

**HAWAI‘I COUNTY BOARD OF ETHICS
MINUTES – REGULAR SESSION**

Wednesday, May 11, 2022
10:00 a.m. to 12:54 p.m.
Hawai‘i County Building
25 Aupuni Street
County Council Chambers
Hilo, Hawai‘i 96720

Members and Staff Present:

Larry Heintz, Chair
Amy Self, Vice Chair
Denise Nakanishi, Member
Kelly Valenzuela, Member
Erick Allende, Member
Dakota Frenz, Deputy Corporation Counsel
J Yoshimoto, Deputy Corporation Counsel
Liza Osorio, Secretary

1. CALL TO ORDER (10:00 a.m.)

Mr. Heintz called the meeting to order at 10:00 a.m.

2. STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS (10:4 a.m.)

Due to technical difficulties, the beginning of the meeting and a portion of the public testimony was not recorded.

***Note that Robert Harris from the State Commission on Improving Standards of Conduct was the first Testifier. He was interested in collaborating with the Board of Ethics to solicit input on any state changes. Gene Tamashiro was the second testifier. A portion of his testimony was not recorded.**

Mr. Tamashiro: ...important issue that has affected so many lives and actually we have verified evidence that many have died in response to this so-called global pandemic. We have so much evidence and I did take it to court an emergency injunction and the defendants were the governor, lieutenant governor, attorney general, health department chair and all four county mayors. We brought forward over a 100 pages of forensic evidence, much of it in total collaboration with what Millicent has brought forward with Dr. David Martins research that shows there has been collusion at the very highest level. Criminal gain-of-function research and all kind of things. And every single court throughout the world, not just in America, but throughout the world has not done their due diligence and their due process to examine this evidence and begin the process of a

lawful conclusion, so I'm just here to support Millicent and everyone else that really wants to see justice be done or at least what can we do to forward legitimate statements of integrity so that justice can be done. We owe it to the people that are still alive that have been strong and not taken the shot. And we certainly owe it to the families that have been coerced and bullied into taking the shot. We have information almost daily of our friends and family who have taken the shot and who have died. Okay so, this is so serious. We're all implicated, we're all involved and I support everyone in aloha truth, so god bless you all.

Mr. Heintz: Thank you Mr. Tamashiro. Any other commentors? Seeing none we will move to the next item on the agenda.

3. APPROVAL OF THE REGULAR SESSION MINUTES OF APRIL 7, 2022 (10:10 a.m.)

Motion and Vote: Ms. Self moved to approve the minutes, subject to corrections. Ms. Valenzuela seconded the motion. All members voted aye. (10:07 a.m.)

4. NEW BUSINESS (10:08 a.m.)

a. Petition 2022-07: Petition alleging that the Prosecuting Attorney violated Section 2-83(3) Fair Treatment and Section 2-84(c) of the Ethics Code.

Mr. Heintz: This petition has many respondents named. The one that's relevant it seems that's under the jurisdiction of this board is the Prosecuting Attorney, Mr. Waltjen. Thank you. I see Ms. Cummings and there's someone with you.

Ms. Cummings: This is Mr. Roger Christie.

Mr. Heintz: And is Mr. Roger Christie identified as a, on the petition?

Ms. Cummings: He is a, we've been working together for some time with the Emergency Child Protective Coalition to protect children and he's intimately involved in this process of making sure that justice comes to them.

Mr. Heintz: Okay, and...

Ms. Cummings: He's a private counsel.

Mr. Heintz: Okay so do you expect he'll be speaking as well?

Ms. Cummings: No.

Mr. Heintz: Okay thank you. The board members received your packet, your petition and packet and in addition we received a supportive declaration of a whistle blower. I just wanna acknowledge that we've received those documents. We have also received a letter from the respondent, the Prosecuting Attorney and have you received a copy of his letter? Or response?

Ms. Cummings: I have not.

Mr. Heintz: You have not. I would like to proceed by either, well supplying you with a copy and also we will read the copy into the record. Now, the reason for doing is to try and facilitate this matter so we can move forward today.

Ms. Cummings: Wonderful.

Mr. Heintz: I take that wonderful as an agreement that that's okay with you.

Ms. Cummings: That we proceed, yes.

Mr. Heintz: The other option is that we delay this matter until next month when you have time to look at the letter. The letter is rather straight forward, I say that as somebody who's not an attorney. But, so...and maybe this is the way, if Mr. Waltjen is in agreement with this as well, the way I would proceed is we will let you know speak to your petition and then the respondent will come and I would appreciate it if Mr. Waltjen would read it into the record, aloud to the body. I think that's the most appropriate person to read that. And then we'll not use that as part of your respondent's time and then you'll be able to say anything further in response to Ms. Cummings' remarks. Is everyone happy with this procedure? And how I intend to proceed?...J?

Mr. Yoshimoto: Okay just one more procedural thing, we should check with the respondent to make sure they're consenting to proceeding with an open hearing. They have a right to select that, so we need to have that on the record to make sure before we proceed with the hearing.

Mr. Heintz: Thank you, is that clear to Mr. Waltjen? Open hearing?

Mr. Waltjen: That's fine.

Mr. Heintz: Okay. Any other technical questions or matters? Snags? Opportunities? Okay. Thank you. So at this time we'll let you

proceed and what I'd like you to do is, your document is quite lengthy. I have reviewed the materials, I believe the members have as well. I would like you to highlight or make whatever comments you would like. You have three minutes, we may allow more, we'll see. Thank you.

Ms. Cummings: The (?) speak for 3 minutes?

Mr. Heintz: Is your mic on?

Ms. Cummings: It is. I'll be more professional about this. This would take 10 minutes to read, which is a very specific and one pointed presentation that I would like to ask that I be allowed to proceed with it.

Mr. Heintz: Any objections by the members?

Ms. Cummings: Takes 10 minutes to get through. Thank you. Aloha to the members of the board of ethics - I will try to read as quickly as possible - the prosecuting attorney and members of our beloved County of Hawai'i at large. My name is Millicent Cummings, President of the Emergency Child Protective Coalition, mother, educator, researcher, inhabitant of Hilo and petitioner. Over the course of the past 2 years I have been researching in a fulltime capacity what is medical and social tyranny, corporate fraud, treasonous behavior on the part of many who have sworn an oath to uphold the constitution for the United States and other crimes against all of mankind. Having done my due diligence and having exhausted all known avenues for remedy, I have been led to this distinguished board of hopefully constitutionally compliant individuals. Mahalo for receiving this petition of inquiry regarding possible unfair and unlawful treatment, dereliction of duty and other crimes which shall have been committed by our prosecuting attorney. Also having provided voluminous evidence of said crimes to him on more than one occasion. His refusal to perform his duty in a lawful, fair and courteous manner has been baffling to us. While so many members of this community continued to lose their lives, their health, their livelihoods and their loved ones. When there has been a report 40% increase in non-covid related deaths in the 2nd half of 2021 according to the insurance company records, along with the simultaneous explosion of neurological diseases, cancers, heart disorders, suicide, cases of self harm, depression, overdoses, domestic violence, miscarriages and many, many other serious injuries, permanent disabilities and deaths according to medical records. An investigation is certainly in order to establish the root cause. As significant data is coming out that is

perhaps linked directly to that cause concurrent with the unlawful COVID-19 protocols and the roll out of the so-called vaccines and likely correlations demands further investigation. Last September I sent a sworn affidavit outlining said crimes against all of mankind to Governor Ige, Lieutenant Green, Attorney General Connors, Mayors Roth, Victorino, Blangiardi and Kawakami as well as the Department of Health Director Char, none of whom responded. I then sent a lengthy default notice of liability and demand for immediate cease and desist related to unlawful experimentation without informed consent and dangerous medical interventions which is the mission statement of Emergency Child Protective Coalition to prevent. Once again none of them responding in a form of sworn affidavit. I then brought a proposed indictment penned by Rick Martin of the Constitutional Law Group along with a 205 page evidentiary dossier compiled by Doctor David Martin, Advisor to the Constitutional Law Group, to the prosecuting attorney's attention on February 14th of 2022. This was done with other members of our community who included their own signed proposed indictments and evidence in concert with almost 1 million other concerned people across the United States of America in their counties. After repeated failed attempts to speak with Mr. Waltjen about said documents I delivered an invitational letter to discuss the matter mentioning his duty in County Charter Section 9-32 to prosecute offenses against the laws of the state under the authority of the Attorney General of the State, as well as Section 9-34, institute proceedings or direct the chief of police to do so before the district judges for the arrest of persons charged with or reasonably suspected of public offenses. When the Prosecuting Attorney has information that any such offenses have been committed. I then composed an affidavit as a result of what I could only consider an obstruction of justice or at least a dereliction of duty on his part including the following codes, and you can see those but I should go ahead and read them I suppose. Title US Code 3 Accessory after the fact; Title 18 Section 4 Misprision of a felony; 18 US Code 21 stolen or counterfeit nature of property for certain crimes defined; 18 US 2331 Code Acts of Domestic Terrorism resulting in the death of American Citizens; 42 US Code 2000 AA6 Civil Actions to criminal commercial activity and 18 USC 175 Prohibitions with respect to Biological Weapons. On one of my outreach phones calls to connect with the prosecuting attorney to confirm that he received the documents in order to expediate the investigation I was misguided by his secretary who told me that the correct protocol for me would have been to give the evidence to the Chief of Police. I did so promptly, and again received no response even though according to Section 7-24, powers, duties and functions of the

