

OPINION NO. 261

We reviewed the disclosure of an individual under contract to a state agency as a sales coordinator. In his position he was primarily responsible for coordinating the sales of agency units by private real estate brokers. He did not usually engage in the sale of agency units himself, although in the future it was conceivable that occasionally he might be engaged in such sales.

The Commission had become aware of the growing impact that this agency's projects had on the private market; we also realized that employees in certain sensitive positions at the agency who had interests in the private market often dealt with the same individuals and businesses in both their public and private capacities and would have continual access to confidential information. For these reasons the Commission had asked the director of the agency to request employees with interests in the private market to disclose those interests to the Commission for its review. The employee had filed a disclosure form pursuant to that request. Because of the sensitive nature of the questions involved, the Commission treated his disclosure as a request for an advisory opinion pursuant to Commission rule 3.5.

The employee indicated that he hung his real estate license with a private company. He also indicated to the Commission that he operated his own real estate office prior to entering into employment with the agency, but closed that office pursuant to the advice of his supervisor. He also stated that he was no longer actively engaged in the sale of real estate and was hanging his license with a private company for the purpose of maintaining that license on an active basis.

We believed that the conduct of his private business affairs had been in conformance with HRS §84-13 which prohibits the use of position to gain unwarranted advantages, contracts, or treatment. Our review of his situation and others similar to it persuaded us that it would be appropriate for him to continue to maintain his license on an active status so long as he was not actively engaged in the real estate market. We were of the opinion that he might engage in the sale of his own personal residence or that of a relative so long as such sales did not indicate an entrance by him into the private real estate market on an active basis.

We commended him for the cooperation he had provided the Commission in this matter.

Dated: Honolulu, Hawaii, July 23, 1976.

STATE ETHICS COMMISSION
Paul C.T. Loo, Vice Chairman
Gary B.K.T. Lee, Commissioner
I.B. Peterson, Commissioner

Note: Chairman Audrey P. Bliss and Commissioner Dorothy K. Ching were excused from the meeting at which this opinion was considered.