

BEFORE THE BOARD OF ETHICS

COUNTY OF HAWAI'I

In the Matter of the Petition by  
AARON JACOB SPIELMAN,  
Petitioner.

PETITION NO. 2024-09

INFORMAL ADVISORY OPINION

Initial Review: July 17, 2024

INFORMAL ADVISORY OPINION

By Petition dated June 17, 2024, with the Hawai'i County Board of Ethics (hereinafter "the Board"), Petitioner Aaron Jacob Spielman (hereinafter referred to as "Petitioner") who is an employee of the County of Hawai'i Department of Public Works ("DPW") as the Deputy Building Chief of the Building Division requested an Informal Advisory Opinion from the Board. Petitioner sought guidance regarding his concurrent employment as a County employee and his current unfinished architecture projects that are under contract prior to his employment with the County.

At its duly noticed meeting on July 17, 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 that is an architect licensed in the State of Hawaii and has been working in that capacity for the last 10 years. Petitioner explained that he was hired to fill a temporary emergency 89 day-hire position as an Architect II. Prior to starting the Architect II, Petitioner has several projects under contract with clients that have not completed. Petitioner stated that he has not taken any new work or

contractual commitments since. Petitioner purposed that he would provide a list of his current clients to his supervisor and conflict out of reviewing those projects in his role as Architect II.

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 a Deputy Building Chief, Building Division.

3. Petitioner was hired to fill a temporary emergency 89 day-hire position. This position could be extended, but with no guarantees or promises of further employment after the 89 days.

4. Petitioner is a licensed architect with the State of Hawaii with several contracted clients for projects that are not presently complete.

5. Petitioner has not entered any new contracts as an architect after starting the position as Deputy Building Chief.

6. As Deputy Building Chief, Petitioner would supervise the Plan Reviewers, who review the submitted building permit applications, but Petitioner does not directly review the submittals.

7. Petitioner purposed that he be allowed to keep his existing contractual agreements and drafts a list of his current clients that would be provided to his supervisor. Petitioner would then conflict out of all plan reviews that involve his clients.

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 provides a list of his current clients to his supervisor and conflicts out of anything related to his client's projects for the next year.

9. Board Member Denise Nakanishi moved that the Board find that there is no conflict of interest under Section 2-84 of the Hawai'i County Code of Ethics and the Petitioner can continue his position Deputy Director of the County Building Department with the provision that he provides a list of his current clients to his supervisor and conflicts out of anything related to their projects for the next year.

10. Board Member Paul "Scotty" Paiva 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 can continue his position Deputy Director of the County Building Department with the provision that he provides a list of his current clients to his supervisor and conflicts our of anything related to their projects for the next year.

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, 9.11., 2024.

BOARD OF ETHICS, COUNTY OF HAWAI'I

By   
RACHEL SHORT  
Chair

APPROVED AS TO FORM  
AND LEGALITY:



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SYLVIA A. WAN  
Deputy Corporation Counsel

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