Chief of Police the Chief of Police “shall be the administrative head of the Police Department and shall a) be responsible for the preservation of the public peace, prevention of crime, detection and arrest of offenders against the law, protection of the rights of persons and property and enforcement of preventions of violations of the laws of the State and Ordinances of the County and all regulations made in accordance there with.” I must therefore consider that he too is perhaps in dereliction of duty, in any case I find this repeatedly dismissive attitude to be professionally unethical on the part of all the aforementioned public servants and unthinkably inhumane when so many are being harmed and killed by the consequences of these COVID-19 shots, mandates and lockdown measures. Mr. Waltjen has yet to observe the conduct of employees in the Code of Ethics 14-4c – all persons shall be treated in a courteous, fair and impartial manner. I haven’t been given so much as a courtesy call in almost 3 months since he has had these profoundly time sensitive documents in his custody for which I have assigned chain of custody. I then sent this affidavit along with the related documents to accompany my formal petition that you now have before you. Mahalo for considering it again and taking a look at this time sensitive material. As the Prosecuting Attorney is charged with investigating “persons charged with or reasonably suspected of public offenses” how can he establish any validity to the well-researched claims made by Dr. David Martin’s dossier presented to him on several occasions now by numerous members of our community, in person and by certified registered mail if he does not launch an investigation. On the Prosecuting Attorney’s website it states the Office of the Prosecuting Attorney is the legal agency responsible for prosecuting all violations of state and County laws, ordinances, rules and regulations on behalf of the big island community as provided by Hawai’i County Charter Article 9, Chapter 28 HRS 28-1. My intention here is to see that all “all violations of state and County laws, ordinances, rules and or regulations” that may be applicable to this petition be observed. Regarding Section 2-83a3 all persons shall be treated in a courteous, fair and impartial manner. There is another petition that sets precedence for this one, Petition No. 2020-04. The board finds that Mayor Kim violated Section 2-83a3 of the Hawai’i County Code with unanimous ruling setting precedence for a newly elected officer of the County of Hawai’i violating this code. My complaint in comparison with Mayor Kim’s case should be take far more seriously as far more lives and laws are at stake. It is also incumbent on said officials while protecting the health and safety of Hawai’i County residents to address the health risks imposed by mask mandates especially for children. Hawai’i is the last state to lift the nonsensical mandate and stop discriminating

against them, why? As a tax payer I refuse to be accomplice to crimes against all mankind with such experimental shots, fraudulent tests, baseless mandates, disastrous hospital protocols and other COVID-19 regulations constitute. This is clear, the harms are numerous and the continuance of these protocols are unconscionable. I maintain that refusal to investigate these offenses constitutes reckless endangerment and willful negligence. I'm just gonna skip some of this because I do know, but I wanna briefly say that Pfizer wanted a 75 year delay on access to the pretrial evidence that obviously these shots were causing profound harm, lethal on every level. A judge ruled against this illegal attempt to bury the incriminating data regarding known injuries and deaths which is why we now have more evidence of crimes against humanity. Pfizer a known villain in numerous previous medical fraud, vaccine injury and death cases was in fact well aware of the mortal threats of their product before unleashing it upon a trusting an intentionally misguided and coerced public. This left us all completely unprotected by our elected officials from both external and internal terroristic threats that will have long last and deadly consequences for years to come. Pfizer recently stated in a meeting with possible investors and shareholders "we may not be able to demonstrate sufficient efficacy or safety of our COVID-19 vaccines to obtain permanent regulatory approval. If they cannot assure investors that their investment is sound, why are we allowing to distribute such a questionable product? Let alone coerce and even unlawfully mandate us to take it. Which is entirely against federal and national laws and codes like the (?) Code of one of many. According to the former VP of Pfizer, Michael Yeadon, the vaccines are over a 100x more lethal to our off spring than the virus which still to this never been isolated. This is evidence of several crimes, such as acts of domestic terrorism, market manipulation and conspiring to commercial criminal activity to name a few. Requiring our offspring to take experimental drugs that aren't even FDA approved in order for them to attend school or play sports or any number of arbitrary conditions not only constitutes reckless endangerment but also straight up abuse. As the president of the Emergency Child Protective Coalition, as mother and conscientious woman, I refuse to tolerate this on my watch and I'm just dumbfounded as to how it is allowed to continue, unquestioned by the prosecuting attorney, Mr. Waltjen and indeed every single one. The numerous shots have already incurred are reflected in the most recent various data that you have before you. You don't have the most recent but in the packet that I gave you all you have last month's which is close enough for rock n roll. This constitutes only between 1 and 10 percent of the actual total number of vaccine deaths and injuries

these shots have incurred far more damage than other previous vaccines combined. No product that is inflicted even a small fraction of injuries has ever been allowed to remain on the market before. Only 184 deaths have allegedly occurred from COVID-19 on our island in over 2 years. Strangely concurrent with the scientifically impossible disappearance of most flu cases. Most occurred in people over 70 who had several co-morbidities involved that could've just as easily explained their unfortunate deaths. Out of the alleged 12,861 cases, based on a verifiably fraudulent PCR tests. This obviously does not constitute an emergency of any kind. Our hospitals were never impacted, morgues were never over run, children were never vectors of disease threatening the well-being of their grandparents and there was never any reason to close our small businesses while allowing big chain stores to remain open for them to profit wildly during these allegedly emergency. This is an economic takeover, not a pandemic. Praying on people's fear through propaganda and exercising unbridled authority in a manipulative and highly profitable medical tyranny. On the united states homeland security website it says if you see something say something to raise awareness of the indicators of terrorism and terrorism related crime. As well as the importance of reporting suspicious activity to state and local law enforcement. I have done this, to no avail while witnessing what I can only describe as democide, pharmicide, infanticide, genocide and full blown tyranny. It is incumbent on every one of these officials to address the gravity of this situation. It is their duty to address the health risks imposed by the mask mandates still being forced upon our children. These breaches in constitutional protections are repugnant to it and are especially harmful, to them who's brains are still forming, requiring free access to oxygen and who's cognitive skills depend on facial information and physical interaction. Our children are wearing masks at school in this very moment while we adults exercise the liberty that should needless to say be theirs as well according to the constitution for the united states and basic common sense. Meanwhile there is no peer review data that exists proving masks significantly decrease on already non-existent threat for our offspring and biological property who have a 99.997% survival rate. This is science. There is however ample peer review data revealing the numerous diseases and disorders resulting from the harmful ritual that must be stopped. And that's a kind word for this. Researchers in the UK who recently sampled lung tissue identified 39 kinds of microplastics in 11 out of 13 tissue samples. The most common being polypropylene. Polypropylene is the most common material used to make the masks causing viable harm, especially to our offspring. This is science, while our children are

being forced to wear these masks. This is child abuse. On Mr. Waltjen's website...is redundant. The burden of proof should not be on our shoulders but rather those charged with the duty. It is my most sincere wish to provide an opportunity for the Prosecuting Attorney and all public servants mentioned here to regain the public trust by at the very least, following the laws and codes herein. Let it be known that those who collude with criminal activity are no longer covered by the immunities act, having knowingly or willingly violated the rights of the people thereby breaking their contract. That is their oath to the constitution for the United States. Established laws are not vitiated by mere mandates and yet several laws have been entirely disregarded during this alleged pandemic. Our unbiased research has revealed fraud, collusion and crimes against humanity that still await Mr. Waltjen's long overdue attention. The questions remain, is he fulfilling his duties or not? Have I been treated fairly and lawfully or not? And are we still observing lawful procedure in accord with the United States Constitutional Laws and protections or not? Mahalo again for this opportunity to pose these questions and discover the answers together for the good of all in order to realign with what is best for our community and for our world in these historic and pivotal times. In any case I wish you all. Sincere aloha and God bless.

- Mr. Heintz: Thank you very much. Are there any members of the board who have questions for the petitioner?
- Ms. Self: Ms. Cummings, any time you have a complaint about an attorney, that should be brought up with Office of Disciplinary Counsel, have you sent your complaint to ODC?
- Ms. Cummings: Neither he, nor anyone made any mention of this.
- Ms. Self: Because our board doesn't handle these types of things.
- Ms. Cummings: It does handle ethics, however.
- Ms. Self: But this is a complaint about an attorney. So the ODC should be the ones that determine that.
- Ms. Cummings: Then why wasn't I directed by either the Police Chief or Mr. Waltjen?
- Ms. Self: I don't know, but I'm just telling you that the ODC is the place that you would file a complaint not here.

Ms. Cummings: Well if the Board of Ethics has anything to do whatsoever with ethics and the ethical behavior of public servants, then I am correct in bringing this to your attention.

Ms. Self: Well, I told you.

Ms. Cummings: Thank you for the information, I'll look into it.

Mr. Heintz: Any other questions by board members?

Mr. Allende: The only question I have would be, so the nature of your complaint is the fact of correct...

Ms. Cummings: Very specifically, fulfilling his duties and doing it in a courteous fair manner, which he has not. And that's in the County charter. I'm going by the County Charter.

Mr. Heintz: Any other questions? There are two complaints here. One is allegedly Mr. Waltjen has not treated you fairly and secondly, allegedly he has a conflict of interest which...

Ms. Cummings: May have...we don't know.

Mr. Heintz: That's why I said allegedly. Okay thank you very much, hearing no further questions, Mr. Waltjen, the floor is yours. If you would start by reading your letter of response into the record. Thank you.

Ms. Cummings: Just by the way, the very specific areas of the County Charter that were discussed were in the information that you all received earlier so if you go back and see all this information, or you can just read your County Charter...

