

OPINION NO. 501

The Commission received a disclosure of financial interests from a state employee indicating that he taught courses at the University of Hawaii on a part-time basis. In accordance with section 21-3-1(f), State Ethics Commission Rules, the Commission treated the disclosure as a request for an advisory opinion so that it might review the subject matter of the courses the employee taught to determine whether they overlapped substantially with his state responsibilities.

In his state position, the employee provided administrative support to the director of his department, who had to make decisions affecting certain businesses. The employee reviewed the practices of the businesses so that the director could make informed decisions. The courses taught by the employee dealt with various aspects of the industries whose businesses were subject to official action by the employee's director.

The relevant ethics code provision was HRS §84-13(2), which prohibits state employees from receiving double compensation for the performance of their official duties. Although the employee's state duties and the content of the courses he taught were related, the Commission determined, after reviewing the course syllabi, that there was no overlap significant enough to constitute an impropriety under HRS §84-13(2).

In a letter addressed to the Commission the employee stated that he felt that the Commission's inquiry suggested unethical behavior on his part. The Commission assured the employee that it had no intention of suggesting that he had been involved in unethical conduct. However, the Commission also pointed out that it was its responsibility to examine the nature of an employee's private financial interests when it appears that those interests strongly relate to the employee's state duties. The Commission stated that it does not, of course, assume wrongdoing on the part of a state employee; yet, at the same time, the Commission stated that it must make inquiries if it is to perform its obligations under the law.

The Commission informed the employee that advisory opinions issued by the Commission are based on and limited to the facts in the opinion. The Commission told the employee that he might wish to contact the Commission for another opinion if the facts of his situation changed.

The Commission told the employee that it appreciated his cooperation in resolving this matter and that it also appreciated his candor in discussing the facts of the case.

Dated: Honolulu, Hawaii, July 1, 1983.

STATE ETHICS COMMISSION
Allen K. Hoe, Vice Chairperson
Gary B.K.T. Lee, Commissioner
Rabbi Arnold J. Magid, Commissioner

Note: Chairperson Edith K. Kleinjans was excused from the meeting at which this opinion was considered. Commissioner Mildred D. Kosaki disqualified herself from consideration of this opinion.