

OPINION NO. 214

The chairman of an organization asked us whether the state ethics law applied to members of his organization and members of committees of the organization. The individual indicated that the organization was a board established by a state commission pursuant to state law. He further stated that the membership of the organization included lay persons and professionals.

HRS §84-2 (Supp. 1974) states that HRS ch. 84 (the state ethics law) "shall apply to every nominated, appointed, or elected officer or employee of the State, including members of boards, commissions, and committees, and persons under contract to the State, but excluding justices and judges."

It was our opinion that the organization was a board of the State; it had been established by another state commission pursuant to a section of the Hawaii Revised Statutes. Thus, we concluded that the ethics law applied to members of the organization.

The individual also inquired whether the ethics law applied to members of committees of the organization. We noted that under the by-laws of the organization, members of committees did not have to be members of the organization. We believed that as long as the committees of the organization were in the nature of "idea trusts" whose functions were to present ideas or make recommendations to the organization, which would then sift, consolidate, and unify the ideas and recommendations, and as long as the members of the committees did not have access to confidential information, the ethics law did not apply to the members of these committees. We said that if these committees should have a different function than what was stated here, we suggested that the individual seek a further opinion from this Commission.

We thanked the individual for his concern for ethics in government.

Dated: Honolulu, Hawaii, April 18, 1975.

STATE ETHICS COMMISSION
Vernon F.L. Char. Chairman
Gwendolyn B. Bailey, 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.