Mr. Heintz: Right. We have that and one further thing, you will provide the board with your 10 pages statement is that right? Thank you.

Ms. Cummings: Can we make a copy of it? Is it possible for your to make a copy? 6 copies or...

Mr. Heintz: Well it's in the record anyway so thank you.

Ms. Cummings: Well I'll just leave it here on the desk for someone to make, so you'll have copies...or I can send it to you also. Thank you again very much for this opportunity. Aloha.

Mr. Waltjen: Good morning Chair, good morning Commission members as well.

Mr. Heintz: Mr. Waltjen I see you have a companion today?

Ms. Frenz: Good morning Chair, Deputy Corporation Counsel Cody Frenz, I represent the Prosecutors Office, so I'm here in the event that he needs something.

Mr. Heintz: Thank you.

Mr. Waltjen: Chair, do you want me to just start off by reading our response to the petitioner?

Mr. Heintz: Yes I would appreciate that. Thank you.

Mr. Waltjen: Again, aloha everyone. Mahalo, Prosecuting Attorney Kelden Waltjen. Reading from my response dated May 9th, 2022 and addressed to Mr. Lawrence, Larry Heintz, Chairman of the Board of Ethics Commission, County of Hawai'i. In regarding Petition No. 2022-07. Aloha Chairman Heintz and Board of Ethics Commission members, this is to acknowledge receipt of your letter dated April 20th, 2022 and Petition No. 2022-07, dated April 8th, 2022, hereafter referred to as Petition, which alleged violations of Sections 2-83 subsection a3 and 2-84 subsection c of the Hawai'i County Code of Ethics. After thorough review of the aforementioned letter and petition and accompanying exhibits, I state my opposition and denial of violations of Section 2-83a3 and 2-84c of the Hawai'i County Code of Ethics. Section 2-83a3 provides 'Officers, employees of the County, while discharging their duties and dealing with the public, shall adhere to the following precepts: All persons shall be treated in a courteous, fair, and impartial manner. Section 2-84c provides: No officer or employee shall represent private interests in any legal action or proceeding against the County or appear on behalf of private interests before any agency, except as otherwise provided by law; provided: (1) This prohibition shall not apply to a County employee or officer who is an architect, landscape architect, surveyor, or engineer registered as such under the provisions of chapter 464, Hawai'i Revised Statutes, with respect to the affixing by such registered professional of such person's registered stamp to any plans, specifications, drawings, etc., to be submitted to the County for permits for such person's principal residence or that of members of such person's immediate family; provided, that the stamp is accompanied by a signed statement that the work was prepared by the person stamping the document or under such person's supervision; and provided further, that the registered professional may not, in the capacity of a County employee or

officer, review, approve or otherwise act upon the plans, specifications, drawings, etc., such person has stamped; and (2) No officer or employee shall be denied the right to appear before any agency to petition for redress of grievances caused by any official act or action affecting such person's personal rights, privileges, or property, including real property. As to petitioner's claim of a violation of Section 2-83a3 our office accepted all documentation provided by the petitioner and her representatives, as acknowledged by petitioner. The office of the Prosecuting Attorney is the legal agency responsible for prosecuting all violations of State and County laws, ordinances, rules and or regulations on behalf of the big island community as provided by Hawai'i County Charter 9. Chapter 28 Hawai'i Revised Statutes 28-1. Here petitioner seeks criminal action and prosecution of violations of federal law, or more specifically criminal indictments alleging the following: 18 United States Code Section 233-1 Acts of domestic terrorism resulting in death of American citizens, 18 United States Code Section 233-9 Conspiring to commit acts of terrorism, 18 United States Code Sections 1 through 3 Conspiring to criminal commercial activity, 18 United States Code Section 175 Funding and creating a biological weapon, 18 United States Code Section 8 Market manipulation and allocation, 18 United States Code Section 1001 Lying to congress, 18 United States Code Section 19 Interlocking directorates and 18 United States Code Section 2384 Seditious conspiracy. My office receives a majority of our criminal cases from the Hawai'i Police Department, hereinafter referred to as HPD. Either by defendant being arrested and charged for an alleged crime or via deferral where HPD either cannot or has not chosen to arrest and charge a suspect but rather defers the investigation to my office to review and decide on whether or not to charge the suspect with a crime. For cases that are not initiated pursuant an arrest and charge decision by HPD, HPD provides our office with the completed investigation for our offices review to determine whether the facts and circumstanced warrant initiating a criminal case. Citizen complaints, if any, are referred to HPD to investigate, and if appropriate, routed to us to review thereafter. However unfortunately with respect to petitioner's request, our office does not have the authority and jurisdiction to initiate criminal actions in federal court. The appropriate local authority would be the United States Attorney's Office for the District of Hawai'i. As to petitioner's potential argument regarding our office's due diligence to investigate and or prosecute these allegations in a timely manner, petitioner first provided documentation regarding her desire to initiate criminal proceedings on February 14th, 2022. This petition was filed on April 8th, 2022 approximately 7 weeks later.

Given the large number of cases that our office handles, our own staffing shortages, crime trends, the sheer volume of the documents provided by the petitioner and in consideration of the prioritization of our finite resources it is not unusual that petitioner's claim has not yet been addressed by our office. As to petitioner's claim of a violation of Section 2-84c, I do not have any private interest associated with criminal prosecution of any of the individuals and or organizations and agencies with whom petitioner seeks to initiate criminal proceedings against. To the best of my knowledge I do not know nor have I ever met Mr. Alex Azar, Dr. Anthony Fauci, Dr. Peter Daszak, and or Dr. Ralph Barrett. To the best of my knowledge I do not know nor have I ever met any representatives of the Food and Drug Administration, Centers for Disease Control and Prevention, National Institutes for Allergies and Infectious Diseases, Moderna and or Pfizer. In order to address concerns such as those raised by petitioner, regarding responsiveness from our office, we have implemented changes to our internal procedures regarding acknowledgement of inquiries by members of the public. If you have any questions or concerns please feel free to contact me, Sincerely yours, Kelden B. A. Waltjen, Prosecuting Attorney.

- Mr. Heintz: Thank you Mr. Waltjen. Do you wanna add to your statement?
- Mr. Waltjen: Chair, all I wanted to acknowledge was that, to commend Ms. Cummings for standing up for what she believes in. This is what this country was founded upon. And I'll just submit my response, previously read on the record.
- Mr. Heintz: Okay...Thank you. Any board members have questions for the respondent?...I have a question for you. When the petitioner submitted their petition to your office, were they receive by one of your attorneys, was it initially discussed?
- Mr. Waltjen: Sure Chair. There were subsequent dates in which Ms. Cummings or other representatives from her group did provide documentation to our office. I believe that all of the documentation was received by our Chief Investigator, Daniel Pang -
- Ms. Cummings: Daniel Pang is who's signatures is on all of (inaudible)...
- Mr. Allende: We need to have decorum in the room, thanks. Decorum, so while the County Prosecutor is, yeah..
- Mr. Heintz: Thank you.

Mr. Waltjen: And Chair I just wanted to confirm that Ms. Cummings statements are correct, Investigator Pang was the individual who received and I believe signed off on the chain of custody documents that was provided to him. It's also my understanding that Mr. Pang did indicate to one or more of the individuals that the proper authority to refer the proposed indictment to would've been to the United States District Attorneys office which is located in Honolulu and U.S. Attorney Claire Connors.

Mr. Heintz: Thank you. Any other questions by members of the board?

Ms. Valenzuela: I have a question, so Prosecutor, when complaints or anything like this of this type of nature comes into your guys office, is it time stamped?

Mr. Waltjen: Yes it is. Just for clarification sake, complaints directly from members of the public are very few and far in between. This is probably an unprecedented situation where a group is asking for criminal prosecution of federal public officials, members of agencies and organizations, none of which I believe are operated out of Hawai'i State, so this is a rather unusual situation. Most times if a citizen comes to our office and provides a complaint regarding criminal action we refer them to the Hawai'i Police Department so that the criminal investigation can be initiated, a police report pulled and when that complete investigation is completed by the police and review. If there is enough, that they determine proceed via an arrest and charge decision, that will be done. If they decide to defer the case over to our office it's referred, in taken by our office and then assigned to an attorney for review. But this an unusual circumstance.

Ms. Valenzuela: So I guess my question, let me ask another question. So my question basically is so, whatever type of complaint would come in, are they acknowledged either by a phone call or and either way, whether you can help or not, or whether you'd refer out or not. Are they all acknowledged either by an email, a letter and or a phone call, by procedure I mean,

Mr. Waltjen: I appreciate you for bringing that issue to the table. Given what happened here in this situation, our office has implemented internal changes to our policies and procedures whereby which we will be providing members of the public with an acknowledgement of their complaint in a timely fashion, we're trying to prioritize that.

Ms. Valenzuela: Okay, thank you, thank you.

Mr. Heintz: Now am I understanding this correctly, that whenever a member of this group came in to talk about this petition or complaint, they were met with by Mr. Pang or someone from your office who discussed it with them at that point?

Mr. Waltjen: As far as the nature of the conversation or the length of the conversation, I can't speak as to that, however yes someone from our office did meet with them for the - and I believe, the reason why we - Mr. Pang of particular note was utilized for the potential - if the situation arose that it was of evidentiary value, I use one of our investigators. Our office is one of the Prosecuting Attorney offices in the state, which we do have an investigators unit with law enforcement powers.

Mr. Heintz: Thank you very much. Are there any other questions? None? Thank you very much for coming before and responding.

Mr. Waltjen: Mahalo Chair and Commissioners. I appreciate the opportunity. Thank you.

