

# HAWAI‘I COUNTY BOARD OF ETHICS

## MINUTES – REGULAR SESSION

Friday, April 12, 2024  
10:01 a.m. – 1:38 p.m.  
Hawai‘i County Building  
25 Aupuni Street  
County Council Chambers  
Hilo, Hawai‘i 96720

### Members and Staff Present:

Rachel Short, Chair  
Christopher Ho, Vice Chair  
Paul Paiva, Member  
Denise Nakanishi, Member  
Erick Allende, Member  
Kelly Valenzuela, Member  
Lisa Fukumitsu, Member  
Dakota Frenz, Deputy Corporation Counsel  
Khayla-Lei Peiler, Secretary

### 1. CALL TO ORDER (10:01 a.m.)

Ms. Short called the meeting to order at 10:01 a.m. Present were Rachel Short, Christopher Ho, Erick Allende, Lisa Fukumitsu, Denise Nakanishi, Paul “Scotty” Paiva, Kelly Valenzuela, Deputy Corporation Counsel Dakota “Cody” Frenz, and Khayla-Lei Peiler.

Ms. Short: Good morning everyone I am Chair Rachel Short it is Friday April 12, 2024 at 10:00 am calling to order the Hawaii County Board of Ethics meeting if everybody would please state their name for the record and the minutes again I am your Chair Rachel Short.

Mr. Ho: Chris Ho. Vice Chair. Member.

Mr. Allende: Erick Allende. Member.

Ms. Fukumitsu: Lisa Fukumitsu. Member.

Ms. Nakanishi: Denise Nakanishi. Member.

Mr. Paiva: Paul “Scotty” Paiva. Member and I will be going by Scotty following this introduction. Thank you.

Ms. Valenzuela: Kelly Valenzuela. Member.

Ms. Frenz: Good morning everyone Deputy Corporation Counsel Cody Frenz on behalf of the Board of Ethics, we also have our Secretary present. I am here to assist the Board as to all matters with the exception of New Business 5b Petition 2023-10.

**2. STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS (10:02 a.m.)**

Ms. Short: Thank you everyone, appreciate you being here today and for your time. We'll get right to it with statements from the public on agenda item. At the time...this time do we have any statements from the public? Has anyone signed in? No testimony? Ok.

**5. NEW BUSINESS (10:02 a.m.)**

a. Petition 2023-10: Review of a Petition alleging County Employees violated the Hawaii County Ethics Code.

Ms. Short: Calling out of order um due to a conflict. I'm going to skip ahead to agenda item 5b Petition 2023-10 the review of a petition alleging a county employee violated the Hawaii County ethics code. Again, we are starting a bit out of order this morning due to a conflict of interest. Did everyone receive this petition? I'll give you a moment to find it in your notes. 2023-10. Is everyone on the Board in possession of this Petition?

Mr. Ho: Yes.

Ms. Short: Ok. Do we have any public statements at this time? Regarding this Petition?

***\*Inaudible\****

Mr. Ho: You have to push the button.

Ms. Short: You have to push the button. The one on the right. It looks like a person talking. Thanks Cody.

Ms. Kawauchi: My apologies. Good morning.

Ms. Short: No worries. Good morning.

Ms. Kawauchi: Good morning Chairman and distinguished members of the Board. My name is Jamae Kawauchi, I represent the petitioner uh who filed the petition uh Mr. Fukui is ill today. Um I need to request a continuance of this matter to the next duly court uh duly called Board meeting, please. Uh, he would very much like to be here, he

is a witness in the case and um due to his illness and it's serious. Um I'm requesting that the Board please consider a continuance.

- Ms. Short: Ok. Thank you. Would anyone like to make a motion to continue this Petition?
- Mr. Ho: Chris Ho. Move to grant Ms. Kawauchi's request to postpone Petition 2023-10 to May 8<sup>th</sup> meeting.
- Mr. Paiva: And and before that can I make a comment?
- Ms. Short: Absolutely, please Scotty.
- Mr. Ho: Technically, No.
- Ms. Short: Oh technically wait you cannot. We have a motion on the table we have to, you can say it when I call for discussion. Do we have a second to that motion?
- Mr. Allende: Second.
- Ms. Short: Erick seconded that motion. So again reviewing um the motion on the table is moving to postpone petition 2023-10 to our next Board of Ethics meeting. Any discussion to be had regarding postponing to the next meeting?
- Mr. Paiva: No discussion for postponing but I'll recuse myself from this, uh case because...I... I've known Mr. Fukui for over 40 years and indirectly worked with him when I was a policemen in Kona.
- Ms. Short: Ok. Thank you. So moving forward for the next meeting when this will be called we will know that Scotty won't be able to be so we need to keep that in mind with quorum. Ok. At this time I'll call for a vote. All in favor of the motion on table say aye.

***\*All members except Mr. Paiva say aye in unison\****

- Ms. Short: Any opposition please say nay. Hearing and seeing none. The motion passes to postpone Petition 2023-10 till our next Board of Ethics meeting which will be in May. Thank you very much for your time.
- Ms. Kawauchi: Thank you Chairman and thank you distinguished members of the Board. Have a good day.
- Ms. Short: Thank you.

