

BEFORE THE BOARD OF ETHICS

COUNTY OF HAWAI'I

In the Matter of the Petition by

Tisha L. Justo,

Petitioner.

PETITION NO. 2022-06

INFORMAL ADVISORY OPINION

Initial Review: April 7, 2022

INFORMAL ADVISORY OPINION

By Petition dated March 30, 2022, with the Hawai'i County Board of Ethics (hereinafter "the Board"), Petitioner Tisha L. Justo (hereinafter referred to as "Petitioner") who is employed as a Housing Specialist III with the Office of Housing and Community Development (hereinafter "OHCD"), requested an Informal Advisory Opinion from the Board. Petitioner sought guidance as to whether Petitioner, who wants to obtain her real estate license, could list/sell homes (for additional income) for an agency that may also have Section 8 properties with OHCD and not be in violation of Hawai'i County Code Section 2-84 (Conflicts of Interests).

At its duly noticed meeting on April 7, 2022, the Board reviewed and considered the above-captioned Petition pursuant to Rule 4 of the *Rules and Practice and Procedure of the Board of Ethics*. Petitioner attended the meeting (requested a closed hearing), provided testimony, and further expounded on her desire to obtain a real estate license and list properties for additional income. The Board, having deliberated and considered and giving appropriate weight to the testimony and evidence submitted by the Petitioner, and having considered the arguments presented, hereby renders the following Findings of Fact, Conclusions of Law, and Order.

## FINDINGS OF FACT

1. To the extent that any of these Findings of Fact are Conclusions of Law, they are to be so construed.

### A. The Petition

2. Petitioner is a Housing Specialist III with the Office of Housing and Community Development.
3. As a Housing Specialist III, Petitioner indicated that she would have internal County computer access to tenant, landlord and property manager information on current Section 8 OHCD housing units. Petitioner indicated she could utilize that access to check whether a property she may list/sell was also a Section 8 housing unit.
4. Petitioner further indicated an ability to use her “OHCD platform” to meet multiple home buyers that may thereafter also consider renting their properties for Section 8 housing needs.
5. Petitioner intends to only list/sell properties and not become a property manager, should she get her real estate license.

### B. Board’s Ruling

6. Based on the evidence and testimony presented, the Board finds that there is no conflict of interest in obtaining her real estate license per se, however, there is a high probability of a conflict of interest arising based on an anticipated inability for Petitioner to separate her Housing Specialist III position from her intended real estate work.
7. The Board informed Petitioner that her use of internal County access to tenant, landlord and property manager information on current Section 8 housing units to check for possible conflicts with any anticipated real estate agency she may work with, would be in

direct violation of County property rules and a conflict of interest under Hawai'i County Code 2-84. Use of such internal County information or her "OCHD platform" as a OCHD Housing Specialist III would be inappropriate.

8. Board Member Amy Self moved that the Board find that Petitioner obtaining her real estate license does not violate Section 2-84 of the Hawai'i County Code of Ethics, however, there is a high probably of a conflict of interest given Petitioner Housing Specialist III position with OCHD.
9. Board Member Erick Allende seconded the motion. The motion passed 5-0.

CONCLUSION OF LAW

Based upon the evidence presented and the Board's review of the Hawai'i County Code of Ethics and the Board's Rules of Practice and Procedure, the Board finds and concludes that Petitioner can obtain her real estate license while employed as a Housing Specialist III, but cautions Petitioner that this Board believes a conflict of interest under HCC Section 2-84 will arise due to her OCHD position.

ORDER

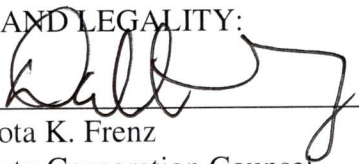
Pursuant to Board Rule 4.9, this Informal Advisory Opinion shall be filed and a copy shall be sent to the Petitioner.

Dated: Hilo, Hawai'i, May 18, 2022.

BOARD OF ETHICS, COUNTY OF HAWAI'I

By Lawrence L. Heintz  
• LAWRENCE HEINTZ  
Chair

APPROVED AS TO FORM  
AND LEGALITY:

A handwritten signature in black ink, appearing to read 'Dakota K. Frenz', written over a horizontal line.

Dakota K. Frenz  
Deputy Corporation Counsel