Mr. Heintz: I'd like to just make an initial remark. The way I see this issue and the way the role of this body, the Ethics Committee, is to deal with the Ethics Code and to deal, and the only people that are under the jurisdiction of the Ethics Code are elected officials of the County of Hawai'i and employees and members of commissions and boards are included in this definition. And the complaint here is that you were treated unfairly by an employee of the County, elected official of the County. And the second complaint involve whether or not there's some conflict of interest by, exhibited by the prosecutor with the people who have committed these criminal offenses that you apparently are alleging. Those are the only matters that the County Ethic's board is the appropriate body to deal with. Whether the, all the content, all the crimes you're talking about would be under the jurisdiction of the federal government or federal courts in Honolulu, and not this body. So with regard to the content of your allegations, those are not matters that this body deals with. What we deal with is whether you were treated fairly and also whether there's a conflict of interest that's been demonstrated. So with those two as the issues that this board addresses, maybe I think we can, unless anyone has any other comments they'd like to make I'd like to make a motion or, I'm sorry, I'm talking about are any board members have comments, not members of the general public. Any comments by the board, or we're gonna make a motion. Yes, go ahead...yeah it's fine with me.

Ms. Valenzuela: Just really quick one more question Prosecutor. So, after this situation that was brought about, and I appreciate you guys bringing that out, what internal changes that are new are being implemented...brought about after?

Mr. Waltjen: Thank you for the opportunity to clarify. As a result of, one of the thing that brought attention was the necessary action that our office provide a written response or a phone call to a member of the public if they submit a complaint for our review. So that's what's been implemented.

Ms. Valenzuela: Okay, thank you.

Mr. Waltjen: Thank you.

Mr. Heintz: Do the board members have any other questions?...

Ms. Cummings: May I say just one thing?

Mr. Heintz: Yes, if you can keep it short. Yeah, thank you.

Ms. Cummings: Before any judgment is made on this situation I wanted to say that I did not actually have the opportunity of course to read Mr. Waltjen's rebuttal. Now that I have, I can amend my petition in accord with that rebuttal, but I need to ask for an emergency session before your clarify what our next step is, because people are dying and the Prosecuting Attorney is involved in the decision, you are all personally involved in a decision that will change the lives of many, many people in your County, in your State, in your Country, in your Planet, on your planet. This whole plant is affected by what we're discussing here today. So, I just want, before you all make a decision to be clear that you know there's things that need to be clarified. I was never told about the attorney general to go anywhere else. Pang did not let me know anything to that, we didn't have a discussion actually, I just wanted the chain of custody to ensure that Waltjen received it. And I find it odd, I must say, that it's only because of my petition, that has changed the protocol at the Prosecuting Attorney's office that they be courteous and fair and let people know that they have in fact received the documents in question. That doesn't make any sense to me no matter how busy they are –

Mr. Heintz: Ms. Cummings, thank you very much.

Ms. Cummings: You're welcome.

Mr. Heintz: Thank you for your remarks. My understanding is you did receive a notification by the office, in person, by Mr. Pang –

Ms. Cummings: No, I received a chain of custody saying that he got the information but never from Mr. Waltjen who I was addressing.

Mr. Heintz: But they communicated, his office did communicate with you that they received your petition, and that's the question here of whether that goes to the issue of whether you were treated fairly. So at this point I'm going to make a motion and the motion is that Petition is rejected by the Board of Ethics because we see no unfairness by the Prosecutor's Office in dealing with your issue and secondly we see no evidence that there is a conflict of interest by the Prosecuting Attorney.

Ms. Cummings: And did you arrive at that conclusion before this meeting?

Mr. Heintz: I'm arriving at that now after hearing, after reading your petition and hearing your additional comments, and comments by Mr. Tamashiro, and the respondents remarks. And I'm sorry you're not appropriate to talk about this, at this point I'm asking is there a second to my motion?

Mr. Allende: Seconded.

Mr. Heintz: There are two seconds, one by Mr. Allende & one by Ms. Self. We are now open to discussion by the members of the board. Any discussion? Denise do you have any comments you wanted to make or, questions or comments?

Ms. Nakanishi: Nothing to add.

Mr. Heintz: Thank you very much. Any member of the board?

Ms. Cummings: I need to ask for a continuance. I'm sorry to interrupt once again but apparently I didn't use that term...

Mr. Allende: Ms. Cummings you can, I believe the appropriate way to be to file another petition and then from there we can address it as a board at a different date. But –

Ms. Cummings: You do realize that in that process, this took many many weeks –

Mr. Allende: Excuse me ma'am, nobody has interrupted you, you're gonna hold on as well.

Ms. Cummings: E kala mai. People are dying.

Mr. Heintz: Mr. Allende, I'm chairman of the board. I'm calling for the vote. All those in favor of the motion, please say Aye.

Motion and Vote: Mr. Heintz made a motion to reject the petition, finding that there is no unfair treatment and conflict of interest by the Prosecuting Attorney and his office. Mr. Allende seconded the motion. All members voted aye. (10:52 a.m.)

Mr. Yoshimoto: So Mr. Chairman, just for the record. Can you state who voted Aye?

Mr. Heintz: And I'm also voting Aye, so the vote is unanimous, Denise, Kelly, Amy, Erick and myself. Thank you very much, thank you.

Ms. Cummings: Thank you for providing even more evidence. There will be a continuance just not with this board.

Mr. Heintz: The Office of Disciplinary Counsel would be another place to start, and also the Federal Prosecutor's office in Honolulu. Thank you.

Ms. Cummings: Can you say that one more time?

Mr. Heintz: The Office of Disciplinary Counsel and also the, Mr. Waltjen has referred you to the federal court. Thank you very much.

Ms. Cummings: Thank you, I wish they would've done that earlier.

Mr. Heintz; Thank you.

* * **The board took a short recess.** * *

b. Petition 2022-08: Petition from a Department of Environmental Management employee seeking approval and assurance that there is no conflict of interest with a contract for services under County IFB No. 4211 (Septage Hauling) made with E. Watanabe and Sons Services, LLC, in which he also has controlling interest.

Mr. Heintz: We're reconvening our open general session of the May 11th, Board of Ethics. We now have the next item on the Agenda is Petition No. 2022-08. This is petition by Mr. Watanabe. Mr. Watanabe is present.

Ms. Frenz: Chair, just a brief interruption, for the record. Deputy Corporation Counsel Cody Frenz is back on behalf of the board. I had a conflict on the other matter, so I'm back representing that board

just to make that clear. And sir if you could go ahead and state your name for the record. And we also have a few other members joining us to assist the board as to this particular petition. I believe we were supposed to have someone from Department of Environmental Management and I know that on Zoom we have Diana Nakagawa of Purchasing, or Finance Department, rather, in the event the board has questions of either a representative and /or the finance department. So I'll make sure that we can get them pulled up on the screen. Thank you Chair.

Mr. Heintz: Thank you very much. Are you Mr. Watanabe?

Mr. Watanabe: Yes sir.

Mr. Heintz: Welcome. And we're ready for your, let's see this petition, what you're asking is an informal advisory opinion from the board on whether or not you have a conflict of interest in seeking contract services with the County of Hawai'i and that's because you are also the head of the company or involved in the company with whom the contract is...

Mr. Watanabe: Yes Watanabe Pumping...

Mr. Heintz: Thank you. So you're, and members have received the materials? Yes? And...Okay. You may, if you can briefly summarize what it is that, as you see the issue here.

Mr. Watanabe: Thank you. Good morning Chairman Heintz, members of the board. My name is Eric Watanabe, Owner, Operator of Watanabe Pumping and then employee of the County of Hawai'i. I hold a Grade One Operator's License and employed with the waste water division. I'm joined by my other half, Aja Nozaki. Aja is currently employed with the company, handles day to day to operations, drives, maintains, performs all other job related duties. We are here today to get this boards opinion on whether it would be a conflict of interest for Watanabe Pumping to perform contract work for septic for various County facilities and parks. We understand that a potential conflict with placing bids on wastewater facilities and (?) bids on 4 of County's wastewater treatment plants and 8 wastewater pump stations. We also solicited the services of Niagara Consulting. Niagara is a brokerage company that specializes in helping new business owners like myself to help get through the procurement process as it can be overwhelming. It was discussed that my employment should be disclosed and ultimately it was my fault it was not. I accept full responsibility. With that being said, we are currently the lowest bidder. We have followed

the same bidding process that other contractors have gone through and fortunately we have been awarded all of the bids we've submitted. We humbly ask that the board guide us in this process and help us find a resolution that would be beneficial for everyone.

Mr. Heintz: Thank you. Members of the Board? Yes, Amy.

Ms. Self: How many people work in your company?

Mr. Watanabe: Just the 2 of us. Yes.

Ms. Self: Okay. I have a problem with this particular one because I noticed at the end of the document you produced there's an email, hold on let me get to it...at the very end...Yeah. I've got it right here. The very last page is an email from you on your work email address to the purchasing agent. But what strikes me is you're writing, about your company, on a Tuesday, at 10:20 a.m. Was that during work hours for the County?

Ms. Nozaki: I handle those things.

Ms. Self: Well it's got his name.

Mr. Watanabe: Yes, Aja handles the day to day operations. So correspondence with -

Ms. Self: But she does it in your name? Because this email, the person is Eric Watanabe.

Ms. Nozaki: It's the automatic signature at the bottom. I believe that's what she's referring to, that would be my fault.

Ms. Frenz: Could we have you turn on your microphone and just state your name for name for the record, I didn't quite catch it when your husband was speaking.