**Motion and Vote: Mr. Ho moved to grant Ms. Kawauchi’s request to postpone Petition 2023-10 to May 8<sup>th</sup> meeting; Mr. Allende seconded. Six (6) members voted aye. One (1) member was recused. Motion passed. (10:05 a.m.)**

Ms. Short: At this time we’ll allow Cody a moment to rejoin us and we’ll... Yeah, can Counsel on Zoom from Maui please state your name for the record. Not sure if we have him...um technical difficulties. Make the record known that someone is on Zoom from Maui Corporation Counsel Caleb Rowe to represent the Hawaii County Board of Ethics at this time. OK. Thank you.

**3. APPROVAL OF THE REGULAR SESSION MINUTES (10:06 a.m.)**

a. Approval of the regular session minutes of February 14, 2024.

Ms. Short: Moving back into order. We’ll go to agenda item 3a the approval of the regular session minutes from February 14, 2024. Did everyone have chance to review those minutes? Any changes or discussion to be had regarding those minutes?

Mr. Ho: Chair. Move to approve the regular session minutes of February 14, 2024.

Ms. Short: Thank you. Do I have a second for that motion?

Ms. Nakanishi: I second.

Ms. Short: Second. Any discussion to be had? No discussion to be had we will vote at this time. All in favor say aye.

***\*All members say aye in unison\****

Ms. Short: Any opposition please say nay. Hearing and seeing none the motion to approve the regular session minutes from February 14, 2024 so passes.

**Motion and Vote: Mr. Ho moved to approve the regular session minutes from February 14, 2024; Ms. Nakanishi seconded. All members voted aye. Motion passed. (10:06 a.m.)**

Ms. Short: Moving on to...

Ms. Frenz: If I...Chair if I could? One gentle reminder I apologize everyone I am somewhat of a stickler this is Deputy Corporation Counsel Cody Frenz. I need you to again, whenever you speak even if it’s a motion, a second, to state your name. So that our record and our

minutes are clear. Uh in the, we're still learning voices and if the public wants to look it's uh just a little cleaner. So apologies, thank you.

Ms. Short: Thank you Cody. So everyone please state your name prior to making a motion or seconding a motion. Thank you for that reminder. OK.

### **3. APPROVAL OF THE EXECUTIVE SESSION MINUTES (10:08 a.m.)**

b. Approval of the executive session minutes of February 14, 2024.

Ms. Short: Moving along. Agenda item 3a the approval of the executive session minutes from February 14, 2024. Would someone like to make a motion to approve the executive session minutes?

Mr. Ho: Chris Ho. Move to approve the executive session minutes for February 14, 2024.

Mr. Short: Would someone like to second that motion? Please state your name for the record before you do.

Ms. Nakanishi: Denise Nakanishi. I second.

Ms. Short: Will you do that again with your mic on please Denise.

Ms. Nakanishi: My mic was on.

Ms. Short: There it is.

Ms. Nakanishi: Denise Nakanishi. I second.

Ms. Short: Thank you. Any discussion to be had? Seeing no discussion to be had I will call for a vote. All in favor please say aye.

***\*All members say aye\****

Ms. Short: Any opposition please say nay. Hearing and seeing none, the executive session minutes from February 14, 2024 are so approved.

**Motion and Vote: Mr. Ho moved to approve the executive session minutes from February 14, 2024; Ms. Nakanishi seconded. All members voted aye. Motion passed. (10:08 a.m.)**

**4. UNFINISHED BUSINESS (10:08 a.m.)**

- a. Petition 2023-13: Review draft Informal Advisory Opinion regarding a Petition from a County Employee seeking clearance and guidance regarding potential conflicts of interests and reporting of gifts.

Ms. Short: Moving on to agenda item 4a Unfinished Business Petition 2023-13 the review draft of an informal advisory opinion regarding a Petition from a County Employee seeking clearance and guidance regarding potential conflicts in interests and reporting of gifts. Did everyone receive the letter that we have drafted in response to this? I'll give everyone a moment to find that in their stack of things we had for this week. Would someone like to make a motion to approve the letter that was drafted in regard to 2023-13. I am not finding it in my packet. Oh thank you. Oh as a reminder um Chair Rachel Short I did have to recuse myself from this matter due to a personal relationship with Shannon Matson.

Mr. Paiva: Scotty Paiva move to approve.

Ms. Valenzuela: Kelly Valenzuela. I second.

Ms. Frenz: Any discussion?

Mr. Ho: Thanks Cody. Uh I do. I just wanted to um talk about this one was a little bit rough for me um with a lot of questions that I had at the last meeting um I still am a little uneasy when it comes to money and um the potential for anything to occur especially within a position that um is in the office of um an elected official um with regards to legislative writing. Um so I just wanted to at least have it on the record that I I did have some concerns um and I still have some concerns.

Ms. Frenz: If I can clarify um Vice Chair Ho. Are you...are you making a motion to reconsider the vote? This is the first hearing back the mechanism would be a motion to reconsider the previous motion that passed to result in this proposed informal advisory opinion or are you just airing your concerns?

Mr. Ho: Thank you um Chris Ho. Just airing my concerns um, definitely not wanting to rehash. It was definitely a lot um but I just wanted to at least state for the record um where I kind of stood with regards to this... Any other discussion? Seeing no other discussion.

Uh moving to a vote. All those in favor of uh review draft informal advisory opinion regarding a petition for a county employee seeking clearance and guidance regarding potential conflicts of interest and reporting of gifts. All those in favor say aye.

