

BEFORE THE BOARD OF ETHICS

COUNTY OF HAWAI'I

In the Matter of the Petition by

NEIL C. ERICKSON,

Petitioner.

PETITION NO. 2024-01

INFORMAL ADVISORY OPINION

Initial Review: February 14, 2024

INFORMAL ADVISORY OPINION

By Petition dated January 4, 2024, with the Hawai'i County Board of Ethics (hereinafter "the Board"), Petitioner Neil C. Erickson (hereinafter referred to as "Petitioner") who is an employee of the County of Hawai'i Office of the Housing and Community Development ("OHCD"), requested an Informal Advisory Opinion from the Board. Petitioner sought guidance as to whether Petitioner could participate in concurrent employment as a County employee and rent property, owned by Petitioner, as studio apartments through the OHCD Existing Housing Section 8 program.

At its duly noticed meeting on February 14, 2024, in an open hearing, 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 any potential conflicts of interest. Petitioner identified he is employed fulltime by OHCD. Petitioner also identified that he owns property on Ponohawai Street that he presently rents as vacation rentals. Petitioner would like to offer the rentals as long-term studio apartments to individuals that would qualify for Section 8 vouchers, administered by the Existing

Housing Division. Petitioner expounded on his duties and responsibilities of his work within the Community Development Division.

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 employee of the OHCD and works under the Community Development Division.
3. Petitioner's present duties as an employee of the OHCD Community Development Division do not overlap with those conducted by the Existing Housing Division, Section 8 program.
4. Petitioner's desires to rent properties owned by Petitioner as long-term housing to individuals that qualify for Section 8 vouchers.

B. Board's Ruling

5. Based on the evidence and testimony presented, the Board finds that there is no conflict of interest if the Petitioner recuses himself from any and all internal process within OHCD in regard to his rental properties.
6. Board Member Erick Allende moved that the Board find that there is no conflict of interest under Section 2-84 of the Hawai'i County Code of Ethics if the Petitioner recuses himself from any and all internal process within OHCD in regard to his rental properties.
7. Board Member Christopher Ho 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 *Rules and Practice and Procedure of the Board of Ethics*, the Board finds and concludes that Petitioner can participate in the OHCD Section 8 program as a landlord provided Petitioner recuses himself from any and all internal process within OHCD in regard to his rental properties.

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, APR 12, 2024.

BOARD OF ETHICS, COUNTY OF HAWAI'I

By 
RACHEL SHORT
Chair

APPROVED AS TO FORM
AND LEGALITY:



SYLVIA WAN
Deputy Corporation Counsel