

HAWAI‘I COUNTY BOARD OF ETHICS

MINUTES – REGULAR SESSION

Tuesday, January 28, 2025

10:00 a.m. – 12:52 p.m.

Hawai‘i County Building

25 Aupuni Street

County Council Chambers

Hilo, Hawai‘i 96720

Members and Staff Present:

Rachel Short, Chair

Lisa Fukumitsu, Member

Erick Allende, Member

Kelly Valenzuela, Member

Sylvia Wan, Deputy Corporation Counsel

Khayla-Lei Peiler, Secretary

Noah Agustin, Secretary Assistant

1. CALL TO ORDER (10:00 a.m.)

Ms. Short called the meeting to order at 10:00 a.m. Present in chambers were Rachel Short, Lisa Fukumitsu, Kelly Valenzuela, and Deputy Corporation Counsel Sylvia Wan. Erick Allende appeared via Zoom. Also present were Secretary Khayla-Lei Peiler and Secretary Assistant Noah Agustin.

Ms. Short: Good morning everyone, I am your Chair, Rachel Short. This is the Hawai‘i County Board of Ethics for January 28, 2025. This meeting is being held both in person here at the Hilo Council Chambers, as well as virtually using the Zoom platform. Erick, we have you via Zoom, so we have quorum. If at any point you need to step out, please let me know as I will need to pause to ensure we have quorum. A friendly reminder to our Zoom participants. All cameras must be turned on at all times during your hearing. One person speaks at a time with no side conversations, please. Mute your device when you are not speaking to improve audio quality for all. For Zoom participants, please raise your hand and wait for recognition from myself before speaking to ensure we make a clean and clear record. Prior to speaking, please state your name so that all parties know who’s speaking. Speak slowly, clearly, and be close to your microphone, and if everyone at this time would please limit distractions by turning off their cell phones, and any other mobile devices you may have. As a general reminder for all of my Board Members present today, please state your name before

speaking throughout our hearing today. I'd like to now go down and do introductions here of the Board of Ethics. Again, I am your Chair, Rachel Short.

Ms. Fukumitsu: Good morning, Board Member Fukumitsu.

Ms. Valenzuela: Good morning, Kelly Valenzuela. Board Member.

Mr. Allende: And Board Member Erick Allende.

Ms. Short: Perfect, thank you so much. I will also note for the record, we have our Deputy Corporation Counsel, Sylvia Wan, present as well as our Boar-, our Board's attorney, as well as our Board's secretary, Khayla-Lei Peiler.

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

Ms. Short: At this time, we will take statements from the public on any of our agenda items. Public testifiers can testify now, or just prior to the agenda item that you wish to testify on. Uh, our Corporation Counsel, Sylvia, will keep time. Everyone gets three minutes, and at two and-a-half minutes, our Corporation Counsel will announce such. Khayla, do we have any public testifiers at this time? Not at this time, thank you so much. Note for the record that there is no public testimony at this time, so we are moving on to the approval of minutes.

3. APPROVAL OF THE REGULAR, EXECUTIVE & CLOSED SESSION MINUTES (10:02 a.m.)

a. Approval of the regular session minutes of December 11, 2024

Ms. Short: Moving on to the approval of our regular session minutes from December 11, 2025. Do we have any public testimony on this agenda item?

Ms. Wan: No Chair, we do not.

Ms. Short: Thank you so much. So, has everyone had a chance to read and review the regular session minutes of December 11, 2024?

****All members say yes in unison****

Ms. Short: Wonderful. Could I get a motion to approve the regular session minutes from two-, uh-, December 11, 2024?

Ms. Valenzuela: Kelly Valenzuela, I make a motion to approve the minutes.

Ms. Short: Wonderful. Do I have 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 mi-, regular session minutes from December 11, 2024, are hereby approved.

Motion and Vote: Board Member Valenzuela moved to approve the Regular Session minutes of December 11, 2024; Board Member Fukumitsu seconded; All members voted aye. Motion passed. (10:03 a.m.)

c. Approval of the executive session minutes of December 11, 2024

Ms. Short: Moving on to the approval of our executive session minutes from December 11, 2024. Do we have any public testimony regarding this agenda item?

Ms. Wan: No, we do not, Chair.

Ms. Short: Thank you so much. Has everyone read the executive session minutes from December 11, 2024?

Ms. Fukumitsu: Yes.

Ms. Valenzuela: Yes.