Ms. Nozaki: Good morning, I'm Aja Nozaki. I handle those things, it would've been my fault for leaving the automatic signature on the email. I was contacted by our consultant, Niagara and was basically walked through the process on responding to the purchasing department. Basically due to our inexperience, we just kinda trusted him in the process and leaving the signature was my fault. I didn't remove the - it produces on its own automatically. It's set up on email that way and I can change that.

Ms. Self: Okay cause you know the purchasing agent is thinking that he is

responding.

Ms. Nozaki: I understand.

Ms. Self: Right? So you need to do something about that because this is gonna happen, people will see this and they'll automatically assume that he's working in his private stuff while he's on County time. You cannot do that.

Mr. Watanabe: So for the record, I did not, it was not I that submitted that email, it was my employee and I don't my business during my work hours with the County.

Ms. Self: Okay, so there's only two employees then, you and her right?

Mr. Watanabe: Yes.

Ms. Self: And you can do everything all day long? You don't have to call him for anything and ask him anything?

Ms. Nozaki: The only times we talk is on his lunch or on his break and it's usually personal stuff. We have been in a relationship so that's a family. Right now I don't operate every day, per se, so all of our jobs are scheduled out and planned beforehand.

Ms. Self: Okay, you do everything, you don't have any other employees?

Ms. Nozaki: Not at this time.

Ms. Self: I just how you can not have any involvement. You're at work 8 hours a day.

Mr. Watanabe: Yes, I do have involvement, if we do talk, which is during our break time. My break time is at 9, 11 and 2 'o'clock. I will call her and we will talk, yes. But as far as doing it on County time? No. To be honest I have too much to do at work.

Ms. Nozaki: May I add something to that? For large jobs we schedule them on the weekends and after hours. Often our clients don't want someone at the house when they're not home, so after County hours and after their work hours often work out for private citizens as well. So I'm not doing 100% of the physical work by myself all the time. But I do, and I am able.

Ms. Nakanishi: I have a question, so who's driving the truck during the day?

Ms. Nozaki: I am.

Mr. Watanabe: Both of us hold our CDL license, so she's able to operate the truck as well.

Mr. Heintz: Any other questions by members of the board?

Ms. Self: I have one more quick one. So in this contract, what all does this contract involve? I mean, how many, is this contract for all these items listed, that you're gonna be doing all of this?

Ms. Nozaki: Yes.

Ms. Self: And you can do it just on weekends.

Ms. Nozaki: No ma'am. A lot of them don't require digging, I can pull the truck up to the hole, pop the lid, put my hose in, pump it out and be on my way. For residential I have to dig and things like that, it's a little bit more laborious for me, and those are the ones that he helps out with. Although I do them on my own as well. I don't prefer doing the digging. Which is why these jobs were actually favorable for me because I don't have to do that stuff. I just pull up, it's man hole, I have a hook, I pop that lid, put my hose in. It's actually faster, more efficient for the company and a lot easier on me, physically and time wise.

Mr. Watanabe: So a lot of those jobs they're only once a year, some are twice. Some require more and even the ones that are scheduled to be pumped once year, they don't. it's pretty much on a case by case basis so even through there's, I forgot what the number is, not all of em are gonna get done in a year. It looks like a lot, trust me when I looked at the list, I had my concerns of her doing it by herself and then when I actually did the numbers it's like "ah it's only once" you know, once a year, you know for the whole year, you know what I mean, so it's not that much really. And like she said, the job entails just popping a lid, basically just driving up to the hole, popping a lid, stretching maybe 2 hoses, 3 hoses, whatever and just sticking it in and just pumping it. So it's not that difficult.

Ms. Nozaki: It'll probably average from arrival, the Hilo jobs, particularly the smaller tanks, it'll take me about an hour to get in and out. So that's why it was really appealing to me. I felt that being the lowest the bidder we would be helping out our community. I could get in there, I could be quick about it and afford to do it that way because we have a low overhead; we don't have a large truck loan and

employees to pay so that's why we could come in at such a low, reasonable rate

Ms. Self: But by my questioning, you understand, people are gonna be watching you at work, right?

Mr. Watanabe: We understand that 100%.

Ms. Self: Cause this looks really bad, I'm not gonna sugar coat it, it looks really bad.

Mr. Watanabe: No we understand, and that's why we're here voluntarily. You know, we took it upon ourselves to present our situation to the Board of Ethics. Just cause we wanted their opinion and yeah. Part of our thing is honesty and integrity right? That's gonna be the success of our business and this is the start of it right here. This is why we're here. We hope that we can move forward.

Mr. Heintz: Any other questions or comments by board members?

Mr. Allende: I was just curious, so how often or many have you looked at that you're thinking that you may be needed to be involved in out of this list?

Mr. Watanabe: Well, since we just started, we haven't been awarded the contract. But once we get awarded, they will show us where we need to go, the physical location of where it needs to be pumped. I've spoken to some of the other haulers that have already held their contract and they've said that the ones we just got hired to do, one just recently, and they said that the one that we did was the hardest one. That took us, that took her, I should say...

Ms. Nozaki: It took me three trips. It was a total of 4,000 gallons, Our trucks capacity is about 2 thousand gallons, so it took me 2 ½ trips because I gotta pick up my kids at 2 o'clock and I had a clog in my hose, just you know, unforeseen things that, it happens. But it's doable, it's not, the pricing of it doesn't change, the scheduling of it doesn't change, it's my labor that changes basically.

Mr. Watanabe: So to go back to what you, the original question was, and what she had said, the reason that these County bids were so appealing for us was that she could get it done while I was at work. So yeah, I mean for the majority of the jobs, for the County parks and facilities, she can do it by herself. At the moment she's employed by me but I'm not able to like give her a fulltime employment status but with this, I'm gonna be able to and she's gonna be able

to get the job done.

- Mr. Allende: Then I guess a question would be, would it, I don't know if it's my place, but I mean would the County or is it possible to put the company name with her? Or if it's not there and then I don't know...
- Ms. Nozaki: I'm listed on our insurances and I'm listed as a hauler with the County and registered to discharge at the facility. Does that answer? I'm not sure if that's...
- Ms. Self: Well on the DCCA you're listed as the Owner/Manager.
- Mr. Watanabe: Yes.
- Ms. Self: Normally if it's owner/manager there are no employees. It seems like it would be, Owner...yeah yours is manager managed.
- Mr. Watanabe: Yes...you know I'll take that back, I'm not 100% certain.
- Mr. Watanabe: (?) thinking is that if you know, on your form from like Ms. Self said, on your form from the DCCA it has you just listed as the only managing member, I guess. So, I was jus curious that by putting her on that, or I don't know if the contract since you haven't been awarded if there's a way to add you to it if your name's already on the bond and insurance. That may make it more, because then I, you know I don't wanna give any financial or anything like that advice but I think it makes it, that you're, it's part of her company rather than an employee type of a person running it. If that makes sense.
- Ms. Nozaki: Can I add something? When we started the company we didn't really anticipate taking on these jobs so we didn't set it up as anyone's full-time. It was a side hustle to kinda get ahead a little, build a business, so it was initially designed to be Eric's thing. I was just gonna help him temporarily upon getting contacted the consultant is when we said hey, you know I can do this.
- Mr. Watanabe: Yeah, she can do the jobs so, that's where...
- Ms. Nozaki: If I can do the hard ones, I should be able to do this and so I apologize that we, it doesn't appear that we were prepared for this cause it wasn't anticipated.
- Mr. Allende: That was the only question that I really had.

Mr. Heintz: Is there anyone on the board who's ready to make a motion? Are there still concerns about conflict of interest? Are there any special witness that could be available to comment because I sense there's still some tentativeness about this by the board.

Ms. Frenz: So Chair I believe a gentleman from I believe the Department of Environmental Management. I don't know whether or not he's prepared to address any procedures that DEM can or will, assuming that they're even interested in doing so to protect against potential conflicts between the trucks coming in and/or who works from DEM on the scale. I would ask though that if you have questions about purchasing and/or the contract we let Ms. Nakagawa go first because she has a 12 o'clock. So if you have anything regarding the contract or the process for procurement if we could ask Ms. Nakagawa to address those before just because she has another meeting.

Ms. Self: Yes I have a question, when you're reviewing this, I assume you reviewed the procurement for this right?

Ms. Nakagawa: Correct.

Ms. Self: Did any red flags go up?

Ms. Nakagawa: No we didn't have any red flags on this one.

Ms. Self: Okay, you weren't concerned that a County employee...

Ms. Nakagawa: So we weren't aware that he was a County employee until after the notice of award.

Ms. Self: So is there a concern now?

Ms. Nakagawa: There is, so what we have in our IFB, in our document, our Invitation For Bid is the solicitation that we put out for septage hauling pumping services is included in the special provisions or code of ethics is No. 27 that's listed in there that they do seek an opinion if they are a County employee prior to contract execution. Now we haven't executed a contract with E. Watanabe & Sons but we did a notice of award. So yes, we were concerned enough to raise the question of the conflict of interest prior to the execution of the contract.

Ms. Self: Okay, and what is the gentleman from DEM? Who's that?

Ms. Frenz: Mr. Takamura, I believe.

Ms. Self: Mr. Takamura?

Mr. Takamura: Yes, do you have a specific question for me?

Ms. Self: Yes I do have a question. Are you concerned about Eric Watanabe. Are you concerned about him being able to do his job and not be involved in this contract or in this company that he owns?

