

HAWAI‘I COUNTY BOARD OF ETHICS

MINUTES – REGULAR SESSION

Wednesday, September 11, 2024

10:01 a.m. – 12: 24 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

Lisa Fukumitsu, Member

Denise Nakanishi, Member

Erick Allende, Member via Zoom

Sylvia Wan, 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 in chambers were Rachel Short, Christopher Ho, Lisa Fukumitsu, Denise Nakanishi, and Deputy Corporation Counsel Sylvia Wan. Present via Zoom was Erick Allende.

Ms. Short: Good morning, everyone. This is the Hawai‘i County Board of Ethics meeting here today on September 11, 2024. I am your Chair Rabbi Rachel Short. Before we move forward um in todays meeting and I introduce our other board members or let them introduce themselves. I would ask that we do take a moment of silence since today is September 11th in honor of all those who lost their lives, um fighting and all of those who’ve worked hard in the memory. So if we could just take a moment for that.

Moment of Silence in Honor of September 11th

Ms. Short: Thank you everyone for taking that time um to honor September 11th and those with us and no longer with us. With that said again I am your Chair Rachel Short. This is the September 11, 2024 Hawaii County Board of Ethics meeting. I’ll let our fellow board members introduce themselves.

Mr. Ho: Chris Ho, Vice Chair.

Ms. Fukumitsu: Lisa Fukumitsu. Uh board member.

Ms. Nakanishi: Denise Nakanishi, board member.

Mr. Allende: Erick Allende, board member.

Ms. Short: Thank you very much everyone. At this time I just want to...Oh yes...Corporation Counsel please...

Ms. Wan: And then as far as staff for the Board, uh Deputy Corporation Counsel, Sylvia Wan um Counsel for the Board. And also secretary for the Board Khayla Peiler.

Ms. Short: I'd like to review some protocols just very quickly for all of our Zoom participants. All cameras must be turned on at all times during your hearings one person speaks at a time with absolutely no side conversations, please mute your device when you are not speaking to improve the audio quality for all. For Zoom participants please raise your hand and wait for recognition from myself before speaking to ensure that we have clear and accurate record, prior to speaking please state your name so that all parties know who is speaking, please speak slowly, clearly, and be close to your microphone, and please limit all distractions, turn off your mobile phone and other devices. And as a general reminder for all Board of Ethics Members, please state your name before speaking throughout the hearing today.

2. STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS (10:04 a.m.)

Ms. Short: At this time we will take statements from the public on agenda items. Public testifiers can testify now or just prior to the agenda item they wish to testify on. Corporation Counsel Sylvia Wan will keep time. Everyone gets three minutes at two and a half minutes. Corporation Counsel Wan will announce such. Do we have any public testifiers at this time?

Ms. Wan: Yes, uh chair, we do have two testifiers at this time. The first person to uh sign up with is Ms. Joleen Nakano. She would like to uh testify as to agenda items number 4b and 4c. She is available on Zoom.

Ms. Short: Ms. Nakano, are you there?

Ms. Nakano: Hi. Yes.

Ms. Short: Thank you very much. If you would please state your name for the board and then you'll have three minutes to speak uh Corporation Counsel will alert you when you have 30 seconds left.

Ms. Nakano: Thank you.

Ms. Short: Thank you.

Ms. Nakano: Um Good morning Chair, Vice Chair, commissioners and counsel. My name is Joleen Nakano. I humbly request that you not approve the draft orders dismissing petitions. 2024-02 and 2024-04 based on the following there were three no votes to a one yes vote to dismiss my petitions. Why did the minority vote rule in this case and not the majority vote? Clearly, there was a dissension amongst commissioners as to their votes, because you entered into five executive sessions, there were HR topics made by Ms. Sonomura that allowed by the counsel to commission during the last hearing, when in earlier hearings those topics were directed to the correct forum, the merit appeals board and not the Ethics Commission. I provided at your request three witnesses who gave verbal testimonies confirming the unprofessional and unethical treatment conducted by both Ms. Sonomura and Mr. Pause, which supported my claims. Mr. Pause was caught during past hearings, including a review, providing inconsistent statements, falsifying facts, and basically lied to the Commission, which one of his witnesses confirmed hearing him say 10 months people, but took it for a joke, which proves he actually made that statement, to the point that chair motioned several times to place on record Mr. Pause's unbecoming of a director behavior citing rude and disrespectful, which is overruled by once again, the minority vote. Had counsel Ted Hong accept my intent to retain him on May 10 versus appearing as retained counsel for Mr. Pause and Ms. Sonomura at the June 12 hearing. Would that have changed your decision and determine a more favorable outcome on my part? I feel a great injustice as to the handling of my case and possible outcome that I am once again humbly asking that you reconsider your vote and make a fair and correct judgment based on the facts I have provided you so that you may continue to maintain the integrity of Oath you pledge to oversee that all county employees behave and conduct themselves in an ethical manner within our county. If this Commission cannot help those in need, those that need help, turn