Ms. Short: Wonderful. Could I get a motion to approve those, please?

Ms. Valenzuela: Kelly Valenzuela. I make a motion to approve the minutes of the execu-, executive session.

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 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 executive session minutes from December 11, 2024, are hereby approved.

Motion and Vote: Board Member Valenzuela moved to approve the Executive Session minutes of December 11, 2024; Board Member Fukumitsu seconded; All members voted aye. Motion passed. (10:04 a.m.)

b. Approval of the closed session minutes of November 13, 2024

Ms. Short: Moving on to agenda item number 4, unfinished business. Calling petition number 2024-19, at this time, the review of the draft informal advisory opinion. Do we have any public testimony on this agenda item?

Ms. Wan: I'm sorry, Chair. Before we move on to the next agenda item, I would just note that there is one more set of minutes, and it's the executive session minutes. So, there was-...

Ms. Short: We just did that.

Ms. Wan: Oh, I'm sorry, closed hearing minutes.

Ms. Short: Oh, thank you. Backtracking for a moment, thank you very much Corporation Counsel. We need to approve the closed session minutes from December 11, 2024. Did everyone on our Board have a chance to review those?

Ms. Valenzuela: Yes.

Ms. Short: Can I get a motion to approve?

Ms. Valenzuela: Commissioner Valenzuela, make a motion to approve the closed session-...

Ms. Fukumitsu: Board Member Fukumitsu, 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 closed session minutes from December 11, 2024, are hereby approved.

Motion and Vote: Board Member Valenzuela moved to approve the Closed Session minutes of December 11, 2024; Board Member Fukumitsu seconded; All members voted aye. Motion passed. (10:05 a.m.)

4. UNFINISHED BUSINESS (10:05 a.m.)

a. Petition 2024-19: Review of draft Informal Advisory Opinion.

Ms. Short: Moving back to agenda item 4(a), calling petition number 2024-19, the review of the draft informal advisory opinion. Do we have any public testimony on this agenda item?

Ms. Wan: No, we do not at this time, but, I would ask that for all of the rest of the agenda items, if we could do a roll call vote since we do have a member on Zoom today.

Ms. Short: Okay. Absolutely.

Ms. Wan: Just as a general reminder, thank you.

Ms. Short: Thank you. Has everyone read the draft informal advisory opinion on petition 2024-19?

Ms. Fukumitsu: Yes.

Ms. Valenzuela: Yes.

Ms. Short: If so, could I get a motion to approve that? And I will sign it.

Ms. Fukumitsu: Board Member Fukumitsu, I move to approve the informal advisory opinion, petition two-, number 2024-19.

Ms. Short: Can I get a second?

Ms. Valenzuela: Board Member Valenzuela, I can second.

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

Ms. Fukumitsu: Board Member Fukumitsu, aye.

Ms. Valenzuela: Board Member Valenzuela, aye.

Mr. Allende: Board Member Allende, aye.

Ms. Short: And Chair, Rachel Short, aye. All in favor, uh-, the mo-, er-, excuse me, the motion is hereby approved, petition 2024-19, the informal advisory opinion, and I will sign it right now, and hand it to Khayla-Lei.

Motion and Vote: Board Member Fukumitsu moved to approve the Draft Informal Advisory Opinion for Petition 2024-19; Board member Valenzuela seconded; All members voted aye. Motion passed. (10:06 a.m.)

5. NEW BUSINESS (10:07 A.M.)

a. Petition 2024-18: Review of a Petition alleging three County Employees violated the Hawai'i County Ethics Code

Ms. Short: Moving along to agenda item number 5, new business. At this time, we will call petition 2024-18, the review of a petition alleging a County employee violated the Code of Ethics. Do we have any public testimony on this agenda item?

Ms. Wan: Chair, not at this time. I would just note that you do have, um, the petitioner present, and he is available if the Board has any questions.

Ms. Short: Uh, yeah, I think we'll move forward and have the petitioner please come forward.

Ms. Wan: Well, you still have the first question first. Whether or not there's any motions prior to hearing from the parties-...

Ms. Short: Oh, yes, thank you. Do we have any motions on petition number 2024-18? Since no one has a motion, shall we hear from the petitioner?

Ms. Wan: Well, so it's-, first you need to make sure that everybody received and reviewed the written submittals.

Ms. Short: Okay.

Ms. Wan: And then, if there's any motions based solely on the written submittals-...

Ms. Short: Got it.

Ms. Wan: ...of the parties.