***\*All members except Mr. Ho and Ms. Short say aye in unison\****

Mr. Ho: All those opposed say nay. Nay. Motion passes 5 votes for yay and 1 in the nay. You want to hit the gavel. Thanks.

**Motion and Vote: Mr. Paiva moved to approve the informal advisory opinion for Petition 2023-13; Ms. Valenzuela seconded. Five (5) members voted aye. One (1) member voted nay. One (1) member was recused. Motion passed. (10:11 a.m.)**

b. Petition 2024-01: Review draft Informal Advisory Opinion regarding a Petition from a County Employee seeking clearance and guidance regarding a potential conflict of interest.

Ms. Short: Moving quite along um unfinished business agenda item 4b Petition 2024-01 the review the draft of an Informal Advisory Opinion regarding a Petition from a County Employee seeking clearance and guiding regarding a potential conflict of interest. Did everyone have a chance to review this letter again I will give you a moment to find it in your notes. Would someone like to make a motion to approve informal advisory opinion on Petition 2024-01.

Mr. Ho: Chris Ho. Move to approve Petition 2024-01.

Ms. Short: The informal advisory...

Mr. Ho: The informal advisory opinion.

Ms. Short: Ok perfect. Would someone like to second Chris' motion please state your name before you do.

Ms. Valenzuela: Kelly Valenzuela I second the motion.

Ms. Short: Any discussion to be had? Hearing and seeing none I will call for a vote at this time. All in favor please say aye.

***\*All members say aye in unison\****

Ms. Short: Any opposition please say nay. Hearing and seeing none the Petition 2024-01 informal advisory opinion regarding a petition

from a county employee seeking clearance and guidance regarding a potential conflict of interest is so approved. Thank you everyone.

**Motion and Vote: Mr. Ho moved to approve the informal advisory opinion for Petition 2024-01; Ms. Valenzuela seconded. All members voted aye. Motion passed. (10:13 a.m.)**

**5. NEW BUSINESS (10:13 a.m.)**

- a. Overall review and update of the Board of Ethics Rules of Practice and Procedure
  - i. Create a Permitted Interactive Group to do initial review?

Ms. Short: Moving again right along. Uh agenda item 5a overall review and update of the Board of Ethics Rules of Practice and Procedure. Do we want to create a permitted interactive group to do an initial review. I believe this discussion is on the table because our the Board of Ethics for our county has not been looked at in quite some time and I think all of us as coming to serve on this Board are probably realizing that it hasn't been looked at for quite some time so we received examples of what they're doing in Maui and in different places and in somethings they've changed, This is also something I believe they talked about at the State Board of Ethics conference. So would...I know everyone already donates their time so generously...

Ms. Frenz: I'll just jump in briefly, this is DCC Cody uh I provided you samples as indicated by Chair Short of Maui's Board of Ethics rules they very closely mirror, I've been reviewing and considering that versus the State Ethics commission rules. Very closely mirrored. Maui was uh updated in 2023 in fact the attorney assisting you on the conflict matter is in fact the attorney for their Board of Ethics so maybe he could be of uh utility in that regard. I did reach out to him asking what's working, what's not working now that they've been using it for approximately a year. What would they do differently. He gave me some feedback and information. I have conferred on my end with my administration and the ask has been for me to draft a sample because everyone is so busy. So I will put forth if everyone is ok with that a proposed sample that pulls a blend of our rules, things that work and things that don't work maybe removing, using what the State of Hawaii does for their ethics commission, maybe what some of what Maui does and then trying to find a way to blend everything in a way that would work best for our County of Hawaii, such as separating a complaint from a petition. Uh so that they are two separate processes for example. If everyone is ok with that then I will do the heavy lift upfront provide you a sample. You already have those samples and I would provide you a draft of what is being proposed and it may very closely mirror and then maybe then if you want to

create a P.I.G. or permitted interactive group or not you know if you have a draft...a working draft and you want to work as a whole you can work off of the sample that I will give you and you can add or delete, modify. It is a it just going to be a proposal. I don't vote...so I'm just going to do the work give you a sample and we can go from there if you're ok with that.

Ms. Short: Chair Short going on record saying I would...

Mr. Allende: Sounds great.

Ms. Short: Yeah. Yes! So moved!

Ms. Valenzuela: Thank you we would love that.

Ms. Short: Yeah. I think that would be very helpful and I think it's really needs to be done and I think it will be a really good opportunity for us as a Board to to really have a lasting impact on our County and being able to bring things up to speed so. Thank you for doing that for us.

Mr. Frenz: Sure. And just for everyone's background and information. Um those that were with me when I was previously the Board of Ethics Attorney so uh Ms. Valenzuela, Ms. Nakanishi and Mr. Allende. This was on our agenda years ago and then it got switched over and it got taken off because it is a big lift so it's rearing its ugly head, we gotta do it. Were going to take off the Band-Aid were going to handle it um and if anybody here feels compelled to want to work with me on said draft please reach out, you all have my cell number and my email um I would love another set of eyes prior to disseminating a draft to all of you but no pressure. Otherwise I'll do it.

Mr. Ho: Chair I have question. Um with regards to um Corporation Counsel doing that is that something that we would need to have a formalized vote to give or is it more of uh part of your job type of thing?