to please help me make this make sense. Thank you for your time um again this is Joleen Nakano regarding petitions, 2024-02 and 2024-04. Thank you.

Ms. Short: Thank you very, very much for your testimony Ms. Nakano um...

Ms. Nakano: Thank you.

Ms. Short: Let the record reflect her words. Do we have any other additional testifiers?

Ms. Wan: Yes, chair, at this point in time, we do have one additional testifier, which is Ms. Jamae Kawauchi, which I would also note is the representation for the petitioner in matter 23-10, which is agendized at 4a.

Ms. Short: Thank you very much. If you could please state your name for record you'll have 3 minutes to speak Deputy Corporation Counsel Wan will alert you when you have 30 seconds left.

Ms. Kawauchi: Good morning uh Commission. Good morning Madam Chair. My name is Jamae Kawauchi I'm representing Mr. Chadwick Fukui uh the *inaudible* for him is for Petition 2023-10 I'm providing public statement today and follow up to communication that I had with the Deputy Corporation Counsel from Maui, who is assigned to the Board uh. When I alerted him to a possible conflict of interest uh he um advised me to discuss it, and so I'm doing so today by way of public testimony. Subsequent to the vote taken on Mr. Fukui's petition earlier this year, I became aware of a possible conflict of interest for one of the board members who took the vote on his petition, um my understanding, but I have not personally verified this is that the Mayor is a um synagogue member of Rabbi Shorts uh synagogue um and he's also been on a commission or uh a an organization of some kind to raise funds for the building of a synagogue on the West side of Hawai'i. Uh that would be considered a possible personal interest um and personal relationship. Uh I do not know if, personally, no if Rabbi Short is Mayor Mitch Roth's Rabbi, um but that is a matter that did come to my attention after the vote was taken um and so I'm making the public statement, because I did ask um Mr. Rowe if he would discuss that with the chair, and he instructed me to bring bring it up. Um so that's what I'm doing today um with respect to the petition, if it is a conflict of interest, or if there is one, we would

ask that the vote that was taken at the hearing earlier this year, that um dismissed Mr. Fukui's petition be reconsidered and then re-agendized for vote um with consistent with a commission that does not have conflicts, and we will be available during the portion of today's meeting uh that is specifically agendized for Mr. Fukui's petition. Thank you.

Ms. Short: Thank you for your testimony. Do we have any other public testimony at this time?

Ms. Wan: No. The only other person who signed up is actually the petitioner for one of the petitions. And so if the if the board's going to hear that petition at that time, then you would have an opportunity to speak.

Ms. Short: Are you ok with that Mr. Montgomery?

Mr. Montgomery acknowledges yes inaudibly

Ms. Short: Wonderful thank you.

3. APPROVAL OF THE REGULAR, CLOSED, & EXECUTIVE SESSION MINUTES (10:09 a.m.)

a. Approval of the regular session minutes of June 12, 2024

Ms. Short: So we're moving along to the approval of the regular session minutes from July 17, 2024. Has everyone read the regular session minutes from July 17, 2024? Can I get a motion to approve those minutes?

Mr. Ho: Chris Ho. Move to approve regular session minutes of July 17, 2024.

Ms. Fukumitsu: Board Member Fukumitsu, second.

Ms. Short: Any discussion to be had? Hearing, and seeing none. I'll call for a vote. All in favor. Please say

All members say aye in unison

Ms. Short: Any opposition, please say Nay. Hearing and seeing none this hereby approves the July 17, 2024 regular session minutes.

Motion and Vote: Vice Chair Ho moved to approve the Regular Session minutes of July 17, 2024; Board member Fukumitsu seconded; All members voted aye. Motion passed. (10:12 a.m.)