Ms. Short: So, has everyone on our Board received and reviewed the written submittals from the petitioners and the respondents?

Ms. Valenzuela: Yes.

Mr. Allende: Yes.

Ms. Fukumitsu: Yes.

Ms. Short: At this time, are there any motions based solely on the written responses of the party? Okay, since there's no motion to dismiss, per Rule 4.5, and/or Rule 4.8, we will continue with a hearing. So, at this time, the petitioner may come up, and they will have five minutes to speak?

Ms. Wan: Yes.

Ms. Short: Okay.

Ms. Wan: Oh, okay. Um, Chair, before we proceed into the hearing, because this is relating to, um, alleged misconduct on-, I believe it's three different employees. Um, we do-, we should probably inquire with the employees if they'd request a closed hearing in this matter.

Ms. Short: Okay.

Ms. Wan: So, maybe we should ask the respondents to come forward first...

Ms. Short: Okay.

Ms. Wan: ... to ask them for that?

Ms. Short: So, would the responders in petition number 2024-18, please come forward? Thank you, everyone. I will just note for the record, I do know Doug Adams. He is an acquaintance. We have worked together many times, but I do not believe that will impact my ability to make a decision in this matter every time, but I want that on the record. If the respondents would please state their names, and if they would like a closed hearing.

Mr. Adams: Doug Adams, I would like a closed hearing please.

Ms. Short: Thank you very much.

Ms. Dysktra: Elizabeth Dykstra, um, it doesn't matter. I, I don't mind an open, but closed is fine.

Ms. Short: Thank you.

Ms. Freeman: Sar-, um, Sarah Freeman, I would like a closed hearing.

Ms. Short: Okay. So, considering-...

Ms. Wan: And then, um, just, just to clarify, you're requesting a closed hearing because it, um, the petition alleges misconduct that would otherwise require the Board to evaluate your, um, conduct as an employee, is that correct? I'm s-, I'm s-...

Mr. Adams: Yes.

Ms. Wan: Okay.

Ms. Short: So, at this time-...

Ms. Wan: Yes.

Ms. Short: ... I believe we would need a motion for a closed hearing, based on that rationale. Could I get a Board Member to make a motion for a closed hearing on petition 2024-18, since it involves matters of privacy?

Ms. Fukumitsu: Board Member Fukumitsu, I move, um, to move to a closed hearing to discuss matters related to privacy and personnel?

Ms. Wan: Yes.

Ms. Short: May I get a second on that motion?

Ms. Valenzuela: Commissioner Valenzuela, second.

Ms. Short: Any discussion to be had? Hearing and seeing none, we'll go for a role call vote. Chair, Rachel Short, aye.

Ms. Fukumitsu: Board Member Fukumitsu, aye.

Ms. Valenzuela: Commissioner Valenzuela, aye.

Mr. Allende: Board Member Allende, aye.

Ms. Short: Thank you. Hearing a unanimous vote, at this time, we will move into a closed hearing. We'll give a few moments, and I will ask everyone who is not a part of petition 2024-18, to please step out and we'll call you back in. Thank you very much.

Motion and Vote: Board Member Fukumitsu moved to enter into Closed Session; Board Member Valenzuela seconded; All members voted aye. Motion passed. (10:11 a.m.)

Board enters Closed Session (10:11 a.m.)

Board Enters Open Session (11:06 a.m.)

e. Petition 2025-03: Review of a Petition from a County Employee seeking clearance and guidance regarding a potential conflict of interest.

Ms. Short: We're open, okay. 11:08 a.m., we are reconvening the Hawai'i County Board of Ethics in open session, let the record reflect that everyone is present from our Board, as well as our Corporation Counsel and our secretary. Um, moving along to agenda item 5(b), petition 2024-20, was withdrawn, so that will be stricken from the agenda, and in a matter of time, we're going to skip forward to 5(e), petition 2025-03, the review of a petition from a County employee seeking clearance and guidance regarding a potential conflict of interest. Can we get the petitioner to come up-, oh, do we have any public testimony on this agenda item?

Ms. Wan: Deputy Corporation Counsel, no, uh, testimony at this time Chair.

Ms. Short: Perfect, thank you so much. Um, can we get the petitioner to come forward please and state your name for the record.

Ms. Wan: Um, I will note that, um, this particular petitioner has requested a closed hearing.

Ms. Short: Oh. Would you mind stating your reason for wanting a closed hearing?

