

BEFORE THE BOARD OF ETHICS

COUNTY OF HAWAI'I

In the Matter of the Petition by

CLAUDIA ROHR,

Petitioner.

PETITION NO. 2022-13

ORDER DISMISSING PETITION

Initial Review: October 12, 2022,
December 14, 2022, January 11, 2023, and
March 15, 2023

ORDER DISMISSING PETITION

By Petition dated September 19, 2022, with the Hawaii County Board of Ethics (hereinafter “the Board”), Petitioner Claudia Rohr (hereinafter “Petitioner”) alleged violations of Hawaii County Code Section 2-83(a)(3) of Fair Treatment by Respondent Alex Roy (hereinafter “Respondent”).

At its duly noticed meeting of December 14, 2022, the Board 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 via Zoom and provided her testimony before the Board. The Board received and reviewed evidence submitted by the Petitioner. The Respondent appeared by videoconferencing via Zoom and provided his testimony before the Board. The Board received and reviewed evidence submitted by the Respondent.¹

On January 11, 2023, the Board having examined and weighed the record and files in this case and the evidence submitted by the Petitioner and Respondent, Board Member Denise Nakanishi moved to find that the record does not support a violation of Hawaii County’s Code of

¹ A motion was made to find a violation of the code of Ethics, but failed due to a lack of a majority of the membership voting in favor. An opportunity to renew the motion was made at the subsequent meeting due to procedural defects.

Ethics, Fair Treatment, Section 2-83. There were two votes in favor, two votes against, three non-votes (1 absent, 2 vacant). The motion failed for lack of a majority of the membership in support of the motion. Board Member Rabbi Rachel Short then moved to find that Alex Roy violated the Hawaii County's Code of Ethics, Fair Treatment, Section 2-83. There were two votes in favor, two votes against, three non-votes (1 absent, 2 vacant). The motion failed for lack of a majority of the membership in support of the motion.

On March 6, 2023, the Board informed Petitioner Claudia Rohr that the Board had become aware that she did not receive the Respondent Alex Roy's written response prior to the submission of her oral statement on December 14, 2022. On March 15, 2023, Petitioner appeared by videoconferencing via Zoom and provided additional testimony in regard to Respondent Alex Roy's written response. Respondent Alex Roy appeared by videoconferencing via Zoom. The Board asked questions of Petitioner Claudia Rohr and Respondent Alex Roy. After hearing the additional information, the Board was given an opportunity to reconsider the dismissal of Petition 2022-13 due to a lack of a finding. The Board chose not to reconsider, and the prior votes were left undisturbed.

Thus, due to the lack of a majority of the membership voting in the affirmative for a particular finding, as required by Hawaii County Charter Section 13-4(h), an informal advisory opinion cannot be rendered. Therefore, Petition 2022-13 is dismissed due to a lack of finding.

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ORDER

Based upon the foregoing, the Hawai'i County Board of Ethics is unable to render a finding. Petition No. 2022-13 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 and Respondent.

Dated: Hilo, Hawai'i, APR 14 2023

BOARD OF ETHICS, COUNTY OF HAWAI'I

By 
RACHEL SHORT
Chair

APPROVED AS TO FORM
AND LEGALITY:


SYLVIA WAN
Deputy Corporation Counsel