Ms. Frenz: It's been assigned to me.

Mr. Ho: Gotcha.

Ms. Short: She's been volun-told it sounds like.

Mr. Paiva: And then...quick question. That PIG how many member is that? How many are allowed?

Ms. Frenz: Between...well it's less than a quorum so it could be 2 up to you know up to 3 because were a Board of...of seven. Uh there are very specific parameters and rules for a permitted interactive group uh a number of meeting, reporting back, and the rules are ...they're pretty uh intense but also very simple in the sense that they're parameters so I...I think it's a little early now that I know that I'm going to do the initial draft and then if when you take a look at it as whole you...you guys think well you know what actually a few of us are very passionate about waiting to...to work on them and maybe you know make some drafts on your own then we could create a permitted interactive group if there's a handful of you that really want to do that.

Mr. Paiva: Yeah thanks. Just looking ahead. Thank you!

Ms. Short: Thank you very much Cody. Appreciate you and your time doing that for us.

c. Petition 2024-05: Review of a Petition from a County Employee seeking clearance and guidance regarding a potential conflict of interest.

Ms. Short: Agenda Item 5c Petition 2024 review of a Petition from a County Employee seeking clearance and guidance regarding a potential conflict of interest. I will also note for the record that we received some additional information that should've been on everyone's chairs when you came in this morning, so I just want to make sure that you have that as well as the Petition in front of you. I will give everyone a moment to get their things together.

Ms. Frenz: Mr. Manini.

Mr. Manini: Yes.

Ms. Frenz: Come on up sir.

Mr. Manini: Good Morning.

Ms. Short: Good morning...Good morning Mr. Manini.

Mr. Manini: Good morning.

Ms. Short: Was this requested to be a closed hearing? Closed petition. Ok. So at this time please state your name, the reason for your Petition and then the reason you would like it to be closed.

Mr. Manini: My name is uh Jack...Jack Manini. Uh I'm here to uh get guidance and clearance and clarification uh because I am an electrical inspector with the County and I'm also a licensed State of Hawaii general contractor, and also a licensed electrical contractor and I do work on the side on my own time and I had just recently...

Ms. Frenz: If you could...so sorry...so sorry Mr. Manini. This is DCC Cody before you get into all of that because you've asked for a closed a hearing are you asking...if we could just cover that first, you're asking for a closed hearing so that you could have a private conversation maybe about financial information, employment information is that correct? Sir?

Mr. Manini: Uh not really. I'm...I'm ok with uh open.

Ms. Frenz: Ok.

Ms. Short: So you're ok just for the record. You're ok with open session?

Mr. Manini: Yes. There's no one else.

Ms. Frenz: We do have people on Zoom.

Ms. Short: We do have people on Zoom and it is being recorded.

Mr. Manini: I'm ok.

Ms. Short: So then at this time we will begin five minutes testimony please. State your reason for your petition. Thank you for your time.

Mr. Manini: Lost my train of thought there. I started to say that uh I'm a licensed general contractor and a licensed electrical contractor for the State of Hawaii. I have been since 1990 uh I retired and took a softer job as a electrical inspecting position with the County. Not realizing that they may be a conflict of interest by me doing side work on...on my own time. So when I had attended very recently the code of ethics classes that we're required to attend uh that's when it prompted uh am I in a violation situation so that's really why I'm here. To get clarification if I am or I have a green light to continue what I'm doing because I'm not the only one that have licenses... there's about 30 inspectors of various trades, building plumbing, here in Hilo and in Kona and all of us at some point in time do side work. Because we are licensed to do that and also the County ordinance allows us to do work in our own home, personal work for our own residence and my whole situation is that I believe the conflict would be because I would be inspecting my

own job if that was the case where my work was in the area that I'm assigned to inspect uh when we do work at our own house because we are licensed and we are allowed to do it by ordinance then at that time we do not inspect our own house we just...somebody else steps in because we know obviously right the public and we know that's not what you do. Inspect your own work. So another inspector does that work and that's allowed by ordinance but yet the code of ethics somewhat speaks differently to that. I would be doing the same thing...I would be doing a job but it's not my house but I still would not be uh performing the inspection. Its always going to be someone else. And I had brought this up to my uh deputy chief in the building department as well as my immediate supervisor because I just wanted to be straight up, I didn't wanna do under the table kind of stuff and then maybe other contractors or other people might say aye the guys one inspector how come he's doing this you know. So I just wanted to be straight up to either I can continue or I cannot and I kind of speak for many other inspectors that are also doing this from time to time or would like to do it more because we work so hard to get the license and now we just cannot do it and more so now with expenses we need to have another means of income you know just to make things meet. Even though our wives work you know another means of income just to make things work. And then we all felt that ok we have something we...we...we worked for it we trained for it, apprentice graduates but yet now we cant do anything just because we have this job. And one of the reasons unfortunately that the county doesn't pay very well in comparison to the outside. Right much much less so were kind of stuck in that situation so that's really why I'm here to see what I can do not only for myself but clear the air for all the inspectors uh I realize this may have come up years prior I may be I might not be only the first person that has brought it up but all of us in this...my situation has just never really had the guts you might say, all the paperwork it takes to face some kind of formal meeting like this and present themselves uh but I'm not a young I'm not a young boy and I don't have much to lose but I like it to be where we all can make use of our license get a better life for our family and be able to do this type of work on our own time. That's all I have. Any questions?