Ms. Short: Moving on to the approval of our closed session minutes from July 17, 2024 has everyone read the closed session minutes from July 17, 2024? Seeing everyone nodding their head yes can we please get a motion to approve those minutes.

Mr. Ho: Chris Ho, Move to approve closed session minutes of July 17, 2024

Ms. Fukumitsu: Board member Fukumitsu, Second.

Ms. Short: Any discussion to be had? Hearing and seeing none I'll call for a vote. All in favor. Please say aye.

All members say aye in unison

Ms. Short: Any opposition, please say Nay, Hearing and seeing none. The motion to approve the July 17, 2024, executive session minutes has passed.

Mr. Ho: Chair. Closed Session.

Ms. Short: Closed Session minutes. Thank you.

Motion and Vote: Vice Chair Ho moved to approve the Closed Session minutes of July 17, 2024; Board member Fukumitsu seconded; All members voted aye. Motion passed. (10:12 a.m.)

Ms. Short: Moving right along to agenda item 4. We are now calling petition 2023-10

Ms. Wan: I'm sorry. You have one more.

Ms. Short: Oh! Executive Session. We did closed session. Thank you. Moving on to the approval of the executive session minutes of July 17, 2024 has everyone had a chance to review those? Are we ready to take a vote? Can I a motion to approve the executive session minutes of July 17, 2024

Mr. Ho: Chris Ho move to approve the executive session minutes of July 17, 2024

Ms. Short: Can I get a second?

Ms. Fukumitsu: Board member Fukumitsu, second.

Ms. Short: Any discussion to be had? Hearing and seeing none I'll call for a vote. All in favor. Please say aye.

All members say aye in unison

Ms. Short: Any opposition, please say Nay. Hearing and seeing none the motion to approve the Executive Session Minutes from July 17, 2024 hereby passes.

Motion and Vote: Vice Chair Ho moved to approve the Executive Session minutes of July 17, 2024; Board member Fukumitsu seconded; All members voted aye. Motion passed. (10:13 a.m.)

4. UNFINISHED BUSINESS (10:13 a.m.)

a. Petition 2023-10: Review of draft Order Dismissing Petition.

Ms. Short: Moving along to Agenda Item 4a unfinished business, calling petition number 2023-10, review of the draft order dismissing petition 2023-10. Do we have any public testimony on this agenda item?

Ms. Wan: The public testimony that was registered was already provided.

Ms. Short: Just making sure. Um and I'll note that DCC Wan is going to step away from serving as our attorney for petition number 2023-10, and we have conflict counsel from Maui Corporation, Mr. Rowe, assisting us via zoom. Are you there Mr. Rowe?

Mr. Rowe: Good morning.

Ms. Short: Thank you. Has everyone read the draft order dismissing petition, 2023-10? Can I get a motion to approve the order dismissing petition 2023-10?

Mr. Ho: Chris Ho move to approve draft order dismissing petition 2023-10.

Ms. Fukumitsu: Board member Fukumitsu, second.

Ms. Short: Any discussion to be had? Hearing and seeing none. I'll call for a vote at this time, all in favor of the order dismissing petition 2023-10 please say aye.

All members say aye in unison

Ms. Short: Any opposition, please say Nay. Hearing and seeing none. The motion passes petition 2023-10. We're gonna give a moment for Mr. Rowe to hop off and Sylvia to come back at this time.

Mr. Rowe: Thank you Chair!

Ms. Short: Thank you!

Mr. Rowe: Have a good day everybody!

Mr. Ho: You too.

Motion and Vote: Vice Chair Ho moved to approve draft Order Dismissing Petition 2023-10; Board member Fukumitsu seconded; All members voted aye. Motion passed. (10:15 a.m.)

b. Petition 2024-02: Review of draft Order Dismissing Petition.

Ms. Short: At this time, moving along to Agenda Item 4b. Calling Petition 2024-02 the review of the order dismissing petition 2024-02. Has everyone read this? Seeing everyone nodding their head, yes.

Ms. Wan: Uh I'm sorry. I believe uh board member uh Lisa Fukumitsu previously recused from this matter?

Ms. Fukumitsu: Yes.

Ms. Wan: Yes. So can we allow her to step down?

Ms. Short: Oh yes, please do. Sorry about that. Yes.

