

BEFORE THE BOARD OF ETHICS
COUNTY OF HAWAI'I

In the Matter of the Petition by

JACK K. MANINI,

Petitioner.

PETITION NO. 2024-05

INFORMAL ADVISORY OPINION

Initial Review: April 12, 2024, May 8, 2024,
and June 12, 2024

INFORMAL ADVISORY OPINION

By Petition dated March 14, 2024, with the Hawai'i County Board of Ethics (hereinafter "the Board"), Petitioner Jack K. Manini (hereinafter referred to as "Petitioner") who is an employee of the County of Hawai'i Department of Public Works ("DPW"), 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 performing electrical work on his time, outside of his County employment.

At its duly noticed meeting on April 12, 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 DPW as an Electrical Inspector. Petitioner stated that he is also a licensed general contractor and electrical contractor. Petitioner requested guidance on whether he could perform side-work as a general contractor and electrical contractor, outside of County business hours, and not utilizing County equipment or resources. Petitioner explained that he spoke with the Deputy Chief in the DPW Building Division and his immediate supervisor. Petitioner clarified that he

would not be inspecting his own work as a county employee. The Board continued this Petition to May 8, 2024, in order to review past precedent in the form of previously issued Informal Advisory Opinions as it pertains to similarly situated requests by other County employees, and to request the relevant supervisors or department heads of DPW to attend the following meeting.

At its duly noticed meeting on May 8, 2024, the Board heard from Steve Pause, Director of DPW, and Julann Sonomura, the Building Chief of the DPW Building Division. Building Chief Sonomura explained the roles, duties, and structure of the different inspection divisions and positions. Director Pause explained the multi-agency review process, the EPIC filing system, and different levels of review. Both Director Pause and Building Chief Sonomura indicated that they were concerned about the “optics” of DPW employees doing concurrent employment but that they also trusted that their DPW employees were honest, forthright, qualified and trustworthy in their ability to carry out their duties as inspectors. Director Pause and Building Chief Sonomura both agreed that the Petitioner should not be allowed to inspect his own work in the course of his concurrent employment, should said concurrent employment be allowed. Director Pause and Building Chief Sonomura agreed to draft a memo for the Board’s consideration in implementing should the Board consider allowing Petitioner to do concurrent employment. The Board continued this Petition to June 12, 2024, in order to provide DPW an opportunity to provide the proposed memo with guardrails.

At its duly noticed meeting on June 12, 2024, the Board reviewed an email communication from DPW dated May 30, 2024; this email did not include “guardrails” as promised.

Nevertheless, 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 DPW and works as an Electrical Inspector.

3. Petitioner is a licensed general contractor and electrical contractor.

4. Petitioner desires to engage in concurrent employment, specifically to do side-work as a general contractor and electrical contractor separate and apart from his job as an Electrical Inspector with DPW.

5. Petitioner agrees that his side-work would be conducted outside of County business hours, and not utilizing County equipment, County time, or County resources.

6. Petitioner also agrees that he would not inspect or review his own work, such review would be conducted by a different employee of DPW.

7. Petitioner also agrees to not influence, or attempt to influence, inspections conducted by any of his DPW colleagues who may be inspecting Petitioner's side-work.

B. Board's Ruling

8. Based on the evidence and testimony presented, the Board finds that there is no conflict of interest if the Petitioner does not inspect his own work, does not perform any work on County time, and does not use any County resources.

9. Board Member Kelly Valenzuela 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

does not inspect his own work, does not perform any work on County time, and does not use any County resources.

10. Board Member Denise Nakanishi 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 take side jobs as a licensed general contractor and electrical contractor provided Petitioner does not inspect his own work and does not perform any work on County time, and does not use any County resources.

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, July 17th, 2024.

BOARD OF ETHICS, COUNTY OF HAWAI'I

By 
RACHEL SHORT
Chair

APPROVED AS TO FORM
AND LEGALITY:



SYLVIA A. WAN
Deputy Corporation Counsel