

OPINIONS NOS. 132 AND 133

Two state employees filed disclosures with the Commission and requested advisory opinions concerning the following:

1. Both were inspectors for a state agency and their duties involved inspections at the wholesale level.
2. Both had part-time jobs involving positions at the retail store level. Both indicated that they had no contact with their retail part-time employers in the course of their state duties.
3. One of them had a second part-time job involving the sale of life insurance. He indicated that he did not solicit insurance business while on his state job.

We did not find that the employees' part-time jobs at the retail store level would place them in a conflict of interest position (HRS, §84-14) because the facts they submitted indicated that they had no occasion to take official state action affecting their private employers.

With respect to the additional part-time employment of one of the employees as a life insurance agent, we similarly found no conflict of interest; however, we called his attention to HRS, §84-13, which states that "No ... employee shall use or attempt to use his official position to secure or grant unwarranted privileges, exemptions, advantages, contracts or treatment for himself or others." For his guidance we specifically advised that he should not use state time, office, telephone, or other facilities to conduct or effect insurance sales. Furthermore, we advised that he should not attempt to sell insurance to fellow workers over whom he had supervisory responsibilities or individuals connected with businesses which he inspected in his capacity as a state employee.

Our opinion was restricted to considerations under the ethics law, HRS, chapter 84. We did not presume to make any administrative judgment with regard to the time involved, nor did we presume to determine whether the part-time jobs were incompatible with or interfered with the proper discharge of the employees' duties to the State.

Our opinion was also restricted to the existing facts and circumstances disclosed to the Commission. We advised them to request a supplemental opinion if their job responsibilities were expanded to include inspections at the retail store level or if any other material changes of facts or circumstances occurred. We also advised them to inform their supervisors of their outside employment if they had not already done so.

We indicated our appreciation for their concern on matters of ethics and thanked them for filing their disclosures with us.

Dated: Honolulu, Hawaii, April 20, 1972.

STATE ETHICS COMMISSION
Walters K. Eli, Vice Chairman
Gwendolyn B. Bailey, Commissioner
Audrey P. Bliss, Commissioner
Fred S. Ida, Commissioner

Note: Chairman Vernon F. L. Char disqualified himself from participation in this opinion.