Mr. Takamura: No. We have another employee that has a pumping hauler service. So although he doesn't have a County contract. He does commercial and private institutions. But he brings his septage to the treatment plant and unloads it. We don't have any concerns. We just don't want him involved in the receiving of the load. So, if this contact goes through with Eric's company, we'll just have, make sure another operator is there to document what comes in from his company. And Eric's usually not at the septage receiving pit in the first place, so...

Ms. Self: So you said you have another employee who does this?

Mr. Takamura: Yeah but he retired but while he was working he had a pumping business.

Ms. Self: And did he do that while he was on County time?

Mr. Takamura: Well no, when he worked, he had other drivers bringing loads in. But on weekends he would bring his loads in, on his days off. He had a Monday through Friday schedule.

Ms. Nakanishi: I've used Larry several times, he does a good job. He is a previous employee...it's not an easy job either I would say, it sounds simple, it's pretty unpleasant.

Ms. Valenzuela: I just wanted to say something. So, being a local girl in Hawai'i, it's a very small island, it's a very small state. And when we start putting limits on things, that for me is not okay. What is okay, is a business that's coming before us, is being very transparent, and asking us what do we think, okay? The big island is very limited in their services. We don't have, this isn't the mainland. We don't have a lot of services; we don't have truckers that come from New York and California and Oklahoma. It's the big island of Hawai'i, that's what it is. And I've even faced things when I tried to sell Christmas trees one year, and had to beg, I forget what trucking company can you please pull my containers like a ku aina, five

containers, I had a handful of people that I could call. And some of them work for the government. Wow, how ironic is that. But why, the government is the largest employer on the island. And so I commend you, I do wanna say that I don't know you guys from a can of paint but, I commend you in coming before us and all of us and asking you know what we think. I do think you have to take that special to be above reproach and be very careful cause you will have the naysayer; you will have someone that might be jealous. I have no idea, it's kind of the 'a'ama crab syndrome a little bit, we all grow up like that here. But you know, in my opinion, I wish you guys the best and I appreciate very much you coming before us.

- Mr. Watanabe: Thank you. We appreciate that.
- Mr. Heintz: Any other comments by the board? Does any board member wanna make a motion?
- Ms. Valenzuela: I'll make a motion.
- Mr. Heintz: Okay.
- Ms. Valenzuela: My motion is I don't that it's an ethical and he would be able to go forward and...
- Ms. Frenz: So if I could clarify are you making a motion for this board to issue and informal advisory opinion that there is no conflict of interest provided that the petitioner's don't receive their own loads upon coming to the Department of Environmental Management. Is that what I, am I understanding the motion?
- Ms. Valenzuela: Yes, thank you. That's why you're the attorney, I'm not.
- Ms. Frenz: Or on County time.
- Ms. Valenzuela: Yes.
- Mr. Heintz: Okay and do I have a second?
- Mr. Allende: I second that.
- Mr. Heintz: Any discussion? No further discussion? Hearing none, all those in favor say aye.

Motion and Vote: Ms. Valenzuela made a motion to issue and Informal Advisory Opinion finding that there is no conflict of interest provided that the petitioner does not receive

their own loads while at the Department of Environmental Management facility and that he is not involved in his company's operations while on County time. Mr. Allende seconded the motion. All members voted aye. (11:32 a.m.)

Ms. Frenz: Just to explain for you guys that our next hearing, in the mean time I will draft the informal advisory opinion, the board will review it at our next month's hearing. You already have the verbal okay, right, to proceed and the written informal advisory opinion will be finalized at the next hearing and then the Chair and I will sign off. Okay?

Mr. Watanabe: Thank you.

5. UNFINISHED BUSINESS (11:33 a.m.)

a. Petition No. 2022-04

Petition was mistakenly added to the agenda, but it was canceled at the last meeting.

b. Petition No. 2022-05: Review Draft Informal Advisory Opinion of a Petition from an Office of Housing Community Development employee seeking guidance on whether a conflict of interest exists in preparing drawings and filing building permit applications with the Department of Public Works on behalf of the property owners or himself. (11:33 a.m.)

Mr. Heintz: We're moving now to unfinished business, Item 5a is canceled, so we're moving to item 5b which is Petition No. 2022-05, that's the Erickson petition. There's an anomaly, I guess, on the section called Findings of Fact, Item #8 on page 2, it reads board member Erick Allende moved that the board finds that...oops. There's an oops okay, so I think these 2 donation projects do not...I guess that just needs to be dropped out. Can you just make the editorial changes that, I mean that somehow is inconsistent with the minutes on page 8.

Ms. Frenz: Will do.

Mr. Heintz: Okay? You got it? I think the rest of it is fine. Is this okay with everyone? If so, I move that we accept the draft opinion as corrected. Is there a second?

Ms. Self: Second.

Mr. Heintz: Any discussion? No discussion. All those in favor please say aye.

Motion and Vote: Mr. Heintz moved to approve the draft Informal Advisory Opinion as corrected. Ms. Self seconded the motion. All members voted aye (11:35 a.m.)

- c. **Petition 2022-06: Review of Informal Advisory Opinion regarding a petition from an Office of Housing Community Development employee seeking guidance on whether a conflict exists as Housing Specialist III who is looking to obtain their Real Estate license to list/sell homes, some of which may be Section 9 properties. (11:36 a.m.)**

Mr. Heintz: I have an okay on this one on my notes. Is there any member who has a comment about this draft? Everyone has read the draft and I think the draft is correct? We are on c. 5c, Petition 2022-06. Okay? I move that we approve the draft as written, is there a second?

Mr. Allende: I second.

Mr. Heintz: Any further discussion? All those in favor please say aye? Oh back to discussion.

Ms. Valenzuela; Within our power, in this situation, with this employee and their real estate license, section 8. I know we can't mandate something but can some – I thought about this after that's why, after we left, as a realtor. And the amount of information this employee is gonna see. And it just, something doesn't sit right. It just feels uncomfortable for me. So I don't know if, for example, I know we as realtors if I was to sell my own property I have to disclose that to anybody that's coming through, to disclose our MLS, Denise correct me if I'm wrong. But it just seems so close, this mixture, it seems really close to me so I just don't know if there's something we can add to this, say disclose or, I don't know.

Ms. Frenz: Let me clarify, do you mean to disclose such as to the Department of Housing or Office of Housing and Community Development, is that what you mean, as far as should she obtain her real estate license, she's required to disclose to her employer or do you mean something else?

Ms. Valenzuela: Yes.

Ms. Frenz: Technically that wasn't a part of our motion so we could with a 2/3 vote today under Roberts Rules of Order have a motion to amend the finding of the board and I could modify the informal advisory opinion but we'd have to modify it because technically it wasn't a part of our motion at the last hearing.

Ms. Self: I don't know if you can amend...

Ms. Frenz: You can amend a motion but there would have to be a whole nother discussion...

Ms. Self: I thought you, wait...under Robert's I thought...I thought it had to be done the day of...

Ms. Frenz: There is a provision that allow for the amendment of the specific motion and of course I don't have my book with me here today. I did however if you look in the order, indicate disclosure but it wasn't a specific order. I mean the realities are, when we think about this boards control and ability over a county employee, what could be done is a copy of this could also be provided to her employer.

Ms. Self: Yeah.

Ms. Frenz: You know that might the simplest is provide a copy of the informal advisory opinion to her employers, specifically I could draft a letter to Ms. Kunz which is the Director of Housing indicating, and their attorney, which I believe is Ms. Hall, indicating that the board thought it prudent to provide a copy of this advisory opinion to the director and if they could disseminate it to the supervisor...

Ms. Valenzuela: Yeah, I think that would be good.

Ms. Frenz: Okay great.

Ms. Self: Yeah cause I tell you, Susan will not tolerate something like that. So if she's aware of it, she'll definitely do something.

Ms. Valenzuela: It's not you know, I mean I think it's great like I just said. Someone's working, of course at the County, we all know you're not making millions so I get it, supplementing, working on the side but this one is just really involved...you're involved with clients that are renting and you're selling all the time

Ms. Self: She's got the files...she has all the information.

Ms. Valenzuela: So it could be a negative or a positive for a client. That would be concern.

Mr. Heintz: The board is expressing concerns and worries in both sections 6 and 7 but I'm, so I'm understand that we wanna add another section of concern?

Ms. Valenzuela: No...

Ms. Frenz: I think the simplest would be for me to, at your direction Chair, to send a letter by way of myself through, as the board's attorney to the Director of Housing. So her highest up supervisor asking that, advising her that the board thought it prudent for notification to be sent to her and her immediate supervisor so Ms. Kunz could disseminate for example to Ms. Justo's immediate supervisor and I can provide a copy to the attorney for the Housing Department as well so that everyone is on the same page regarding this concern regarding potential future work by this employee.

Mr. Heintz: Is that, comply people's concern?

Ms. Valenzuela: Yes.

Ms. Self: Yes.

Mr. Heintz: Denise, this okay with you too?

Ms. Nakanishi: Yeah...

Mr. Heintz: So if we vote to approve our existing draft, but there will be a letter which Cody will send this additional information. And would you supply the board with that letter as well?

Ms. Frenz: Sure.

Mr. Heintz: And it would be attached to this as well?

Ms. Frenz; Yes sir.

Mr. Heintz: If that's the case, and if everyone's alright, we can vote on this and we have a second and...so all those in favor of this draft, No. 2022-06 please indicate by saying Aye.

Motion and Vote: Mr. Heintz moved to approve the draft Informal Advisory Opinion with a letter sent to the Housing Director. Mr. Allende seconded the motion. All members voted aye (11:41 a.m.)

