

BEFORE THE BOARD OF ETHICS

COUNTY OF HAWAI'I

In the Matter of the Petition by

Mark Van Pernis,

Petitioner.

Michael Vitousek,

Respondent,

Barbara Defranco

Respondent.

PETITION NO. 2021-15

ORDER DISMISSING PETITION

Initial Review: November 10, 2021

ORDER DISMISSING PETITION

By Petition dated September 25, 2021, yet received on October 12, 2021, with the Hawai'i County Board of Ethics (hereinafter "the Board"), Petitioner Mark Van Pernis (hereinafter referred to as "Petitioner") alleged violations of Hawai'i County Charter 6.7-5 (quorum requirements) and the Ethics Code Sections 2.81, 2.82, 2.83(a)(3), and 2.86(b).

At its duly noticed meeting of November 10, 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 his testimony to the Board. The Board received and reviewed evidence submitted by the Petitioner. Respondents appeared via videoconferencing using Zoom and provided their testimony to the Board. The Board received and reviewed evidence submitted by Respondents.

At its duly noticed meeting of November 10, 2021, Board Vice Chair Larry Heintz made a motion to dismiss Petition No. 2021-15 for the following reasons: (1) Petitioner claims the Leeward Planning Commission (hereinafter "LPC") acted beyond its role and responsibilities by

addressing disciplinary problems with Petitioner, but the record instead demonstrates that the LPC acted with patience, care and support from its legal counsel in appropriately dealing with the matter; (2) Petitioner's complaints about quorum violations are not substantiated by the LPC hearing record; and (3) contrary to Petitioner's allegations, the record demonstrates that Petitioner has been treated fairly, courteously, and with respect throughout this process by the LPC and the County Council. Board Member Denise Nakanishi 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 to dismiss Petition 2021-05 by a vote of 4-0.

ORDER

Based upon the foregoing, the Hawai'i County Board of Ethics orders that Petition No. 2021-15 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 16, 2022

BOARD OF ETHICS, COUNTY OF HAWAI'I

By Lawrence Heintz
LAWRENCE HEINTZ
Chair

APPROVED AS TO FORM
AND LEGALITY:

Dakota K. Frenz
DAKOTA K. FRENZ
Deputy Corporation Counsel