Ms. Iyo: So, uh, first of all, my name is Lindsey Iyo, thank you for seeing me today.

Ms. Short: Thank you.

Ms. Iyo: Um, so, reason for a closed hearing, uh, uh-, different reasons, but, um, the, the main reason is, uh, this also involves some minors, so...

Ms. Short: Okay.

Ms. Iyo: ... for the confidentiality of that, um, just requesting a closed hearing.

Ms. Wan: So, related to personal matters?

Ms. Iyo: Yup.

Ms. Wan: Okay.

Ms. Short: So, can I get a motion to hear this petition as a closed hearing due to confidential personal matters being a part of it?

Ms. Fukumitsu: Board Member Fukumitsu, move to move the meeting to a closed session to hear matters that can-, uh, that are involving personnel and confidential matters.

Ms. Wan: Of, of the employee.

Ms. Fukumitsu: Of the employee.

Ms. Short: Can I get a second to that?

Ms. Valenzuela: Board Member Valenzuela, second.

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

Ms. Fukumitsu: Board Member Fukumitsu, aye.

Ms. Valenzuela: Board Member Valenzuela, aye.

Mr. Allende: Board Member Allende, aye.

Ms. Short: So, let the record reflect that at 11:10 a.m., we will move into a closed hearing in order to hear private, personal, confidential matters. If you guys could please step out, we'll call you back in, thank you so much. If someone wants to get our curtains, we'll give a moment for that transition.

Motion and Vote: Board Member Fukumitsu moved to approve the Petitioner's request to have their Petition heard in a Closed Session; Board Member Valenzuela seconded; All members voted aye. Motion passed. (11:10 a.m.)

Board enters Closed Session (11:10 a.m.)

Board enters Open Session (11:20 a.m.)

c. Petition 2024-21: Review of a Petition from a County Employee seeking clearance and guidance regarding a potential conflict of interest.

Ms. Wan: We're back in open session so we can chat about this later.

Ms. Short: 11:21 a.m., let the record reflect that the Hawai'i County Board of Ethics hereby resumes in open session. We are on new business, agenda item 5(c), calling petition 2024-21, the review of a petition from a County employee seeking clearance and guidance regarding a potential conflict of interest. Do we have any public testimony on this agenda item?

Ms. Wan: Deputy Corporation Counsel Sylvia Wan, no we do not, Chair.

Ms. Short: Wonderful, so we'll move forward. Can we get the petitioner to come up to the mic, please? State your name for the record, and explain the question in which you seek the Board's guidance.

Mr. Spielman: My name is Aaron Spielman. The whole thing? Sorry.

Ms. Short: If you could just state the reason for your petition, or what you're seeking-, excuse me, rather what you're seeking our opinion on today, just summarize.

Mr. Spielman: Okay. Um, I'm seeking some informal advisory guidance on my current positional duties with the County and the Cultural Resources Commission.

Ms. Wan: So, can you please, um-, I know this Board has heard from you before, but can you please let the Board know what is your current position and what those duties are, and, um, what-, I, I believe you're asking for clearance, or, or rather an opinion related to a position on the Cultural Resources Commission, so then, please, can you also detail what are your theoretical or-, what are your current roles in that commission.

Mr. Spielman: Okay. So, my current, uh, position with the County is as Deputy Building Chief with the Building Division, Department of Public Works. Um, I'm also the Chair Emeritus of the Cultural Resources Commission, and I serve as an officer on the CRC now as an advisory counsel to the Planning Department. I was looking at fair treatment and conflicts of interest section in the Board-, in the Code of Ethics. I'm currently serving on the CRC through December of 2027, and I've, um, just taken on the Deputy Building Chief role as of, um-, full time as January 2nd of this year. I was part time on that before. Um, so, I'd like to state that my position is, so long as I comply with the Code of Ethics, um, I contend that, um, learning of a project at the CRC does not prohibit me from performing my professional duties as employed by the County of Hawai'i, which relate to the life safety and welfare of the public. Um, CRC is an advisory council, and I-, although I sit in the architect's seat on the CRC, I'm not, um, reviewing at level of regulatory. It's more like land use stuff in areas-, sensitive areas. The work I do at the County is regarding life safety and welfare of the public, um, and in my own world, I can keep those two completely separated, but, um, I'd like to speak with you folks about that first.

Ms. Short: I guess my question would be, um-, it says you're the Chair of the Cultural Resources Commission, is that correct?

