

BEFORE THE BOARD OF ETHICS
COUNTY OF HAWAI'I

In the Matter of the Third Party Petition by
KENNETH QUIOCHO,
Third Party Petitioner.

PETITION NO. 2023-04
INFORMAL ADVISORY OPINION

Initial Review: May 10, 2023

INFORMAL ADVISORY OPINION

In a Petition dated March 23, 2023, Assistant Police Chief Kenneth Quioco (“Petitioner”) asked the Board of Ethics (“Board”) for an informal advisory opinion regarding the conduct of Hawai‘i County Police Commission member Anthony Sur (“Respondent”). Petitioner asked the Board whether Respondent’s behavior at a Police Commission meeting held on March 17, 2023 violated the *Hawai‘i County Code, Chapter 2, Article 15, Code of Ethics* (“*Code of Ethics*”), *Section 2-83, Fair Treatment*, which states that “[o]fficers and employees of the County, while discharging their duties and dealing with the public, shall adhere to the following precepts: . . . [a]ll persons shall be treated in a courteous, fair, and impartial manner.” *Hawai‘i County Code (“HCC”) § 2-83(a)(3)*.

Pursuant to the *Rules of Practice and Procedure of the Board of Ethics (“Board Rules”)*, *Rule 4. Informal Advisory Opinions*, the Board reviewed and considered the above-captioned Petition at its meeting on May 10, 2023. Petitioner and Respondent attended the meeting and provided testimony regarding Respondent’s conduct at the Police Commission meeting held on March 17, 2023 (“Police Commission Meeting”). The Board also listened to an audio recording

of the Police Commission Meeting and heard from the Police Commission's attorney, who was present at the Police Commission Meeting.

The Board, having deliberated and considered the testimony, evidence, and arguments presented, hereby renders the following Findings of Fact, Conclusions of Law, Decision and Order, which are incorporated into this Informal Advisory Opinion.

FINDINGS OF FACT

1. To the extent that any of these Findings of Fact are Conclusions of Law, they are to be so construed.
2. Petitioner is an Assistant Police Chief with the Hawai'i County Police Department.
3. Respondent is a member of the Hawai'i County Police Commission.
4. Respondent was present and acting as a member of the Police Commission at the Police Commission Meeting held on March 17, 2023.
5. Petitioner was present at the Police Commission Meeting, acting in his role as an Assistant Police Chief for the Hawai'i County Police Department.
6. During the Police Commission Meeting, Petitioner, who was sitting in the audience at the time, stood up and interrupted the meeting with an argumentative and out-of-turn outburst directed at Respondent.
7. Respondent reacted by yelling at Petitioner, leaving his seat to aggressively pursue Petitioner, and calling Petitioner an "asshole."

CONCLUSIONS OF LAW

8. Respondent is a member of the Hawai'i County Police Commission, which is a commission specifically provided for in the *County of Hawai'i Charter ("Charter")*, *Section 7-2.2*.

9. Pursuant to *Charter, Sections 7-2.2(a) and 13-4(b)*, Respondent was appointed to the Police Commission by the mayor, confirmed by the council, and may be removed upon recommendation by the mayor and the approval of the council.
10. Pursuant to *Charter Section 7-2.3*, the Police Commission appoints the chief of police and may discipline or remove the chief of police.
11. Under *HCC § 2-82(4)*, Respondent is a County “Officer” because he is a member of a board or commission specifically provided for in the *Charter*, and the commission he sits on has authority beyond advisory powers and functions.
12. Under *HCC § 2-83(a)(3)*, all County Officers, “while discharging their duties and dealing with the public, shall” treat “[a]ll persons . . . in a courteous, fair, and impartial manner.”
13. At the Police Commission Meeting, Respondent was acting in his capacity as a County Officer; therefore, he was required to adhere to the Code of Ethics requirement to treat all persons in a courteous, fair, and impartial manner, including Petitioner.

DECISION AND ORDER

Based upon the evidence presented and the Board’s review of the *Code of Ethics* and the *Board Rules*, the Board finds and concludes that Respondent’s conduct of yelling at Petitioner, leaving his seat to aggressively pursue Petitioner, and calling Petitioner an “asshole” was not courteous; therefore, Respondent violated the *Code of Ethics, Section 2-83(a)(3)*, which requires County Officers to treat all persons in a courteous, fair, and impartial manner.

Pursuant to *Board Rules, Rules 4.9(c.) and 4.10*, a copy of this Informal Advisory Opinion shall be sent to Petitioner, Respondent, and Respondent’s appointing authority, the Mayor of the County of Hawai‘i. Pursuant to *Board Rules, Rule 4.10(b.)*, the Mayor “shall take whatever action is deemed necessary and report the action taken to the Board within thirty days

after receiving the informal advisory opinion . . .” This Informal Advisory Opinion was passed by a Board vote of 6 in favor, 0 against.

Dated: Hilo, Hawai‘i, JUN 14 2023, 2023.

BOARD OF ETHICS, COUNTY OF HAWAI‘I

By 
RACHEL SHORT
Chair

APPROVED AS TO FORM
AND LEGALITY:


SINCLAIR SALAS-FERGUSON
Deputy Corporation Counsel

In the Matter of the Third Party Petition by KENNETH QUIOCHO; Petition No. 2023-04;
INFORMAL ADVISORY OPINION