Ms. Short: Thank you very very much Mr. Manini. Thank you for sharing with us the way that you did. Does anyone on the Board have questions that they would like to ask Mr. Manini at this time. Kelly?

Ms. Valenzuela: I do. Hey thank you so much for coming in...

Ms. Short: Please say your name for the record.

Ms. Valenzuela: Kelly Valenzuela.

Mr. Manini: Thank you for having me.

Ms. Valenzuela: Um totally understand cost of living in Hawai'i um when you do uh an inspection you sign a document correct? Your names on a document somewhere that somebody can see the name?

Mr. Manini: It's...it's the uh inspection summary that all the inspectors uh sign off on whether we pass it or reject the job and the reasons for the rejection.

Ms. Valenzuela: Right. And then when you do a job, when you're moonlighting doing something else, some other documents also signed where your name would be visible that you're the electrical contractor for this particular job?

Mr. Manini: Yes in the permitting.

Ms. Valenzuela: Right. Ok. Um and lastly um when you...when you do the side work, I'm assuming, and you can correct me if I'm wrong. You don't use any county vehicles, any county tools any county...

Mr. Manini: No that's strictly prohibited by the Code of Ethics. We all know that.

Ms. Valenzuela: Thank you. That's my questions.

Mr. Allende: Hi Mr. Manini. Just wanted to make sure...

Ms. Short: Please say your name for the record.

Mr. Allende: Oh sorry! Erick Allende. Member. Um Good morning Mr. Manini.

Mr. Manini: Good morning.

Mr. Allende: Uh I was just making sure so you guys use the epic system right?

Mr. Manini: Yes sir.

Mr. Allende: Ok. So then when you guys do it and you guys apply for the permit the permit... and the reason why I'm just kind of breaking it down is for the general public who may not understand as well but when you do the through the epic system when you apply for the permit

your companies name or your name if you're the sole proprietor would be on said permit. Right?

Mr. Manini: Yes that is correct I would be applying as an individual person yeah or... or company.

Mr. Allende: And then when that...when you go through the to call in for your inspection the inspect...uh uh the actual inspector whose doing the job would sign off on the epic system right?

Mr. Manini: Correct.

Mr. Allende: So then...I mean that's...to me I think for the Board Members that would be pretty easy to determine that he's not inspecting his own work if he was to pull and do side work because then he would have to have a different inspectors log in to be able to sign off on said inspections for work that he's pulling permits from so I... you I know...yeah...

Mr. Manini: Yeah it's with epic...uh and amongst ourselves as inspectors it's pretty hard to try and hide what you're doing you know.

Mr. Allende: Right.

Mr. Manini: And the island is small. You know so you can't get away with much even if you tried and most of us are tradesmen and...and we are you know we...we believe in what we do and we try to do it right even more so as inspectors so we not here...like...like today I'm not here...I just want to get it over with make sure everything is good...if it's not...it's not that's just how it goes but put it to rest.

Ms. Short: I appreciate that clarification Erick and Mr. Manini and the background education. Chris? You have a question I believe?

Mr. Ho: Um, Chris Ho. Um thank you Mr. Manini for being here um and I do have uh just a few questions. Um with regards to side work is that specifically for your home or are you doing side jobs were someone else hires you to do.

Mr. Manini: No side jobs as...as revenue. Additional revenue. Additional taxed income that is reported.

Mr. Ho: Ok. Perfect. Um and then within your statement that you provided to us that you said that you had um your supervising electrician license.

Mr. Manini: Yes. It's a masters electrician license.

Mr. Ho: Are you currently supervising anyone that may be doing work on...

Mr. Manini: Um not directly. Because uh they need to be a journeyman themselves. They cannot work unsupervised. So therefore I'm not directly supervising them.

Mr. Ho: Ok. Well that's that one. Um. Ok That's all the questions I have thank you!

Ms. Nakanishi: Denise Nakanishi. Member. I'm not sure if it's the proper time but we just decided...had a decision that Neil Erickson could do side work as a licensed architect and it was not a conflict.

Ms. Short: Thank you for that reminder Denise. That is an accurate statement.

Mr. Manini: We know all that. As inspectors we all work...we work with with. Neil. But he's not an inspector as I am. So...that's why...uh a little bit different.

Mr. Allende: Ok.

Ms. Frenz: This is DCC Cody. First I...I have one question that I just want to ask on behalf of...to help facilitate the Boards consideration but before I do that I just want to kudos you because I know my coworker did your Board of Ethics training for Department of Public Works and knowing that there are others likely doing exactly what you had been doing and just do it. A big mahalo to you to actually come out and say, although you can't get guidance on behalf of everyone, right because this petition is specific to you, thank you for trying to do it the right way. Because you know that's appreciated...I'm...I'm sure everyone here um and maybe others can look to your opinion right if you choose to share it but thank you for that. I want to clarify one when we look at the Code of Ethics 2-83 are you a supervisor? Within the Department of Public Works uh electrical division?

Mr. Manini: No I am not.

Ms. Frenz: Ok great. So you don't supervise anyone that would theoretically be required to then inspect the work you did for side work.

Mr. Manini: No mam. I do not Supervise anyone.

Ms. Frenz: Thank you. Ok.