Mr. Spielman: Chair Emeritus.

Ms. Short: Okay. So, what role, I guess, do you play on that commission?

Mr. Spielman: Uh, during our last meeting, um, our current Chair had a conflict on that case, so I stood in pro temp for that position and ran the meeting. Um, that's kind of my current role, otherwise I'm a voting member.

Ms. Short: So, what type of things do you hear on the Cultural Resources Commission that could overlap with your employment with the County?

Mr. Spielman: Sure, there's actually an e-, an example. So, we heard a case at CRC last month when I was pro temp. It's currently in at the Building Division now for, for permitting and I'm not personally reviewing that building permit file. Um, it's more informational overlap-, I would say then like a-, the two don't talk to each other. CRC doesn't talk to Building Division, so I have no reason to like, share information between the two. Does that make sense?

Ms. Short: Is there project overlap though? Like, you just spoke of, you know-, you heard of like one project that was-, is also in review for the County. My, my question would be, um, would you be able to recuse yourself on items of overlap?

Mr. Spielman: My preference would be to recuse myself at the CRC if there was a conflict, um, but generally speaking, we see those projects first before they come in for a building permit, so that's a little bit odd. Um, when I see them come in as the building permit, I could recuse myself, but I'm not actually taking any official action on them, I just supervise the people that do those reviews.

Ms. Short: But, so I think therein potentially lies the concern, is if you're in a supervisor role, and one of the projects comes in that you're working with in the CRC, could there potentially be influence over those that you supervise and projects that you're also working on with on the Commission?

Mr. Spielman: Yes, theoretically. With me, no, but yes, theoretically.

Ms. Short: Okay. Any other Board Members have questions for our petitioner?

Ms. Valenzuela: Um, I do. So, when you have the CRC me-, it's a Commission, right? Okay, so, when you have those meetings, do you take off from work? Do you-, are they during work hours? Like, how does that go?

Mr. Spielman: Generally, they're on Wednesdays once a month from 10:00 a.m. in the morning 'til 12:00-, sometimes they do run late. In my private practice, I always took off from work to attend those Commission meetings. In, um, in County practice, uh, it depends on my work schedule with the County, so, I put the Deputy Building Chief position first, in terms of priority on my schedule. Does that make sense?

Ms. Valenzuela: Yeah.

Mr. Spielman: Okay.

Ms. Valenzuela: Thank you.

Ms. Short: If this Board were to find that there is a conflict in you serving as an officer of the Cultural Resources Commission, um, while also being employed by the County of Hawai'i, what action would you take?

Mr. Spielman: I would, um-, I don't know if retire is the right word. I would ask to be removed from the CRC and replaced.

Ms. Short: Okay.

Mr. Spielman: Um, could I add a point here?

Ms. Short: Yes.

Mr. Spielman: I'm the only serving architect on the CRC. It's a special position that the CRC needs to fill.

Ms. Short: Do-, is there, um, potential for you, in your role, to recommend another architect to fi-, to take that place since you are employed by the County of Hawai'i?

Mr. Spielman: Yes.

Ms. Short: Do any other Board Members have questions for our petitioner?

Mr. Allende: Board Member Allende. I just had a question. Um, as the Chair, uh, for the CRC, what type of projects do you, um, see that may come through as the, the-, in through the building department that, um, that has a possibility-, I understand you said it wouldn't be with you, but theoretically, that could get preferential treatment and how would that be done?

Mr. Spielman: Could I ask you to repeat the question? Sorry.

Mr. Allende: No problem. I was saying, um, as a member of the CRC, what type of projects would come through the building department that, um-, I know you said with you, there wouldn't be an issue, but theoretically yes, but-, so, theoretically, what would be the, the type of preferential or treatment that would be, uh, possibly given, if, you know, there was a conflict theoretically.

Mr. Spielman: Um, just kind of shooting from the cuff here, I think there's probably a lot of potential, uh, for conflict. The, um, primary concern would be a CRC project comes in and is reviewed and advised, and the same project comes in at Building Division for a permit, and somehow it would be treated differently than say, any of the folks sitting on this Commission submitting a building permit-, we're supposed to be the same across the board. So, I think that would be the potential for conflict is, um-...