Ms. Wan: Well, you can just step down.

Ms. Fukumitsu: Okay.

Ms. Short: I think it was the next few right?

Ms. Wan: It's for petition uh.

Ms. Short: 04 and 06?

Ms. Wan: Uh 2024-02 and 2024-04.

Ms. Short: Ok, perfect.

Ms. Wan: So um I'll just note for the record, that even with our one board member recusing, we still have quorum with four members present, you may proceed.

Ms. Short: Thank you. So did everyone have a chance to review the order dismissing petition 2024-02. If so, can I get a motion?

Mr. Ho: Chris Ho. Move to approve the draft order dismissing petition 2024-02.

Ms. Short: Can I get a second?

Ms. Nakanishi: Board member Nakanishi, I second.

Ms. Short: Any discussion to be had? Hearing and seeing none. I'll call for a vote. All in favor, please say aye.

****Board members Ho, Nakanishi and Allende say aye in unison****

Ms. Short: Any opposition, please say Nay. Hearing and seeing none the order to dismiss petition 2024-02...

Mr. Ho: Point of order Madam Chair. Um you need to also cast your vote as well. There was only 3 vocalized.

Ms. Wan: I was going to say, I don't know if I heard you vote.

Ms. Short: Oh yes. Aye.

Ms. Wan: Okay. Now you can read the conclusion.

Ms. Short: 2024-02 uh the motion to approve is hereby pass.

Motion and Vote: Vice Chair Ho moved to approve draft Order Dismissing Petition 2024-02; Board member Nakanishi seconded; Four members voted aye. One member recused. Motion passed. (10:17 a.m.)

c. Petition 2024-04: Review of draft Order Dismissing Petition.

Ms. Short: Moving along to petition 2024-04. Did everyone have a chance to review that order? Seeing everyone nod yes, can I get a motion?

Mr. Ho: Chris Ho, move to approve draft order dismissing Petition 2024-04.

Ms. Nakanishi: Board Member Nakanishi, I second.

Ms. Short: Any discussion to be had? Hearing and seeing none we'll call for a vote. All in favor, please say aye.

All members say aye in unison

Ms. Short: Any opposition please say Nay. Hearing and seeing none, the order is approved. The motion passes. Yep.

Motion and Vote: Vice Chair Ho moved to approve draft Order Dismissing Petition 2024-04; Board member Nakanishi seconded; Four members voted aye. One member recused. Motion passed. (10:18 a.m.)

d. Petition 2024-06: Review of draft Order Dismissing Petition.

Ms. Wan: We'll note for the record the return of board member Lisa Fukumitsu.

Ms. Short: Thank you DCC Wan.

Ms. Short: Now calling petition 2024-06 the review of the draft order dismissing the petition. Did everyone have a chance to review this order? Seeing everyone nod, Yes. May I get a vote or a motion so I can have a vote.

Mr. Ho: Chris Ho, move to approve draft order dismissing petition 2024-06.

Ms. Fukumitsu: Board Member Fukumitsu, second.

Ms. Short: Any discussion to be had? Hearing and seeing none I'll call for a vote. All in favor, please say aye.

All members say aye in unison

Ms. Short: Any opposition, please say Nay. Hearing and seeing none the order dismissing 2024-06 is hereby approved.

Motion and Vote: Vice Chair Ho moved to approve draft Order Dismissing Petition 2024-06; Board member Fukumitsu seconded; All members voted aye. Motion passed. (10:19 a.m.)

e. Petition 2024-09: Review of draft Informal Advisory Opinion.

Ms. Short: Calling petition 2024-09 the review of the draft informal advisory opinion of 2024-09. Did everyone have a chance to review this? Seeing everyone nod, yes. Can I get a motion?

Mr. Ho: Chris Ho. move to approve draft uhh sorry. Draft informal advisory opinion 2024-09.

Mr. Ho: Chris Ho. move to approve draft informal advisory opinion 2024-09.

Ms. Fukumitsu: Board member Fukumitsu, second.

Ms. Wan: Do you wanna?

Ms. Short: Start that from the beginning? So we have a clean record?

Ms. Wan: Yeah.

Mr. Ho: Sure. Chris Ho, move to approve draft informal advisory opinion petition 2024-09.

Ms. Fukumitsu: Board member Fukumitsu, second.

Ms. Short: Any discussion to be had?

