

OPINION NO. 518

The Commission received a request for an advisory opinion from the chairman of a state board who asked the Commission to determine whether he could work as a consultant for a private company. As a consultant, the chairman's duties were to include advising the company on security matters, researching and evaluating data, researching and evaluating the feasibility of constructing new facilities, and other related tasks. As head of his board, the chairman administered laws relating to state and county employees.

The section of the ethics code relevant to the question the chairman raised was HRS §84-14(b), which states that

[n]o employee shall acquire financial interests in any business or other undertaking which he has reason to believe may be directly involved in official action to be taken by him.

Since the chairman stated that the company he wished to work for would not be coming before his board for official action, the Commission determined that this provision of the ethics code would not prohibit him from working for the company.

The Commission pointed out, however, that HRS §84-13(3) prohibits state employees from using state time, equipment, or facilities for private business purposes. The Commission informed the chairman that this provision of the code would prohibit him, for example, from using his state telephone when working for the company or from performing company work at his state office. The Commission told the chairman that it realized that he was sensitive to these issues and that he had stated that work for the company would not take place during state hours, except for his lunch time. The Commission also informed the chairman that the ethics code prohibits state employees from disclosing confidential information or using confidential information for private purposes. The Commission also mentioned that the ethics code bars employees from using their official positions to secure special or favorable treatment for themselves or others.

The Commission informed the chairman that advisory opinions rendered by the Commission are based on and limited to the facts presented in the opinion. The Commission advised the chairman to contact the Commission for another opinion if the facts of his case changed.

The Commission commended the chairman for bringing this matter to its attention at an early time and told him that it appreciated his sensitivity to the ethical considerations discussed above.

Dated: Honolulu, Hawaii, December 30, 1983.

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

Note: Commissioners Gary B.K.T. Lee and Arnold J. Magid were excused from the meeting at which this opinion was considered.