Ms. Short: Do we have anymore questions for Mr. Manini?

Mr. Allende: Just curious, is your company name the Quality Electrical Services? Is that QES? Or...

Mr. Manini: Uh at one time it was.

Mr. Allende: Oh ok.

Mr. Manini: That was when I was uh working full time as a contractor.

Mr. Allende: Ok.

Ms. Short: Does anyone have anymore questions for Mr. Manini?

Ms. Nakanishi: Denise Nakanishi. Member. I...I have a general question. Are we bound by this other decision in any way?

Ms. Short: So that's what I was just about to do. Do we have anymore questions for Mr. Manini? Cause if not I'm going to move us into executive session to discuss this. So do we have anymore questions for Mr. Manini at this time? Thank you so much for your testimony and for being here and like Cody said thank you for doing things Pono and you know using your voice to come here and ask right and do the right thing and not just doing what everybody does and you know ask for forgiveness not permission.

Mr. Manini: Thank you. Thank you for having me.

Ms. Frenz: Oh so...uh we're not...we're not pau Mr. Manini I think that there's going to be a motion to go into executive session to discuss um some unrelated matters and collateral consequences they may have as to your matter. So if you wanna once that motion passes if it does we will just have you step outside and then when were done in exec session you come back in so you can get an answer.

Mr. Manini: Thank you very much. Appreciate it.

Mr. Allende: Thank you,

Ms. Short: Thank you. At this time would someone like to make a motion to move us into executive session so we can discuss the petition that was on our chairs today and how it impacts the decision we're

about to make? To consult with the Board to determine how we would like to move forward with this meeting...

Mr. Allende: Erick Allende. Member. Make a motion to go into executive session to compare and confer um the two...the motion that passed and motion on the table.

Ms. Short: Thank you very much Mr. Allende. Do I have a second to Ericks motion.

Mr. Ho: Chris Ho. Second.

Ms. Short: At this time any discussion to be had? We'll now take a vote all in favor of moving into executive session please say aye. Aye. Any opposition please say nay. Hearing and seeing none at 10:34 Friday, April 12 the Hawaii County Board of Ethics is officially moving into executive session we'll give a moment for the curtains to be closed. Take us off Zoom and then we'll resume.

**Motion and Vote: Mr. Allende moved to enter into Executive Session to compare and confer about an motion that was previously passed. Mr. Ho seconded. All members voted aye. (10:34 a.m.)**

***10:34 a.m. The Board entered executive session.***

***11:33 a.m. The Board entered regular session.***

Ms. Short: I would like to make a motion to take a 5 minute recess beginning 11:35 reconvening at 11:40am so we can take a quick bathroom break.

Mr. Allende: Second.

Ms. Short: Erick seconded. Any discussion to be had?

Mr. Paiva: Let's let Mr. Manini come inside dismiss him and then we take a break? How's that?

Ms. Short: Oh ok. That's fair...that's fair. We'll let Mr. Manini come back and then have a recess.

Mr. Paiva: You gotta go?

Mr. Ho: No there's a relatively lengthy motion in there too.

Ms. Short: Ok wait we have a motion on the table Erick seconded any discussion to be had? Seeing none. All in favor say aye. Aye. Any opposition please say nay. Hearing and seeing none were going to move into a recess Hawaii County Board of Ethics will reconvene at 11:40 am.

**Motion and Vote: Ms. Short moved to take a 5 minute recess. Mr. Allende seconded. All members voted aye. (11:34 a.m.)**

***11:34 a.m. The Board took a five minute recess.***

***11:41 a.m. The Board returned from their break.***

Ms. Short: Chair Rachel Short 11:41 a.m. Friday April 12<sup>th</sup>. Here at the Hawaii County Council Chambers. Reconvening Board of Ethics meeting here today. We are still on agenda Item 5c Petition 2024-05 review of a Petition from a County Employee seeking clearance and guidance regarding a potential conflict of interest. Do we have a motion regarding this Petition at this time?

Mr. Ho: Madam Chair. Chris Ho. Move to continue Petition 2024-05 review of a Petition from a County Employee seeking clearance and guidance regarding a potential conflict of interest to consider past precedent previously issued petitions pertaining to work being done within the same department petitioners employed and to request the Department of Public Works and any other relevant supervisors or Department heads to attend the next meeting.

Ms. Short: Do I have a second to Chris' motion?

Ms. Fukumitsu: Board member Fukumitsu. Second.

Ms. Short: Any discussion to be had? Seeing no discussion we'll vote at this time all in favor please say aye. Aye. All opposition please say nay. Hearing and seeing none we're going to continue Petition 2024-05 and we'll see you again at our May meeting. I just want to thank you very very much again for coming forward today and doing this thing. You know doing the ethical thing like we said earlier we know that this is probably going on a lot and it's massive props and mahalos and to you for choosing to come forward today and doing this for everyone so. Thank you and we'll see you at our May meeting.

Mr. Manini: Yup. I just have a question. Uh I didn't quite get what the uh decision was?

Ms. Short: We're going to continue this and you're going to come back at our May meeting. We in the meantime, us as a Board are going to continue to review your Petition and then we're also going to have our attorney request that the Head of the Department of Public Works as well as the Building Division come in at our May meeting and attend with you.

Mr. Manini: Oh ok.

Ms. Short: So we'll probably have more questions um for you at that time and hopefully a decision.