Mr. Ho: Madam Chair? Move to amend uh draft informal advisory opinion Petition 2024-09, removing Denise Nakanishi as the second in bullet 10 and replacing with Scotty Paiva.

Ms. Short: Wait. Where? Bullet 10? I see Scotty Paiva.

Ms. Wan: No, no, that's, this is, that's, sorry please look at... this is a, there's... if you could flip to your binder...

Ms. Short: Yes. Oh, okay.

Ms. Wan: Do you have a second for that motion to amend?

Ms. Fukumitsu: Board Member Fukumitsu, second.

Ms. Short: Any discussion to be had? Hearing and seeing none, I'll call for a vote on the amendment.

Ms. Wan: Yes.

Ms. Short: All in favor. Please say aye.

All members say aye in unison

Ms. Short: Any opposition, please say nay. Hearing and seeing none, the amendment passes, and we will return to the motion to approve.

Ms. Wan: I'm sorry. Can I just get one clarification? Because I don't know if I heard Erick's vote?

Ms. Short: Erick what's your vote?

Mr. Allende: Oh, I voted aye.

Ms. Wan: Thank you.

Ms. Short: Hearing and seeing none all in favor the amendment to the informal advisory opinion of petition 2024-09 passes. Now may I get a motion to approve that with the amendment?

Ms. Wan: Yes.

Motion and Vote: Vice Chair Ho moved to amend draft Informal Advisory Opinion Petition 2024-09.; Board member Fukumitsu seconded; All members voted aye. Motion passed. (10:21 a.m.)

Mr. Ho: Chris Ho, move to approve with amendment draft informal advisory opinion petition 2024-09.

Ms. Fukumitsu: Board member Fukumitsu, second.

Ms. Short: Any discussion to be had? Hearing and seeing none. I'll call for a vote. All in favor. Please say aye.

All members say aye in unison

Ms. Short: Any opposition, please say Nay. Hearing and seeing none. Erick, did we get you?

Mr. Allende: Aye.

Ms. Short: Hearing and seeing none the motion passes.

Motion and Vote: Vice Chair Ho moved to approve with amendment draft Informal Advisory Opinion Petition 2024-09.; Board member Fukumitsu seconded; All members voted aye. Motion passed. (10:22 a.m.)

f. Continued review and update of the Board of Ethics Rules of Practice and Procedures.

Ms. Short: Moving to Agenda Item F, the continued review and update of the boards of ethics, rules of practice and procedures. Deputy Corporation Council Wan, do we have an update on that?

Ms. Wan: Yes. Deputy Corporation Council Sylvia Wan. I will note that there have been...there...it is still being worked on. There was some movement recently, however, it's not complete and ready for board's review yet.

Ms. Short: So should we get a motion to table this and address it at the next Board meeting?

Ms. Wan: I would...I would request some more time. Yes please.

Ms. Short: Ok. Can I get a motion so that Deputy Corporation Counsel can continue to review and we'll table till the next board meeting?

Mr. Ho: Move to the table item 4f until next meeting.

Ms. Fukumitsu: Board member Fukumitsu, second.

Ms. Short: Any discussion to be had? Hearing and seeing none, I will call for a vote. All in favor. Please say Aye.

All members say aye in unison

Ms. Short: Any opposition, please say nay. Hearing and seeing none the motion passes, we will table that for next month's meeting.

Motion and Vote: Vice Chair Ho moved to table item 4f Continued review and update of the Board of Ethics Rules of Practice and Procedures until the next Board meeting; Board member Fukumitsu seconded; All members voted aye. Motion passed. (10:23 a.m.)

5. NEW BUSINESS (10:24 A.M.)

- a. Petition 2024-10: Review of a Petition alleging two County Employees and two County Officers violated the Hawai'i County Ethics Code.

Ms. Short: Moving right along to agenda Item 5, new business. Do we have any public testimony at this time?

Ms. Wan: No Chair.

Ms. Short: Awesome. Calling petition 2024-10, the review of a petition alleging two county employees and two county officers violated the Hawaii County ethics code. I'd like to note that this board received an email dated August 13, 2024 from Ms. Jean Campbell stating that director Kern, Deputy Director Darrow, and inspector Yanagi would be unavailable due to a hosting conference that starts today. Um Ms. Campbell also submitted a written response to this complaint seeking a dismissal of this complaint. If this board, having reviewed the file documents, is not prepared to dismiss this outright, the respondents are requesting that this matter be continued to October 2024 hearing, when the planning department staff would be available to respond to questions in person before we address the request for a continuance by the respondents has the board and everyone received or reviewed the written submittals from the petitioner and respondents, seeing everyone nod their head, Yes. Um are there any motions at this time based solely on the written submissions of the parties?