6. CONTINUED DISCUSSION REGARDING AMENDMENTS TO THE RULES OF PRACTICE AND PROCEDURE OF THE BOARD OF ETHICS AND THE HAWAI'I COUNTY CHARTER AND COUNTY CODE (11:33 a.m.)

a. Continued review of Legal Opinion by Deputy Corporation Counsel Dakota

Frenz regarding whether Chair Heintz's proposed additions to the Code of Ethics are consistent (or inconsistent) with the Hawai'i County Charter. (11:41 a.m.)

Mr. Heintz: Number A is Cody's letter which we have been talking, cause that letter is having to do with both the two suggestions that I have made. One regarding Failure to Discharge, and the second regarding Appearance of Fairness doctrine or Appearance of Impropriety. I'd like to just begin our discussion by saying that, we've been having quite a long discussion and serious concerns have been raised and serious differences of opinion. So Cody and I met and talked through the Failure to Discharge issue again, and there is a serious and real problem but one of the things that I see is that this would be a very rare occasion and in fact I can only think of one and possibly two instances where this has actually been, or would've been an issue. And what was interesting that came out in our discussion, Cody and my discussion, was that the Failure to Discharge in the case that we were concerned about could well have been dealt with by the County Council itself and for some reason the County Council decided not to deal with. May have been political reasons, it may have been that they just decided that this issue would be dealt with in the next election and so on. So, the upshot was, I mean a principle in legislating and law is you don't wanna make laws for one case, one individual which made this odd as well and so it seems to me if this issue could be dealt with by the County Council themselves in the one example that I thought of and Cody and I agreed that it could, that I'm going to withdraw my proposal that Failure of Discharge be added to the ethics code. This matter can be dealt with another way. It just wasn't in this particular case. And Cody, do you wanna add or does that reflect our discussion pretty much?

Ms. Frenz: It does Chair.

Mr. Heintz: Okay. So I'm withdrawing, so we might be able to spare ourselves any further discussion of this issue. Amy has raised concerns, Cody has raised concerns. I wasn't convinced by those concerns but I am convinced that it's inappropriate to make, and unnecessary, to make this and I suspect there will never be another case. So if that's satisfactory we'll move on to 6b, Appearance of Impropriety. We have discharge the failure to discharge issue, Okay?

Chair Heintz's proposed additions to the Code of Ethics has been withdrawn. (11:44 a.m.)

b. Review Deputy Corporation Counsel Dakota Frenz and Chair Larry Heintz's amendments to the Appearance of Impropriety Section 2-83. (11:45 a.m.)

Mr. Heintz: Now what we have is Cody and I at several backs and forths about trying to figure out how to deal with the Appearance of Impropriety section. And she has provided a 2 page document which would add, it's in red on the 2nd page, a section to 2-83, Section 5 which reads 'Officers and employees of the County shall avoid appearance of impropriety while discharging their duties and dealing with the public' and then in addition, under the definition sections of the Ethics Code, there'll be something that says, that defines Appearance of Impropriety and that's at the beginning of her 2 page statement, and it says 'Appearance of Impropriety means conduct that reasonable minds with knowledge of all the relevant circumstances would perceive as materially impairing the officers and employees independence, integrity, impartiality, temperament or fitness to fulfill the duties of their position.' And I believe that Cody's drafting of this captures what I was concerned about, captures the concerns that were raised in both the Roth and Richards case, and I think if we added this to our ethics code, that particular puka would be filled and I would be happy with this if the Board is happy with forwarding this as an edition to our Ethics Code. So, that's my general comment at this point. I guess I could make a motion to do that...

Ms. Frenz: Yes Chair.

Mr. Heintz: And then if there's a second then we can have discussion of that motion. So I'm moving that we add to the ethics code the language which is in red in the 2 page statement of Section 2-83. Is there a second?

Ms. Nakanishi: I second.

Mr. Heintz: There is a second. So now, we're open for discussion.

Ms. Frenz: Just to clarify then Chair, I believe your specific motion would be to amend 2-82 our definition section to include the language in red at the top of the first page. And then to also amend 2-83 adding subsection 5 as listed. So we'd be amended 2 different sections.

Mr. Heintz: And my understanding is this proposal would go to the Legal Reference Bureau that has looked our other language.

Ms. Frenz: Eventually Chair. Assuming that were to pass today, I'd need to

draft an ordinance, creating the Ramseyer formatting and there are multiple steps that I will need to do that you will see for our next agenda item. But once that's ready then it will go to our LRB division to review and/or correct or address concerns.

- Mr. Heintz: Okay. Is that clear to everyone? Okay so that's where we are.
- Ms. Frenz: So we have a motion. Do we have a section for that Motion?
- Mr. Heintz: And we have a second, Denise is second, We're opened for discussion. Is there further discussion?
- Ms. Self: Hold on just a second.
- Mr. Heintz: Okay, sorry.
- Ms. Self: How does number 5...I just...how is number 5 different from number...
- Ms. Frenz: 2-83a?
- Ms. Self: Well that but specifically under number...3. No under section b as in boy. 'No officer or employee shall use or attempt to use the officer or employees official position to secure or grant unwarranted privileges, exemptions, advantages, contracts, or treatment for one's self or others included but not limited to the following'...
- Ms. Frenz: To me, just to address that concern. How I read 5, I read 5 as being the counterpart of 2-83a but adding the terminology of the Appearance of Impropriety. So that's the catch all to, while there may not be clear conflict, there's the concern that people may perceive there to be a conflict. Which I find to be different then that subsection that you are referring to which appears, I guess to me, is more indicative of making sure our employees and/or officers don't ever use their position to get them any kind of better deals, better favors, better treatment. So this is different in the sense that what the public believe, that someone has used their position to either obtain those benefits so to speak or is doing something that may lead people to believe there is conflict when there actually isn't. So I think it's just an additional protection but I feel as though the subsection that you referenced to is more specific to getting some favors, even you know financial favors, room rates, etc. As opposed addressing the concern about whether or not someone's position could be influencing or influenced by, say a otential conflict or the appearance of one.

Ms. Self: Shouldn't this board be concerned with actual violations and not just something that somebody believes to have happened? That's what bothers me about this because like for instance...is there anybody out there? I don't want this to go in the minutes okay?

Ms. Frenz: Is there a reason why, do you need to discuss in executive session?

Ms. Self: Yes.

Ms. Frenz: Because there are, this is an open proceeding, there are members of the public...

Ms. Self: Okay lets go into executive session.

Ms. Frenz: So we would need a motion. You need some legal guidance from Counsel? Is that correct?

Ms. Self: Yes. I move to go into executive session for legal counsel, for advice from our legal counsel.

Ms. Frenz: Is there a second?

Mr. Heintz: I'll second.

Ms. Frenz: Any discussion?

Mr. Heintz: No, let's go into executive session.

Motion and Vote: Ms. Self moved to go into executive session for advice from legal counsel. Mr. Heintz seconded the motion. All members voted aye. (11:54 p.m.)

*** The board entered into executive session (11:54 p.m.) ***

*** The board returned from executive session (12:33 p.m.) ***

Mr. Heintz: We had some discussion in executive session on the matter and we're now returning to open session...I guess I can ask if there's any further comments, that anyone wants to make? I think we've been around the block on this several times now, are we ready to either vote to make these code changes or not? Any further discussion before we call the question? Is it clear what the question is? The language being added would be adding a Section 5 to Section 2-83 Fair Treatment. That's in read in the hand out and then also adding Appearance of Impropriety Section to the definitions. So the motion is to add this language to the changes in

the Code of Ethics and I guess have you draft it and send it to the County Council.

Ms. Frenz: It would go to, assuming the motion were to pass today with the majority vote Chair, we would go to LRB and then we would continue the process, so maybe if there's no further discussion we can have our secretary poll our board members?

Mr. Heintz: So are we ready to vote?

Ms. Frenz: Chair I'll call for the vote. So as the motion to amend the definition section, adding the definition of Appearance of Impropriety and Section 2-83 Fair Treatment adding subsection 5. I'll poll the board members, Ms. Nakanishi I'll go to you first.

Ms. Nakanishi: Aye.

Ms. Frenz: Ms. Valenzuela?

Ms. Valenzuela: Aye.

Ms. Frenz: So you're voting in favor of doing this is that correct?

Ms. Valenzuela: Yes.

Ms. Frenz: Okay. Ms. Self?

Ms. Self: No.

Ms. Frenz: Chair Heintz?

Mr. Heintz: Aye.

Mr. Allende: No.

Ms. Frenz: So Chair you have 2 Nos and 3 Ayes. Motion passes. So I will draft it, send it to LRB for their review and we will see whether or not we hear back from LRB as to additional modifications.

Mr. Heintz: Thank you.

Motion and Vote: Mr. Heintz moved to approve to amend the definition section, adding the definition of Appearance of Impropriety and Section 2-83 Fair Treatment adding subsection 5. The board was polled. 3 members voted aye, 2 member voted no. (12:36 p.m.)

c. Review recommended changes from the LRB regarding Code Amendments passed by the Board of Ethics in February 2022.

Mr. Heintz: That moves us to the last item 6c which is the ordinance with the LRB's changes which are marked either in dark green or yellow. These are the changes which we previously approved and passed on, changes to the code. So the relevant parts are LRB decided that on page 2 there's 4 occasions where they yellowed petitioner and am I right that that's what they're adding or changing the word

Ms. Frenz: It conflicts. So what the board has put forth to LRB to submit to the County Council, in some places we have a complaint so then theoretically the person making that would be complainant, and then in other places we have petitioner or petition, so then the person filing that would be the petitioner. So the board is inconsistent in their approach to this code amendment.