Mr. Allende: *inaudible* I'm more trying to see the, the type of project that the CRC would be submitting to the County. What type of project, because-, I know in the petition it says for life saving, um, uh-, sorry, let me look at that petition really quick. It says on the bottom it's that it relates to the life, safety, and welfare of the public, and, you know, based on the natural disasters we see in the-, in our-, in a-, in the U.S. right now, there is,- at sometime in nature, I feel that, you know, if things are life saving our, our fellow man around-, on the island especially, we want to be able, and are understandable, that there are some sort of, um, leeways given to make sure that people's lives and well-being are taken, uh, seriously and, you know-, first and foremost. So, that's why I'm asking what type of projects the CRC would be submitting, and then, you know, there's always a time and a place-, yes everything should be done correctly across the board, but, you know, if it's based off of, uh, torrential flooding and something that may be

done to help those that were affected by the flooding and somebody getting the, the. the addition added on to their house that's-, you know, they're there for three months based off of something being done, I would hope that the people who don't have homes would be given some sort of, uh, preferential treatment to have those things afforded to them, to have, you know, basic common lively-, living arrangements.

Mr. Spielman: So, sorry, um, commissioner, the, um-, a couple things going on here. If there was an event, uh, natural disaster or other-, there, there probably is going to be an emergency proclamation that would direct our Building Division in a certain fashion, and that's going to be independent of our standard operating procedures. The CRC only reviews projects that come in that are referred to them by DLNR SHPD, by the Leeward Planning Commission, I guess the Windward Planning Commission as well, um, possibly by the Planning Director, and the CRC review on a, on a level dependent on what the information is that's provided, strictly for that one project. Um, I, I don't that I've answered the question, but I, I kind of see them as, as different aspects. If, if for example, when the volcano event happened, I believe there was a directive, um, to work with, uh, affected families during that time period, uh, especially to promote housing.

Mr. Allende: Um, it does somewhat, I'm just trying to understand better what the role is of the CRC is, that has the connection as what type of projects they submit for where that overlap of theoretical, um, misconduct or abuse or preferential treatment theoretically might be given towards the CRC project. So, that was, that was primarily the jist of what the question is pertaining to is trying to figure out how those projects-, so based off of you do-, looking at projects with the, the Leeward Planning and the Windward Planning Committee do, so would you be looking at condo developments and, um, the drainage, and things of those natures, or is it, is it-...

Ms. Valenzuela: Cultural.

Mr. Allende: ... uh, also just regular housing and development opportunities that other people would be coming through to try the-, to, to, to build on on land and re-subdivide and, um, therefore build new housing on? Is that the purpose of it?

Mr. Spielman: Uh, the CRC does see different types of projects. The one I have recent in mind is housing. They almost always involve a special location or sensitive site location that needs some oversight and review proceeding to the next step. As of the advisory commission, the CRC takes in documents that were given by the authority, and then we return 'em-, we return a letter to the, uh, Planning Director, and often the petitioner. There's no sets, um, project type, per se, as to what the CRC sees, it could range widely, but for the most part, we haven't seen lots of different project types. Mostly-...

Mr. Allende: So, is it like an archaeological impact statement that would be seen versus-, and how to pertain and work around the culturally affected areas, and then, what can and cannot be built in said proximity of that, um, archaeological impacted area?

Mr. Spielman: Yes, correct, and a lot of those rules will come out from SHPD or there'll be buffer zones, preservation areas, um-, of course there's other items in there, but yeah, that's, that's generally the idea, is that we're reviewing, at a high level, what the proposed project is, and if there's going to be a significant, or non-significant, impact-...

Ms. Valenzuela: Right.

Mr. Spielman: ... to the archaeological sites.

Ms. Valenzuela: So, just for clarification-, thank you so much for explaining that. So, from my understanding, the CRC-, you guys are looking for a flora and fauna, burial council, any EV, um, anything that's going to impact or change, right? I mean-...

Mr. Spielman: Especially from the development.

Ms. Valenzuela: ... my experience in development, right. Exactly. Okay, thank you.

Ms. Wan: Um, Deputy Corporation Counsel Sylvia Wan. Uh, I just want to-, because I'm seeing the-, I'm hearing the questions from the Board Members-, I feel like there's one component missing, which is what is the level of information that is being provided to the C, uh-, to the, um, Cultural Resources Commission, that you would otherwise see at the, at the Building Division. Oh, I'm sorry. So, you're, you had already, um, described that at the Cultural

Resources Commission, you receive information just based on what they provide you, and you guys give advice based on what they provide you. At that point in time, it's not like a completed, ready-to-go project, right, because they're obviously re-, were seeking advice from the Cultural Resources Commission. So, that means things can change, right, based on your advice, as a, as a commission. So, what I'm asking is, from that information that's provided to the Cultural Resources Commission, if you were to see that project at the Building Division, what is the level-, like what is the information that you would-, that would be the same that you're seeing?

