

OPINION NO. 192

A clinical specialist employed by a state agency inquired whether the ethics law would prevent him from having a certain individual as a boarder in his home.

The employee indicated that he had accepted as a boarder in his home a former client of his state agency. The boarder paid him over \$250 per month for his room and board and related services.

HRS §84-14(b)(Supp. 1973) states that "[n]o employee shall acquire financial interests in any business or other undertaking which he has reason to believe may be directly involved in official action to be taken by him." Official action is defined in HRS §84-3(7) as "a decision, recommendation, approval, disapproval, or other action, including inaction, which involves the use of discretionary authority."

The employee indicated that he did not see his boarder in his state capacity because the boarder was not from the district to which he had been assigned to serve. He also stated that it was unlikely that the boarder would be involved in official action to be taken by him in the future. He informed our staff that the boarder was no longer a client of his state agency but now received his clinical services at another state institution.

We said that because it was unlikely that the boarder would be involved in official action to be taken by the state employee, HRS §84-14(b) did not preclude him from having the boarder.

We thanked the employee for taking the time to request this advisory opinion.

Dated: Honolulu, Hawaii, August 12, 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.