

OPINION NO. 118

The subject of Opinion No. 105 requested a reconsideration and clarification. He presented facts and situations to us, including his opinion that he would be able to function more efficiently as a legislator if he did not have to commute between his private office and the Capitol building.

This consideration did not compel us to overrule the "emergency rule" discussed in our prior opinion. However, we provided him with further guidance by responding to the specific situation he described to us.

First, we stated that it would not be proper to schedule regular office hours for the conduct of private business at the State Capitol under any circumstances. For example, he should not schedule appointments at 8 o'clock each and every day as a matter of habit.

Secondly, we stated that in considering whether or not a situation constitutes an emergency, the Commission will take into account the frequency of such conduct of private business, and whether it was reasonable and possible to meet a client elsewhere. The latter element allows consideration of last-minute legislative schedule changes which are beyond a legislator's control, as well as circumstances unique to the case or client in question.

We stated an intent to apply this "emergency rule" whether the legislature is in regular or interim session.

The Commission thanked him for taking the time to meet with us to discuss the situation with us and for his candor and honesty in so doing.

Dated: Honolulu, Hawaii, October 4, 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.