Mr. Spielman: The information that would be the same would generally be the drawings, which are the construction documents, the written instructions of how to build the thing, typically including site plans, floor plans, elevation type things.

Ms. Valenzuela: Um, Board Member Valenzuela, just to kind of educate my fellow members, just because I've been in development for a very long time. That Commission that he's on-, it's almost like two different things. There are recommendations that are coming through for them, or letters, or directives, from SHPD, from DLNR, or-, you're looking for a flora and fauna, you're looking for EV bones-, how is that development going to impact-, whereas where he is with DPW, it's different. It's, like you stare at the mapping, the drawings, so it's like two different things. It's a cultural effect, and his division is the building part. The only thing I will say, that's probably causing a caution with us, or I-, I'll speak for myself, I shouldn't just speak on behalf of my fellow gang here, is because you're in a supervisory role now. You kind of moved from being, you know, the side-by-side buddy, to now you're overseeing the people, and that sometimes causes red flags for other people. Um, but I do appreciate you coming before us, I will say that.

Mr. Allende: Board Member Allende, I just had another question. Um, for something that goes along with what Board Member Valenzuela was saying, is how does the, the, the aspect of what you would suggest, um, for the CRC, how would that impact the development? Was there any gain for the people that you are suggesting, or, you know, if you go okay look, if you do this, we can get the CRC to approve it, and then it's easier for-, there's no impact there based off of saying okay once we do this and the CRC approves it, then we can get it through the, the DPW part of it, and

that'll be a lot easier for you. There's an intermediary, right, between the CRC before the DPW would see it?

Mr. Spielman: Yes, including possibly going back to the project team and recycling through the Planning Commissions and the CRC again. We, we sometimes see petitioners several times, and, and I'll just say at the planning level, it's a big picture ideas and concepts. By the time we get to the Building Division it's, it's not concrete, but it's very-, it's pretty set in stone, so the petitioners are trying to figure out, at the CRC level, if the project makes sense, if it's fiscally responsible or appropriate, if they can get the entitlements. Um, I, I think in response to your question, I don't know of a time when I would see something at DPW before CRC, and I don't know of a condition that I would be advising people if they did something-, then they could gain a benefit. I don't have that particular role at the CRC, or in private.

Mr. Allende: Thank you.

Mr. Allende: Can I make a motion?

Mr. Short: Please do.

Mr. Allende: Um, I want to make a motion that, uh, the Board of Ethics finds no conflict of interest based off of the fact that, um, there is an intermediary, and the services provided with the CRC are different from the services that are provided at the DPW, and don't overlap as one, um, enables the other to continue, uh, the, the, the processing of plans through the County's, um, offices.

Ms. Short: Erick, I'm a-, can you-...

Ms. Wan: No, no, you need a second.

Ms. Short: Oh. Can someone second the motion so we can have a discussion on his motion?

Ms. Valenzuela: Board Member Valenzuela, I second.

Ms. Short: Awesome. Any discussion to be had? Yes, I have a discussion.

Ms. Wan: Well, no. Deputy Corporation Counsel Sylvia Wan. Let's have the mover make his statements in support of his motion-...

Ms. Short: Okay.

Ms. Wan: ... then we can continue with discussion, and I know you have-, have a-...

Ms. Short: Yeah, I just, I, I-, will you please state the mot-, the points in support of your motion, Board Member Allende?

Mr. Allende: Sure thing. Board Member Allende, Um, the reason why I support this is the fact that there isn't any benefit that the CC and R has with his work there that overlaps the DPW work that he is now in a supervisory wor-, role. As stated by the petitioner for his advisory position, everything remains separate, plus, betwe-, through the questioning, he also said there is an intermediary between the two agencies that, you know, once things either become-, and found out, whether or not it's fiscally or archaeologically or agriculturally responsible to build, it moves on to-, back to them, and then it would come back to one of the agencies. But it's never a conjunction of DPW and CRC at the same time, so based off of that, it's, it's two separate entities, um, you know, it-, that's why I don't see the conflict of interest.

Ms. Short: Thank you, Board Member Allende. That was exactly what I needed to hear. Is there any further discussion to be had? I'll call for a vote. All in favor of Board Member Allende's motion, Chair Short, aye.

