

BEFORE THE BOARD OF ETHICS

COUNTY OF HAWAI'I

In the Matter of the Petition by

GERALD TAKASE,

Petitioner.

PETITION NO. 2024-14

INFORMAL ADVISORY OPINION

Initial Review: August 9, 2024

INFORMAL ADVISORY OPINION

By Petition dated August 9, 2024, with the Hawai'i County Board of Ethics (hereinafter "the Board"), Petitioner Gerald Takase (hereinafter referred to as "Petitioner") who is the Director of the County of Hawai'i Department of Liquor Control requested an Informal Advisory Opinion from the Board. Petitioner sought guidance on the practice of the Department of Liquor providing training/travel opportunities to members of the Liquor Adjudication Board and Liquor Commission.

At its duly noticed meeting on August 9, 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 the present policy for the selecting which members would be participating in the training/travel opportunities for that year. Petitioner explained how training is beneficial to members Liquor Adjudication Board and Liquor Commission. Petitioner further provided a written copy of selection process for training/travel opportunities.

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 the Director of the Department of Liquor Control.

3. The Department of Liquor Control is the administrating agency for Liquor Adjudication Board and Liquor Commission.

B. Board's Ruling

4. Based on the evidence and testimony presented, the Board finds that there is no conflict of interest if the Petitioner creates in writing their current policy and follows their written policy.

5. Board Member Christopher Ho moved that the Board find that there is no conflict of interest under Section 2-84 of the Hawai'i County Code of Ethics so long as the Department creates in writing their current policy and follows their written policy. Should be any alternations or changes to the policy, it is suggested to bring them to the Liquor Adjudication Board and Liquor Commission before enacting the changes.

6. Board Member Lisa Fukumitsu 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 the Department of Liquor Control Director can continue to utilize its current

policy in selecting members of the Liquor Adjudication Board and Liquor Commission for training/travel opportunities.

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, NOV 13 2024, 2024.

BOARD OF ETHICS, COUNTY OF HAWAI'I

By 

CHRISTOPHER HO  
Vice Chair

APPROVED AS TO FORM  
AND LEGALITY:

  
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SYLVIA A. WAN  
Deputy Corporation Counsel

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