

OPINION NO. 190

A state employee informed the State Ethics Commission that he was resigning his state position and asked us to render an opinion on whether the ethics law would preclude him from working on a certain contract for a private consultant.

The individual was employed by a state department and had received an offer from a private consultant to work on a certain project. Another state department had contracted with this private firm to come up with recommendations and enabling legislation for the project in question.

HRS §84-18(b) states that "[n]o former ... employee shall, within twelve months after termination of his employment, assist any person or business or act in a representative capacity for a fee or other consideration, on matters in which he participated as an employee."

The employee indicated that in his state capacity he had helped to develop the concept of the project three years ago. He further indicated that the concept and background material associated with it had been turned over to another state department about a year and a half ago. He has done no work on the project since that time. Another state employee edited the final report describing the concept and pulled the material together for the other state department. We noted, however, that one section of the report had been prepared by the state employee who had requested this advisory opinion.

It was our opinion that HRS §84-18(b) would preclude the state employee from assisting the private consultant on the project for a period of one year from the termination of his state employment. We held that he had participated in the project as a state employee.

Because the individual had indicated to us that he would be retiring from state service whether or not he worked on the project, we brought to his attention other sections of the state ethics law. HRS §84-18(a) states that "[n]o former ... employee shall disclose any information which by law or practice is not available to the public and which he acquired in the course of his official duties or use the information for his personal gain or the benefit of anyone." Then, HRS §84-18(c) prohibits a former State employee for a period of one year from assisting any person or business for a fee on a "matter involving official action by the particular state agency or subdivision thereof with which he had actually served."

We commended the state employee for recognizing the existence of an issue under the state ethics law. We expressed appreciation for his concern for ethics of state employees.

Dated: Honolulu, Hawaii, July 31, 1974.

STATE ETHICS COMMISSION
Gwendolyn B. Bailey, Chairman
Vernon F.L. Char, Vice Chairman
Audrey P. Bliss, Commissioner

Note: Commissioner Walters K. Eli was excused from the meeting at which this opinion was considered. There was one vacancy on the Commission.