

OPINION NO. 312

A legislator asked the Commission if the ethics code would preclude him from petitioning the Land Use Commission for a reclassification of a parcel of land that he, as a member of a hui, owned.

The Commission indicated that the ethics code found in chapter 84 of the Hawaii Revised Statutes contains no provisions which would prohibit him from filing such a petition. The fact that he was a legislator did not prohibit him from exercising his rights as a public citizen. We noted that petitioning the Land Use Commission for a reclassification of one's own land was certainly a right of any citizen in Hawaii.

We did point out, however, that while the statute did not prohibit him from petitioning a state board or commission, HRS §84-13(Supp. 1975) did prohibit him as a legislator from using or attempting to use his official position to secure unwarranted privileges, exemptions, advantages, contracts, or treatment for himself. While it was unlikely that the members of the Land Use Commission would not know he was a legislator, we stated that he should be aware that as such a public official he should exercise utmost caution in dealing with state agencies.

We indicated our appreciation for his concern for the ethical implications involved in a legislator's appearance before a state board or commission.

Dated: Honolulu, Hawaii, September 7, 1977.

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

Note: Commissioner Audrey P. Bliss was excused from the meeting at which this opinion was considered.