Mr. Heintz: I have a question about that because is the LRB saying that we should choose between petition or complaints, or is it that when it's appropriate to use complaints then it should be complainant, and when it's appropriate to use petition it should be petitioner? Because as I understand, there would be occasions for both. There is the, for instance, like when this couple came, the Watanabe's, but that was a petition. It was a petition to the board to do an Informal Advisory Opinion and then in that case you have a petition and petitioners. In the other case, Ms. Cummings we had a complaint against the Prosecuting Attorney and then you'd have complainant. So it's unclear to me whether they're saying which part, we should have, my understanding is we should have, and it should appear sometimes complaint and sometimes petitioner depending on whether it's a petition or complain.

Ms. Frenz: We need to specify such cause we have not, this board has failed to do so.

Mr. Heintz: I mean I thought it was clear in language but...

Ms. Frenz: It's not.

Mr. Heintz: It's not? Because I mean, just as I articulated it, there are people that come here with, that are asking for our opinion, they're not complaining they're asking for our opinion, like the Watanabe's...

Ms. Frenz: Chair take a look at Subsection C, I'll point it out to you if it's not clear. "Any petition or complaint filed under the Sections shall be submitted in duplicate and shall contain 1) name and address and

telephone number of the petitioner” what about the complainant, right? So we are inconsistent in our approach. It looks like this board added complaint, but didn’t include petitioner and/or complainant for example

Mr. Heintz: So in other words, there should be in yellow. Petitioner should be left alone and we should add ‘or complaint’ is that what you’re saying

Ms. Frenz: It would be complainant. Okay, so that’s what they want? Well they want this board to figure it out and decide how they wanna proceed. Cause it’s inconsistent.

Mr. Heintz: So it should be...so if I understand that right, it should be petitioner or complainant? And that should be the case for every one of these four occurrences.

Ms. Valenzuela: But wouldn’t be the complainant would still be petitioning the Board of Ethics for some type of outcome. I’d be willing to stay with petitioner cause they’re still coming before you petitioning the Board of Ethics.

Mr. Allende: You’re petitioning on them to hear the complaint.

Ms. Valenzuela: And/or confirm your position and/or, it’s like it in court right? The courtroom, there’s a petitioner and there’s a respondent.

Mr. Allende: It’s just like what Dakota said.

Ms. Frenz: So I think this, LRB’s kicking this back to this board, makes apparent some inconsistencies in the proposed Code Amendments, such as the striking of ‘any person or the board itself may petition the board for an informal advisory opinion on an alleged violation. But what the chair, you’ve just pointed out is it doesn’t leave room for someone for just that informal advisory opinion. Such as the Watanabe’s that were before us, it leaves only room for a complaint right, so it’s problematic.

Ms. Self: Is there anything in the charter that mentions this?

Ms. Frenz: Mentions it in what sense?

Ms. Self: Well, I’m sure of it. It doesn’t say anything but it should say whether or not a complaint cant be filed or something like that...

Mr. Heintz: Well, it had both.

Mr. Allende: And just to kinda confirm what you were saying Larry on that Section 2, Section b...It actually takes it out.

Ms. Self: Does the Board of Ethics have a form? That people complete?

Mr. Heintz: Yeah.

Ms. Self: Is it called a petition?

Mr. Allende: Yeah. It's like what Ms. Cummings gave us.

Ms. Self: Right it's used by everybody right?

Ms. Frenz: Correct.

Ms. Self: Well then we should use petition and petitioner. Cause that what our form says.

Ms. Frenz: Unless this board intends to create a complaint, that is to address allegations of violations as opposed to a request for an opinion for example.

Ms. Self: But use that same form for a complaint.

Ms. Frenz: It can be, it has been used that way.

Ms. Self: You got one form for everything, one size fits all.

Ms. Frenz: It's a lot simpler that way.

Ms. Self: Yes, just petition and petitioner.

Mr. Allende: Yeah and if you look at that, what we were just talking about in Section 2, Section b, it actually takes out 'any persons or the board itself may petition the board for an informal advisory opinion on the alleged violation of the Code of Ethics by an officer or an employee' so that got crossed out

Ms. Nakanishi: I can't hear.

Mr. Allende: Sorry about that Denise. In section 2 paragraph b, it got crossed out, it says 'any persons or the board itself may petition the board for an informal advisory opinion on the alleged violation of the Code of Ethics by an officer or an employee'. And then they changed it to 'any person may submit a written complaint to the

board which shall be signed by the complainant.’ So it’s almost taking away for them to actually petition us to have a formal advisory opinion towards them. So like with the Watanabes did, it almost means like we wouldn’t be able to do that for them. In my opinion, if this language was to be kept. In essence it’s almost taking away that chance for them to have a informal advisory opinion given by us to have them be weighed on way or another by keeping or just having complainant and not doing what you said by doing petition or petitioner...

Ms. Valenzuela: (inaudible)

Mr. Allende: Right, they wanted you know, is this an okay path for me to take, do you see any pitfalls ahead on this path. There may be but, as long as you dot your I’s and cross your T’s you’ll be good.

Ms. Self: (inaudible)

Mr. Heintz: So the LRB doesn’t, they just point out things that they find problematic. They don’t come up with a solution?

Ms. Frenz: That’s correct.

Mr. Heintz: Do we wanna defer this matter to the next meeting when I’m not here? Amy will suss this out and come up with, because I don’t feel like a dog in this fight except that this doesn’t make sense to me the way it is...and I’m getting a bit shocky, so I don’t think I’m gonna be able to deal with this, at this time, but maybe the rest of you can.

Ms. Valenzuela: I appreciate what you’re saying but you have to understand, we’re here not in a personal capacity. You’re here representing community and or government, and I may say something that you shoot down and visa versa, we have to be mature enough to weather the storm. You’ve worked really hard, I get it, and you did it way before I got here. I was on the Board of Appeals, we worked really hard with other things and I left, I’m not there either. But there’s a happy medium and the cool thing about life is we’re all different, we all have different opinions and different feelings and different interpretations but if a form, the only reason I brought that up with the complainant and the petitioner, is cause the form says that. And so, people are kind of creatures of habit, they’re like cattle a little bit, we’re like cattle. They’re gonna look at a form and be like wait, I mean seriously, they won’t know if they’re bringing a complaint or they’re a petitioner. The average joe will not know that. Like ‘I don’t know, I’m tryna get information’. So it

just keeps it simple is why I said what I said, and I apologize if I offended you. I didn't mean to do that, but I just think that we have to kinda operate like that. To be a little thick skinned, a little bit.

Mr. Heintz: I wasn't offended, I'm just ready to move on. I don't feel I can sort this out at this time and if the rest of the board is willing to try and do that, that's fine with me.

Mr. Allende: I was gonna say I don't know if this needs a motion, if we maybe put it off for two meetings, or say that much and then we can correspond with Liza...and then kinda give our suggestions and then we re-address it in two meetings then that way we can have some sort of discord of maybe something what they may say or what we can get their opinion on. So we don't spend a whole bunch of time when we do meet up and then we can kind of be like yes, this what we kinda want, this is what we feel comfortable with and move on rather quickly for the next time.

Ms. Valenzuela: Or are you just done?

Mr. Heintz: That's alright. I have another meeting at 2 'o'clock and I have to go.

Mr. Heintz: But I've already cleared with Amy, she'll take over.

Ms. Frenz: So you're not, I just wanna clarify because I interpreted your statement to be a little different earlier. So you're kinda done with this issue, you mean today because you have another appointment?

Mr. Heintz: Oh yeah, I don't think I can sort this out today. I have to leave and I think it really calls for...this I would've hoped that the LRB would've sorted this out.

Ms. Frenz: Unfortunately that's their roll. I have to do that and I cant speak and I don't act on behalf of the board. I represent the board. So it's up to this board to decide and I can provide legal guidance. But ultimately it has to be by way of motion. So my hands are tied as well.

Ms. Self: I say that we postpone it til next time.

Mr. Heintz: Okay, is there a second?

Mr. Allende: Seconded.

Mr. Heintz: Moved and seconded to postpone the review of the LRB's

suggestions til next meeting. No further discussion?

Ms. Self: Is there any discussion?

Mr. Heintz: Is there any discussion? None. All those in favor please say Aye.

Motion and Vote: Ms. Self moved to postpone the discussion to the next meeting. Mr. Allende seconded the motion. All members voted aye. (12:53 p.m.)

7. EXECUTIVE SESSION (12:12 p.m.)

a. Review of the Executive Session minutes of April 7, 2022

Motion and Vote: Mr. Heintz moved to approve the executive session minutes of April 7, 2022. Mr. Allende seconded the motion. All members voted aye (12:12 p.m.)

b. Review of *Confidential Financial Disclosure Forms* filed pursuant to Section 2-91.1(d), Hawai'i County Code, by County board and commission members and designated County employees, where personal matters will be reviewed.

8. ANNOUNCEMENTS (12:54p.m.)

Mr. Heintz announced that the next meeting will be held on Wednesday, June 8, 2022, at 10:00 a.m. at the Hawai'i County Building, Council Chambers, 25 Aupuni Street, Hilo, Hawai'i 96720.

9. ADJOURNMENT (12:54 p.m.)

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Motion and Vote: Ms. Self moved to approve adjourn the meeting. Ms. Valenzuela seconded the motion. All members voted aye (12:54 p.m.).

Mr. Heintz adjourned the meeting at 12:54 p.m.

Respectfully submitted:

Liza Osorio, Secretary