Mr. Ho: Chris Ho. Move to reject petition 2024-10, on the grounds of petition is speculative and frivolous based on submitted petition material, and is not sufficient to allege a violation of the Code of Ethics.

Ms. Fukumitsu: Board member Fukumitsu. Second.

Ms. Short: Is there any discussion to be had?

Ms. Nakanishi: How do we move to continue? We gotta vote on this and then make that motion?

Ms. Wan: Um, so right now, the motion on the floor is to reject it, just based on the written filings. Um if there was...there is a request to continue but that would be addressed by this after this particular motion has been resolved. Right now we're just open for discussion.

Ms. Short: So the motion on the table is to dismiss the petition outright. Do we have any further discussion regarding the motion at hand?

Ms. Wan: Chris, do you want to at least provide some support?

Mr. Ho: Chris Ho, providing support for my motion, um based on the material submitted, um after reviewing all of the material that was provided to us there does not seem to be um sufficient material written in the petition itself to warrant a violation of the code ethics.

Ms. Wan: When you say warrant a violation, you mean it fails to meet the elements of the alleged code.

Mr. Ho: It fails to meet the... what did you say?

Mr. Wan: The code, the code that's being cited as the as the alleged violation.

Mr. Ho: Thank you. It does not meet the criteria with relation to what is cited as the code that is being violated.

Ms. Wan: Thank you.

Ms. Short: Do we have any further discussion regarding Chris' motion on the table, on the floor, excuse me, seeing that there's no further discussion to be had, I will call for a vote at this time, all in favor of dismissing petition 2024-10, please say Aye.

Ms. Short: Aye.

Mr. Ho: Aye.

Mr. Allende: Aye.

Ms. Fukumitsu: Aye.

Ms. Nakanishi: Nay.

Ms. Short: OK, so the motion...

Ms. Wan: No it passes. So uh Chair at this time, you have four in favor, one against. You need a majority of the membership, which is four, to be in favor. You have that, the motion passes.

Ms. Short: Uh, the motion dismissing petition 2024-10 hereby passes.

Motion and Vote: Vice Chair Ho moved to reject Petition 2024-10; Board member Fukumitsu seconded; Four members voted aye. One member voted nay. Quorum was in the affirmative. Motion passed. (10:28 a.m.)

b. Petition 2024-11: Review of a Petition alleging a County Officer violated the Hawai'i County Ethics Code.

Ms. Short: Calling petition 2024-11 the review of a petition alleging county officer violated the Hawaii County ethics code. Do we have any public testimony?

Ms. Wan: No, we do not.

Ms. Short: Ok I would like to note that this board received an email dated September 9, 2024 from Ms. Dunn, the petitioner, requesting to continue the matter to the November 13, 2024 Board of Ethics meeting to coordinate with legal representation. The respondent also submitted a written response to this complaint seeking a dismissal as well as a request for a closed hearing before we address the request for a continuance by the petitioner, has the board and everyone received and reviewed the written submittals from the petitioner and respondents.

Ms. Nakanishi: Madam Chair, I need to recuse myself.

Ms. Short: We'll give you a moment to do that.

Ms. Wan: Deputy Corporation Counsel Sylvia Wan, let the record reflect at this time that Ms. Uhhh Board member Denise Nakanishi has recused herself and is stepping away from the dais. I will also note for the record that we still have four members present. There is a quorum and enough for voting membership on this matter.

Ms. Short: Ok so at this time do we have um any motions regarding this petition based on the written submittals?

Mr. Ho: Chris Ho, move to dismiss petition 2024-11, because petitioner fails to articulate in writing or substantiate a violation of the code of ethics based on the written testimony.

Ms. Fukumitsu: Board member Fukumitsu, second.

Ms. Short: Is there any discussion to be had? Erick, do you have anything?

Mr. Allende: No. Not at this time.

Ms. Short: Seeing no discussion at this time, I'll call for a vote. All in favor, please say Aye.

