

BEFORE THE BOARD OF ETHICS

COUNTY OF HAWAI'I

In the Matter of the Petition by

Kathryn Hickey,

Petitioner.

PETITION NO. 2021-06

ORDER DISMISSING PETITION

Initial Review: June 9, 2021

ORDER DISMISSING PETITION

By Petition dated April 29, 2021 with the Hawai'i County Board of Ethics (hereinafter "the Board"), Petitioner Kathryn Hickey (hereinafter referred to as "Petitioner") alleged violations of Section 2-83, Fair treatment, 2-84, and Conflicts of interests of the Hawai'i County Code.

At its duly noticed meeting of June 9, 2021, the Board initially reviewed and considered the above-captioned Petition pursuant to Rule 4 of the *Rules of Practice and Procedure of the Board of Ethics*. Petitioner appeared by videoconferencing using Zoom and provided her testimony to the Board. The Board also received and reviewed evidence submitted by the Petitioner.

At its duly noticed meeting of August 11, 2021, Board Vice Chair Larry Heintz made a motion to find that LPC Commissioner Van Pernis violated Section 2-84 of the Hawai'i County Code and board Chair David Wiseman seconded the motion. The Board, having examined and weighed the record and files in this case and the evidence submitted by the Petitioner, and having considered the relevant information presented as well as the Hawai'i County Charter, the Hawai'i County Code, and the Board's Rules of Practice and Procedure, unanimously approved the motion by a vote of 4-0.

At its duly noticed meeting of September 13, 2021, upon review of the draft informal advisory opinion, Board Chair David Wiseman moved to reconsider the petition and board member Denise Nakanishi seconded the motion, which was unanimously approved by a vote of 5-0. Board Chair David Wiseman then moved to dismiss the petition as it was now moot due to the fact that Mark Van Pernis was no longer a commissioner on the Leeward Planning Commission. The Board, having examined and weighed the record and files in this case and the evidence submitted by the Petitioner, and having considered the relevant information presented as well as the Hawai'i County Charter, the Hawai'i County Code, and the Board's Rules of Practice and Procedure, unanimously approved to dismiss Petition 2021-06 by a vote of 5-0.

ORDER

Based upon the foregoing, the Hawai'i County Board of Ethics orders that Petition No. 2021-06 is hereby dismissed.

Pursuant to Board Rule 4.9, the Order Dismissing the Petition shall be filed and a copy shall be sent to the Petitioner.

Dated: Hilo, Hawai'i, February 24, 2022

BOARD OF ETHICS, COUNTY OF HAWAI'I

By Lawrence L. Heintz  
LARRY HEINTZ  
Chair

APPROVED AS TO FORM  
AND LEGALITY:

Dakota K. Frenz  
DAKOTA K. FRENZ  
Deputy Corporation Counsel