

OPINION NO. 200

A former state employee requested an advisory opinion on whether he might assist his present employer on certain matters.

The individual worked for the State for three years. He indicated that his principal duties included checking on the accuracy and completion of all documents pertinent to the establishing of a claim for certain state benefits and processing such material for monetary determinations.

The individual had been temporarily assigned by his new employer to a section of the company concerned with matters involving the individual's former state agency.

HRS §84-18(c) (Supp. 1974) states the following:

No former legislator or 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 involving official action by the particular state agency or subdivision thereof with which he had actually served.

Thus, we stated that the individual might not assist for a period of one year from the date he left his state position his employer or any of its clients on any matter that would involve official action by his former state agency. 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 individual indicated that his former state agency took official action involving certain forms that his employer completed for its clients. Thus, we said that HRS §84-18(c) would preclude him from assisting his employer with respect to these forms.

We brought to the individual's attention HRS §84-18(a) (Supp. 1974). This statutory section states:

No former legislator or 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.

We thanked the individual for requesting this advisory opinion.

Dated: Honolulu, Hawaii, December 23, 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.