All members say aye in unison

Ms. Short: All opposed, please say nay.

Mr. Ho: One moment. We need to get Erick's...

Mr. Allende: Aye.

Ms. Short: He said aye. All opposed, please say nay. Hearing and seeing none. the petition is hereby dismissed.

Ms. Wan: I'm just going to note for the record that all four voted in the affirmative.

Ms. Short: Yes.

Ms. Wan: Thank you.

Motion and Vote: Vice Chair Ho moved to dismiss Petition 2024-11; Board member Fukumitsu seconded; Four members voted aye. One member recused. Motion passed. (10:30 a.m.)

c. Petition 2024-13: Review of a Petition alleging a County Officer violated the Hawai‘i County Ethics Code.

Ms. Short: Thank you. Moving right along, calling petition 2024-13 the review... Do we need Denise?

Ms. Wan: No.

Ms. Short: Are you recusing yourself from this one as well?

Ms. Nakanishi: Yes.

Ms. Short: Okay, okay.

Ms. Wan: Deputy Corporation Counsel Sylvia Wan, I'll just note for the record that Ms. Denise Nakanishi is also recusing from this matter and is remaining away from the dais. Thank you.

Ms. Short: Thank you.

Ms. Wan: You still have quorum.

Ms. Short: Thank you. Calling petition 2024-13, the review of a petition alleging a County Officer violated the Hawaii County ethics code. Do we have any public testimony on this agenda item?

Ms. Wan: No, we do not Chair.

Ms. Short: Thank you. I'd like to note that this board received an email dated September 9, 2024 from Mr. Powell, the petitioner, requesting to continue the petition because he has no way to zoom and is located in Kona. Mr. Powell is requesting the board hold a meeting at the West Hawaii Civic Center. And note the respondent also submitted a written response to this complaint seeking a dismissal, as well as a request for a closed hearing. Before we address the request for a continuance by the petitioner has the board and everyone received and reviewed the written submittals from the petitioner and the respondents. I see Erick's... Yes, he said yes. Um based solely on the written statements of the parties, are there any motions at this time?

Mr. Ho: Chris Ho, move to dismiss 2024-13, because petitioners failed to articulate in writing a violation of the code of ethics based on the written testimony.

Ms. Fukumitsu: Board member Fukumitsu, second.

Ms. Short: Any discussion to be had? Hearing and seeing none I'll call for a vote. All in favor. Please say aye.

All members say aye in unison

Ms. Short: Any opposed, please say nay. No opposition, we have an affirmative vote petition 2024-13 is hereby dismissed. All four members voted yes.

Ms. Wan: Um and I'll just note for the record. Deputy Corporation Counsel Sylvia Wan, I did hear uh Erick vote in the affirmative. It was just very short.

Ms. Short: Yes. All four members voted in the affirmative.

Ms. Wan: Thank you.

Ms. Short: Thank you.

Motion and Vote: Vice Chair Ho moved to dismiss Petition 2024-13; Board member Fukumitsu seconded; Four members voted aye. One member recused. Motion passed. (10:32 a.m.)

Ms. Short: Moving right along to number six. Executive Session. I'm going to give Denise a second to come back. Noting how efficient your chair is.

Ms. Wan: Deputy Corporation Counsel Sylvia Wan. I'll note for the record the return of Board member Denise Nakanishi. We presently have 5 board members.

Ms. Short: Thank you Corporation Counsel. Moving on to Agenda Item number six, Executive Session. Can I get a motion from a board member to enter into executive session please?

Mr. Ho: Chris Ho, I move that we go into executive session to review confidential financial disclosure forms filed pursuant to section 2-

91.1(d) of the Hawaii County code by county board and commission members and designated county employees where personnel matters, excuse me personal matters, will be reviewed and where this board may also consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, communities and liabilities, pursuant to Hawaii Revised Statute sections, 92-4, 92-5 and 92-6.

Ms. Fukumitsu: Board Member Fukumitsu, second.

Ms. Short: Any discussion? Hearing and seeing, none all in favor please say, aye.

All members say aye in unison

Ms. Short: Any opposition, please say nay. Erick? We need your verbal.

Mr. Allende: Oh I said Aye.

Ms. Short: Aye. Perfect.

Mr. Allende: I'm sorry.

