

## OPINION NO. 502

The Commission received a request for an advisory opinion from a county extension agent who asked the Commission to determine whether he could enter into a commercial farming venture. In his state capacity, the agent's primary commodity responsibilities related to produce other than the kind he intended to grow on his private farm. He stated, however, that he was also required to give information to, and generally assist, farmers who grew the same produce he intended to grow on his own farm. This responsibility was confirmed by the extension agent's supervisor.

In light of these facts, the ethics code provision applicable to the extension agent's question was HRS §84-14(b), which prohibits state employees from acquiring financial interests in businesses that they have reason to believe may be directly involved in official action to be taken by them. In the past, the Commission had interpreted this provision to prohibit a state employee from engaging in a business if the employee took official action that affected his business's competitors, since official action affecting a competitor would also affect the employee's own business. For this reason, the Commission believed that the ethics code would prohibit the extension agent from engaging in a commercial venture to grow and sell the produce he specified, since he was required to take official action vis-a-vis farmers who grew the same produce commercially.

The Commission told the employee that it understood that his department had begun to encourage its county extension agents to engage in the practical aspects of agriculture so that the information provided by them had more than a theoretical basis. Although the Commission stated that this was certainly commendable, the Commission informed the employee that such activities run afoul of the ethics code when done commercially in situations where the county extension agents' businesses compete with the businesses of those who seek assistance from them.

The Commission told the employee that it recognized and appreciated his candor in discussing the facts of his case and commended the employee for bringing this matter to the attention of the Commission at an early time.

Dated: Honolulu, Hawaii, July 21, 1983.

STATE ETHICS COMMISSION  
Edith K. Kleinjans, Chairperson  
Allen K. Hoe, Vice Chairperson  
Mildred D. Kosaki, Commissioner  
Rabbi Arnold J. Magid, Commissioner

Note: Commissioner Gary B.K.T. Lee was not present during the discussion and consideration of this opinion.