

BEFORE THE BOARD OF ETHICS

COUNTY OF HAWAI'I

In the Matter of the Petition by

Pomaikai M. Bartolome,

Petitioner.

PETITION NO. 2022-03

INFORMAL ADVISORY OPINION

Initial Review: March 16, 2022

INFORMAL ADVISORY OPINION

By Petition dated March 10, 2022, with the Hawai'i County Board of Ethics (hereinafter "the Board"), Petitioner Pomaikai M. Bartolome (hereinafter referred to as "Petitioner") who is employed as an Executive Assistant with the Office of the Mayor, requested an Informal Advisory Opinion from the Board. Petitioner sought guidance as to whether Petitioner on behalf of the Office of the Mayor, could receive and participate in the gathering and accepting of donations for various community events and not be in violation of Hawai'i County Code Sections 2-84 (Conflicts of Interests) and 2-91.4 (Gifts).

At its duly noticed meeting on March 16, 2022, the Board reviewed and considered the above-captioned Petition pursuant to Rule 4 of the *Rules and Practice and Procedure of the Board of Ethics*. Petitioner attended the meeting, provided testimony, and further expounded on the various community events for which the Office of the Mayor was participating in collecting and distributing donations solicited and received from the Hawai'i County community. The Board, having deliberated and considered and giving appropriate weight to the testimony and evidence submitted by the Petitioner, and having considered the arguments presented, hereby renders the following Findings of Fact, Conclusions of Law, and Order.



## FINDINGS OF FACT

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

### A. The Petition

2. Petitioner is an Executive Assistant with the Office of the Mayor.
3. As an Executive Assistant, Petitioner is currently tasked with assisting two separate non-profit agencies with obtaining community donations for two events: (1) pre-filled easter baskets for keiki of Child and Family Services; and (2) assisting with the furnishing and decorating of twelve (12) studio units that will house vulnerable kupuna in our community.
4. Petitioner provided the Board with flyers that are advertising the donation event and provide information as to whom benefits/receives the donated goods.
5. All donations are completely voluntary. Petitioner shall ensure that the advertisements sent out and/or made public to the County of Hawai'i all indicate that donations are voluntary.

### B. Board's Ruling

6. Based on the evidence and testimony presented, the Board finds that as to (only) these two donation projects: (1) easter baskets for keiki of Child and Family Services; and (2) assisting with the furnishing and decorating of twelve (12) studio units that will house vulnerable kupuna in our community, there is no conflict of interest for the Office of the Mayor to solicit voluntary donations from the public. There is also no violation of Hawai'i County Code Section 2-91.4 Gifts, by seeking these voluntary donations from the public.



7. Board Member Lawrence Heintz moved that the Board find that these two donation projects do not violate either Section 2-84 or Section 2-91.4 of the Hawai'i County Code of Ethics.
8. Board Member Amy Self seconded the motion. The motion passed 5-0.

CONCLUSION OF LAW

Based upon the evidence presented and the Board's review of the Hawai'i County Code of Ethics and the Board's Rules of Practice and Procedure, the Board finds and concludes that these two specific voluntary donation projects being coordinated by the Office of the Mayor to benefit the keiki of Child and Family Services and assisting with the furnishing and decorating of twelve (12) studio units that will house vulnerable kupuna in our community, are not in violation of the Hawai'i County Code of Ethics.

ORDER

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

Dated: Hilo, Hawai'i, May 11, 2022.

BOARD OF ETHICS, COUNTY OF HAWAI'I

By Lawrence L. Heintz  
LAWRENCE HEINTZ  
Chair

APPROVED AS TO FORM  
AND LEGALITY:

Dakota K. Frenz  
Dakota K. Frenz  
Deputy Corporation Counsel