Ms. Short: Affirmative. We will move into executive session as of 10:34am here on September 11, we'll give a moment for everyone to make that happen.

6. EXECUTIVE SESSION

Board moves into Executive Session (10:34 a.m.)

Board ends Executive Session (12:19 p.m.)

Ms. Short: We are now in open session, moving right along. Chris?

Ms. Wan: Do you want to do a quick uh summary of what occurred? In executive session?

Ms. Short: Ahh yes, during executive session, we reviewed and signed off on confidential financial and gift disclosure information.

Ms. Wan: And additionally, there were two recesses in the middle of uh Executive Session, one for biological break for the Board. And second due to technical difficulties.

Ms. Short: Yes, at this time, do we have any motions prior to moving on to agenda item number seven?

Mr. Ho: Chris Ho. Move to approve um Items 6. Excuse me. Item 6a numbers 1 through 78 excluding number 1, number 13, number 17, number 19, number 25, number 31, number 32, number 41, number 42, number 43, number 55, number 60, number 61, number 63, number 64, number 69, and number 74.

Ms. Short: Do I have a second on that motion?

Ms. Fukumitsu: Board Member Fukumitsu. Second.

Ms. Short: Any discussion to be had? Hearing and seeing none. All in favor, please say aye.

All members say aye in unison

Ms. Short: Any opposition, please say Nay. Hearing and seeing none. The motion passes.

Motion and Vote: Vice Chair Ho motions to approve item 6a with exclusions; Board member Fukumitsu seconded; All members voted aye; Motion passed. (12:22 p.m.)

Ms. Short: Moving right along to Agenda Item number 7, our announcements.

Mr. Ho: Madam Chair? I have more.

Ms. Short: Oh ok. Continue.

Mr. Ho: Move to approve Item 6b, numbers 1 through 18, excluding number 14.

Ms. Fukumitsu: Board member Fukumitsu. Second.

Ms. Short: Any discussion to be had? Hearing and seeing none I'll call for a vote all in favor please say aye.

All members say aye in unison

Ms. Short: Any opposition please say nay. Hearing and seeing none the motion passes.

Motion and Vote: Vice Chair Ho motions to approve item 6b with exclusions; Board member Fukumitsu seconded; All members voted aye; Motion passed. (12:23 p.m.)

Mr. Ho: And finally move to approve 6c numbers 1 through 28 excluding number eight and number 12.

Ms. Fukumitsu: Board member Fukumitsu. Second.

Ms. Short: Any discussion to be had? Hearing and seeing none I'll call for a vote all in favor please say aye.

All members say aye in unison

Ms. Short: Any opposition please say nay. Hearing and seeing none the motion passes.

Motion and Vote: Vice Chair Ho motions to approve item 6c with exclusions; Board member Fukumitsu seconded; All members voted aye; Motion passed. (12:24 p.m.)

7. ANNOUNCEMENTS (12:24 P.M.)

- a. The next monthly meeting of the Board of Ethics is scheduled for Wednesday, October 9, 2024, at 10:00 a.m. at the Hawai'i County Building, Council Chambers, 25 Aupuni Street, Hilo, Hawai'i 96720.

Ms. Short: Now we move on to Agenda Item number 7, our announcements the next monthly meeting of the Board of Ethics is scheduled for Wednesday, August 14 is not correct. Wednesday, October 9, 2024 at 10am at the Hawaii County Council building, council chambers here where we are presently.

8. ADJOURNMENT (1:24 A.M.)

Ms. Short: Moving along to Agenda Item number 8, adjournment. Can I get a motion to adjourn at 12:24pm?

Ms. Fukumitsu: Board member Fukumitsu move to adjourn at 12:24 p.m.

Ms. Short: Can I get a second?

Mr. Ho: Chris Ho. Second.

Ms. Short: Any discussion to be had? Hearing and seeing none I'll call for a vote all in favor please say aye.

All members say aye in unison

Ms. Short: Any opposition please say nay. 12: 24 p.m. Wednesday, September 11, 2024 this concludes our Hawaii County Board of Ethics meeting. Thank you everyone.

Motion and Vote: Board member Fukumitsu moved to adjourn the Hawaii County Board of Ethics meeting; Vice Chair Ho seconded; All members voted aye; Meeting Adjourned. (12:24 p.m.)

Respectfully submitted:

Khayla-Lei Peiler, Secretary