

OPINION NO. 506

The Commission received a request for a reconsideration of Advisory Opinion No. 502 from the county extension agent involved in that case. In Advisory Opinion No. 502, the Commission prohibited the county extension agent from entering into a commercial farming venture because it appeared that he would be required to take official action affecting other farmers who would be his competitors.

In the letter requesting a reconsideration, the county extension agent stated that he planned to have a very small farm and that he planned to divide the land into a number of smaller areas so that he could grow a variety of crops. He also stated that he had no intention of expanding his farm and that the size of his farm was so small that it would not have any impact on other commercial farmers.

In Advisory Opinion No. 502, the Commission informed the county extension agent that he would be prohibited by the code from acquiring his farm because HRS §84-14(b) prohibits state employees from acquiring financial interests if they take official action affecting the competitors of those financial interests. Upon reconsideration, however, the Commission concluded that the county extension agent's farm, because of its small size and the amount of land he allotted per crop, would not have any impact on other commercial farmers. The Commission therefore held that the county extension agent could enter into the limited farming venture he had described.

It was the Commission's understanding that the county extension agent did not intend to expand his farm. The Commission informed the county extension agent that if he did so, or substantially changed the amount of land devoted to a particular crop, the Commission's holding in this opinion might be inapplicable. The Commission told the county extension agent that if he altered his plans for his farm, he might wish to contact the Commission again for another opinion.

Finally, it was the Commission's belief based on the information that the county extension agent provided that a farm his size devoted to a number of crops would not affect other commercial farmers. However, the Commission informed the county extension agent that it would have to reconsider its opinion should the Commission receive complaints from other farmers.

The Commission again commended the county extension agent for his sensitivity to the ethical considerations discussed above and expressed appreciation for his bringing this matter to the attention of the Commission.

Dated: Honolulu, Hawaii, August 25, 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 excused from the meeting at which this opinion was considered.