation requiring his participation arise in the future, he should disqualify himself from such action. We recommended that he also inform his agency of his outside employment if he had not already done so.

He was further advised to consider HRS, §84-13, relating to the use of official position to obtain special treatment. We interpreted this to mean that this employee should not use his influence in the department to obtain special treatment for his private employer, nor should he use his affiliation with his department to obtain private clients. He was also apprised of HRS, §84-14(1)(B) which prohibits the obtaining of financial interests which may be directly involved in official action to be taken by him.

Dated: Honolulu, Hawaii, September 20, 1971.

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

Note: The vacancy created by the resignation of James F. Morgan, Jr. has not been filled.