

BEFORE THE BOARD OF ETHICS  
COUNTY OF HAWAI'I

In the Matter of the Petition by

██████████

Petitioner.

PETITION NO. 2023-05

INFORMAL ADVISORY OPINION

Initial Review: May 10, 2023

INFORMAL ADVISORY OPINION

By Petition dated April 10, 2023, with the Hawai'i County Board of Ethics (hereinafter "the Board"), Petitioner ██████████ (hereinafter referred to as "Petitioner") who is an employee of the County of Hawai'i ██████████ requested an Informal Advisory Opinion from the Board. Petitioner sought guidance as to whether Petitioner could participate in concurrent employment as a County employee and as a Hawai'i real estate sales/property management person.

At its duly noticed meeting on May 10, 2023, in a closed hearing, 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, provided testimony, and further expounded on any potential conflicts of interest. Petitioner identified ██████ is employed fulltime by the ██████████. Petitioner purposed that ██████ would also be working part-time as a Hawai'i real estate salesperson for a family related company, outside of County business hours, and not utilizing County equipment or resources. Petitioner explained the extent of ██████ present duties at the ██████████. Moreover, Petitioner explained that ██████ expected duties as a Hawai'i real estate sales/property management person

would include residential property management services to clients and tenants including rental showings, coordinating maintenance services, and residential/rental inspections. Petitioner explained that in [REDACTED] expected role as a Hawai'i real estate sales/property management person [REDACTED] would not be required to interface with County entities.

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 an employee of the [REDACTED]
3. Petitioner's present duties as an employee of the [REDACTED] do not overlap with the contemplated duties as a Hawai'i real estate sales/property management person.
4. Petitioner's present duties as a Hawai'i real estate sales/property management person would not be conducted during the County work hours and would not utilize County equipment or resources.

##### B. Board's Ruling

5. Based on the evidence and testimony presented, the Board finds that there is no conflict of interest for the Petitioner to participate in concurrent employment as a County employee and as a Hawai'i real estate sales/property management person.
6. Board Member Denise Nakanishi moved that the Board find that there is no conflict of interest under Section 2-84 of the Hawai'i County Code of Ethics for the Petitioner to

participate in concurrent employment as a County employee and as a Hawai'i real estate sales/property management person.

7. Board Member Sarah Gibbon seconded the motion. The motion passed 6-0.

CONCLUSION OF LAW

Based upon the evidence presented and the Board's review of the Hawai'i County Code of Ethics and the *Rules and Practice and Procedure of the Board of Ethics*, the Board finds and concludes that Petitioner can participate in concurrent employment as a County employee and as a Hawai'i real estate sales/property management person consistent with the duties as described in the Petition.

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, JUN 14 2023, 2023.

BOARD OF ETHICS, COUNTY OF HAWAI'I

By



RACHEL SHORT  
Chair

APPROVED AS TO FORM  
AND LEGALITY:



SYLVIA WAN  
Deputy Corporation Counsel