Mr. Allende: Thank you very much. You're much appreciated.

Ms. Valenzuela: Thank you so much for coming!

Ms. Frenz: Thank you Mr. Manini. We'll see you next month. Have a good weekend!

Ms. Short: Thank you Mr. Manini, thank you so much. So now I will entertain a motion at 11:43 a.m. to move us into executive session item number 6 so that we may review the confidential financial disclosure forms that we as the Board of Ethics needs to review. Would someone like to make a motion to move us into executive session for the purpose of renewing our confidential financial disclosure forms?

Ms. Valenzuela: Kelly Valnezuela. I make a motion for us to go into executive session to review the financial forms.

Ms. Short: Thank you Kelly. Do I have a second for that motion?

Ms. Fukumitsu: Board member...

Mr. Ho: Second.

Ms. Short: Thank you Chris. Any discussion to be had?

Mr. Ho: I do have discussion real quick. Um since we're going to be looking at financial disclosures and gift do we need to also add that since we're in otherwise if it's just financial we gotta go out and then come back in.

Ms. Frenz: As to both. I believe it's 6a and 6b.

- Ms. Short: So I did say agenda item 6 so we're entering executive session, yeah, to review item 6 as a whole which includes financial disclosures as well as gift disclosures to clarify the motion.
- Ms. Frenz: And also to clarify, uh DCC Cody. I...it maybe that you we're previously advised that only a quorum of you needed to review and sign, I disagree with that. And I think everybody needs to sign. The intent of it is to have the review of everyone and maybe someone will see a conflict where...that somebody else misses. So I am advising that everyone present, all seven of you need to sign. If someone runs out of time we can as we've done previously, make arrangements for them to be transported to Kona at the Mayor's office for review and signature. If we run out of time today but just wanted to clarify that, if you we're previously advised of quorum only I disagree. It's all seven.
- Ms. Short: So just to clarify um moving forward it does sound like we as a Board have been advised to all sign off on the financial and the gift disclosure forms. I myself will have to leave within 10 minutes so knowing this small housekeeping item um we can move into executive session briefly but then we'll have to re-move it back into open session if my understanding is correctly so that I can dismiss myself and move.
- Ms. Frenz: You can actually...DCC Cody so Chair Short you can just indicate, we can come back on the record when we're done and indicate that you departed at so and so time and Vice Chair is now running the meeting.
- Ms. Short: Ok. Perfect. Um and then also just a quick housekeeping thing before I forget and before we remove into executive session. This will be the last meeting that the Hawaii County Board of Ethics will be streamed and able to be attended via Zoom. Moving forward we're going to request that everyone appears in person that way we have an opportunity as a Board to see them, speak with them, directly and there isn't any sort of discrepancies that may happen. So I just want to make it known that Zoom access...public access...will no longer be allowed after today's meeting.
- Ms. Frenz: With one exception...
- Ms. Short: With one exception, please Cody?
- Ms. Frenz: If we have conflict counsel appearing from Maui will we allow zoom for that purpose only?

Ms. Short: Ok.

Ms. Frenz: Ok.

Ms. Short: So if we have conflict counsel that is representing our Board because our attorney is unable that will be the only time Zoom attendance will be acceptable.

Ms. Nakanishi: Board member Denise Nakanishi. We have had um requests for accommodations and I assume that would be allowed?

Ms. Short: We will still allow requests for accommodations via Zoom to be made this is just as moving forward it will no longer be an ongoing Zoom meeting for public attendance.

Ms. Valenzuela: I have a question. Because it was one way and then prior Corp Counsel changed it, for us in Kona if we couldn't make for the financials when we weren't here, it was able to be pouched over to Kona in the Mayor's office and Barbara I would sit with Barbara Kossow and I would just be able to go through it.

Ms. Frenz: Correct.

Ms. Short: That's still going to be the case.

Ms. Valenzuela: Ok, well it had changed so I still had to drive into...

Ms. Frenz: It changed in the sense that I was informed by my predecessor that guidance was given that only a quorum of you needed to sign those disclosures and I...I personally disagree with that I think all seven of you need to review and sign off on them so that we have that check and balance right as to all of our members so that's the only difference. For those of you in Kona if you don't get through everything today we will pouch to Kona...

Ms. Valenzuela: Thank you.

Ms. Frenz: You'll get the call...

Ms. Valenzuela: Yeah thank you.

Ms. Frenz: You'll go to the Mayor's office you'll sign in that private place. And then they'll get pouched back to us...

Ms. Valenzuela: Perfect.

Ms. Frenz: So that remains the same I'm just saying all seven of you need to review. Ok.

Ms. Short: Ok.

Mr. Ho: Chair sorry to. Um go back um just briefly and I'm sorry to be a super stickler about the motion Kelly what was your actual motion that you made, cause I just want to make sure, what I thought I heard was not six but to go in and talk about financial disclosure. I just want to make sure that whatever we're agreeing to it's correct.

Ms. Valenzuela: No so my question wasn't the amount of people that sign it it was also from my understanding prior we've always all signed. My question was under the other Corp Counsel I was not able to have the financial disclosures pouched to Kona so I had to take another additional day out of my schedule and drive to here to Hilo and that's when I went back to the Board and said eh the meetings should be back and forth Kona, Hilo, Kona, Hilo cause your commissioners all come from both sides. Right so I just wanted to clarify because under um Corp Counsel Cody you were able to have it pouched and sit with the Mayor's office in Kona, with Barbara Kassow. Right there. And Im...

