

OPINION NO. 525

The Commission received a request for an advisory opinion from a state employee who examined on a random basis certain forms submitted to his office. The employee asked the Commission to determine whether he could take a part-time position helping individuals prepare the forms. The employee also asked if it would be permissible for him to accept the part-time employment if he limited himself to checking only mathematical calculations entered on the forms.

The section of the ethics code relevant to the question the employee 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.

Because the employee examined the forms as part of his official duties, the Commission determined that this provision of the ethics code would prohibit him from being privately employed to prepare or check the forms. The Commission noted that since it was the employee's responsibility to examine the forms, a conflict would arise when forms prepared or checked by the employee appeared before him in his official capacity. To prevent this kind of problem from arising, the legislature included HRS §84-14(b) in the ethics code to prohibit employees from acquiring financial interests in matters subject to official action to be taken by them.

The Commission told the employee that it appreciated his requesting an advisory opinion on this matter and also commended the employee for his sensitivity to the ethical considerations involved in this case.

Dated: Honolulu, Hawaii, February 9, 1984.

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

Note: Commissioner Arnold J. Magid was not present during the discussion and consideration of this opinion.