

BEFORE THE BOARD OF ETHICS
COUNTY OF HAWAI'I

In the Matter of the Petition by

CLAUDIA ROHR and
JAERICK MEDEIROS-GARCIA,

Petitioner.

PETITION NO. 2022-16

ORDER DISMISSING PETITION

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

ORDER DISMISSING PETITION

By Petition dated September 21, 2022, with the Hawaii County Board of Ethics (hereinafter "the Board"), Petitioner Claudia Rohr and Petitioner Jaerick Lee Medeiros-Garcia (hereinafter "Petitioners") alleged violations of Hawaii County Code Section 2-83(a)(3) of Fair Treatment by Respondent Maija Jackson and Respondent Alex Roy (hereinafter "Respondents") at the May 5, 2022 Windward Planning Commission meeting.

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*. The Board heard public testimony regarding the Petition and the May 5, 2022 Windward Planning Commission meeting. Petitioner Jaerick Lee Medeiros-Garcia appeared in person and provided his testimony before the Board. Petitioner Claudia Rohr appeared by videoconferencing via Zoom and provided her testimony before the Board. The Board received and reviewed evidence submitted by the Petitioner. The Respondents appeared by videoconferencing via Zoom and provided their testimony before the Board. The Board received and reviewed a written statement submitted by the Respondent Maija Jackson.

On January 11, 2023, the Board heard additional public testimony regarding the Petition and the May 5, 2022 Windward Planning Commission meeting. The Board then continued consideration of the Petition to the Board's next meeting in order for the Board members to review the video recording of the May 5, 2022 Windward Planning Commission meeting in question.

On February 15, 2023, the Board having examined and weighed the record and files in this case and the evidence submitted by the Petitioners and Respondents, including the video recording of the May 5, 2022 Windward Planning Commission meeting in question, Board Member Christopher Ho moved to dismiss Petition 2022-16 due to the record not supporting a violation of Hawaii County's Code of Ethics, Fair Treatment, Section 2-83. The motion was seconded by Board Member Denise Nakanishi. The Board unanimously approved the motion to dismiss Petition 2022-16 by a vote of 4-0.

On March 6, 2023, the Board informed Petitioner Claudia Rohr and Petitioner Jaerick Lee Medeiros-Garcia that the Board had become aware that they did not receive the Respondent Maija Jackson's written response prior to the submission of their oral statements on December 14, 2022. On March 15, 2023, Petitioner Jaerick Lee Medeiros-Garcia appeared in person, Petitioner Claudia Rohr appeared by videoconferencing via Zoom, and provided additional testimony regarding Respondent Maija Jackson's written response. Respondent Maija Jackson appeared by videoconferencing via Zoom. The Board asked questions of the Petitioners and Respondent Maija Jackson.

After hearing the additional information, the Board was given an opportunity to reconsider the dismissal of Petition 2022-16. Board Chair Rachel Short moved to reconsider the prior vote to dismiss the Petition. The motion was seconded by Board Member Kelly

Valenzuela. There were two votes in favor, two votes against. The motion to reconsider failed, and the prior votes to dismiss Petition 2022-16 were left undisturbed.

ORDER

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

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