Ms. Short: So just to clarify Cody has said that will continue for people um for financial disclosures that you will be able to sign them in Kona...

Ms. Valenzuela: Kona. Yeah. That was my question yes.

Ms. Short: I believe um Vice Chair Ho's question was to your motion regarding executive session if you were motioning to move into executive session so that we could review agenda item number 6. Yes? No?

Ms. Valenzuela: Kelly Valenzuela. Portuguese girl yes.

Ms. Fukumitsu: Point of order? Do we have amotion on the floor? I thought we did.

Ms. Short: Yeah and then we went into discussion so we're discussing.

Ms. Fukumitsu: Oh. Oh ok. Sorry. I'm like? Where are we?

Ms. Short: Yeah. Yeah. We had a...we we're, we're discussing the motion which was Chris was just bringing us back to. Your motion is so that we can review the financial disclosures as well as the gift disclosures.

Ms. Valenzuela: Yes.

Ms. Short: Ok. And you seconded that motion?

Mr. Ho: I think we both ended up seconding which I will defer to you. I'm so happy for that. It's just making sure that whatever the motion actually is. Is worded correctly.

Ms. Frenz: So let me... This is DCC Cody. Let me recap what I understand. Let's get us back on track here. I'm going to recap what I understand the motion to be. I understand that the motion was specifically that this Board is asking to go into executive session to consult with the Board's attorney on questions and issues pertaining to the Board's powers duties, privileges, immunities, and liabilities pursuant to section... Hawaii Revised Statue section 92-5, part of which is included...uh including the review of confidential financial disclosures and gift disclosures forms that were continuing and or newly filed with the Board.

Mr. Ho: I 100% second that exact motion.

Ms. Short: Any further discussion to be had? We'll call for a vote. All in favor please say aye. Aye. Any opposition please say nay. Hearing and seeing none Friday, April 12. 11:51 am I so move the Hawaii County Board of Ethics into executive session we'll take a moment to shut the...

Ms. Frenz: So while we...before we do that I do see that my colleague um litigation supervisor Lerisa Heroldt is still on um just for her information and purposes our next hearing...all that we have left to do for anybody that may be watching on Zoom and wants to stay on Zoom we're going to go into executive session to review confidential disclosure and gift disclosure information all that remains is the announcement that our next monthly meeting would be on Wednesday, May 8, 2024 at 10 a.m. at the Hilo Council Chambers and then we'd go straight into adjournment. Just to clarify for anybody that may be listening. That's all we have left over, once we come out of executive session from doing what we just talked about. Alright thank you everyone. We're going to go into executive session.

Ms. Short: Thank you Cody.

**Motion and Vote: Ms. Valenzuela moved to enter executive session to review Confidential Financial Disclosure Forms and Gift Disclosures; Mr. Ho seconded the motion. All members voted aye (11:51 a.m.)**

**6. EXECUTIVE SESSION (11:51 a.m. to 1:36 p.m.)**

- a. Continued review of Confidential Financial Disclosure Forms filed pursuant to Section 2-91.1(d), Hawai'i County Code, by County board and commission members and designated County employees, where personal matters will be reviewed.
- b. Review of Confidential Financial Disclosure Forms filed pursuant to Section 2-91.1(d), Hawai'i County Code, by County board and commission members and designated County employees, where personal matters will be reviewed.

**Motion and Vote: Ms. Valenzuela moved to exit executive session and back into open session. Mr. Allende seconded the motion. All members voted aye. (1:36 p.m.)**

Mr. Ho: Alright just for the record um Chair Rachel Short did have to leave and she left at 11:56 a.m. Chris Ho will be as the Vice Chair will be taking over in her stead.

**7. ANNOUNCEMENTS (1:36 p.m.)**

- a. The next monthly meeting of the Board of Ethics is scheduled for Wednesday, May 8, 2024, at 10:00 a.m. at the Hawai'i County Building, Council Chambers, 25 Aupuni Street, Hilo, Hawai'i 96720.

Mr. Ho: Moving on to um item number 7 announcements the next monthly meeting of the Board of Ethics is scheduled for Wednesday, May 8, 2024 at 10 a.m. at the Hawaii County Building Council Chambers, 25 Aupuni Street. Hilo Hawaii 96720. Moving on to item number 8 adjournment.

**8. ADJOURNMENT (1:38 p.m.)**

Mr. Ho: Do I have a motion?

Mr. Allende: I motion we end our Board of Ethics meeting.

Mr. Ho: Ok so I have a motion to adjourn by Erick. Do I have a second?

Ms. Fukumitsu: Board Member Fukumitsu. Second.

Mr. Ho: Alright a Second. All those in favor...or excuse me discussion? Seeing and hearing none all those in favor? Aye. All those oppose? Motion passes this meeting of the Hawaii County Board of Ethics um has concluded at 1:38 p.m.

**Motion and Vote: Mr. Allende moved to adjourn the Hawai'i County Board of Ethics meeting; Ms. Fukumitsu seconded the motion. All members voted aye. (1:38 p.m.)**

Respectfully submitted:

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Khayla-Lei Peiler, Secretary