Ms. Fukumitsu: Board Member Fukumitsu, aye.

Ms. Valenzuela: Board Member Valenzuela, aye.

Mr. Allende: Board Member Allende, aye.

Ms. Short: We are unanimous, the motion passes. We will issue an informal advisory opinion. Thank you very much for your time. Thank you.

Motion and Vote: Board Member Allende moved to find no conflict of interest between the Petitioner being the Chair Emeritus for the Cultural Resources Commission and the Deputy Building Chief with the Building Division of the Department Public Works; Board Member Valenzuela seconded; All members voted aye; Motion passed. (11:45 a.m.)

- d. Petition 2024-22: Review of a Petition from a County Employee seeking clearance and guidance regarding a potential conflict of interest.

Ms. Wan: And I'm sorry, uh, Deputy Corporation Counsel Sylvia Wan, can I ask for a five minute recess?

Ms. Short: At 11:45, let the record reflect we are taking a five minute recess. We will resume at 11:50. Thank you so much.

Board Members take a short recess

Ms. Short: Thanks Erick. Alright, reconvening the Hawai'i Board of Ethics, 11:54 a.m., we are on agenda item, new business, 5(d). Let the record reflect everyone is present. Petition 2024-22, the review of a petition from a County employee seeking clearance and guidance regarding a potential conflict of interest. Do we have any public testimony on this agenda item?

Ms. Wan: Not at this time, Chair.

Ms. Short: Wonderful. Can we get the petitioner to please come up to the mic and state your name for the record?

Mr. Reiswig: My name is Kevin Reiswig.

Ms. Short: Thank you. Can you please explain the question in which you seek the Board's, um, guidance?

Mr. Reiswig: So, I'm seeking to find out if I can start drafting as a building inspector.

Ms. Short: Could you elaborate on-...

Mr. Reiswig: Because, um, I hear from other employees that you can't do that. Um, like for instance, one of my coworkers used to be a drafter. When he started working as a building inspector, he was told he has to stop his drafting business, so I'm seeking to see if I can-, if that's true or, can I start this business, um-, and the only-, I mean from, from my point of view, the conflict of interest would occur if I was inspecting a job where I drew the plans. Because that owner would have been my contact, my client. And say for instance, they did something that I could say you need to have a revision, which would benefit me because I would be drawing more for her or him,

so if I, if I don't inspect my clients jobs or the jobs that I drew, I don't see a conflict of interest.

Ms. Short: How could you ensure that?

Ms. Wan: Um, actually-...

Mr. Reiswig: So-...

Ms. Short: Sorry.

Ms. Wan: ... I think before we get to that question, definitely that question, um, I feel like based on what you're providing, there needs to be a little bit more clarification as to your present job description within DPW, and your contemplated job description outside of DPW, and how-, because you said you wanted to, you want to do a drafting business, how those drafts would otherwise-, what would be the overlap as far as into DPW in comparison to your present job? Does that make sense? Okay. Can you elaborate on that please?

Ms. Reiswig: Okay, so, in my present job as a building inspector, I inspect foundation, framing, final, um, and I also deal with some violation cases, whether or not people have permits or not. So, I review plans for my office before I inspect them-, not-, and I, I review it just to see what is needed to, to pass the inspection. So, I look at plans, and, um, I, I do the inspection whether or not it was according to the plan and the building code, and my official, um, action is whether to pass the project to move onto the next phase of construction. So-...

Ms. Wan: Okay.

Mr. Reiswig: ... from my drafting, um, perspective, my plan was to create, like, um, pre-approved model homes where I could draw, like, different, um, packages, and, um, when I deal with a client, they'll be paying me for that. I would give them the plans, and customize it to their property, and then it would go through plan review and, and-, the overlap would be if I was to be a building inspector with tho-, with that permit that my plans were on.

Ms. Wan: So, for that client's home.

Mr. Reiswig: Yeah, client's home.

Ms. Short: So my question would be, could you potentially use your knowledge, as a County employed building inspector, to your benefit when doing designs, or drawings, or plans, for your side business?

Mr. Reiswig: So, my, um-, I'll answer what question. Um, when I was in carpentry school, my teacher, Joe Tanabe, said the best drafters are carpenters, and when I was in drafting school, one of my friend's who's a drafter said you're not going to be able to do good unless you know the building codes, so I learned a lot of my knowledge of the building codes from being an inspector, because that's my job. Um, however-, and also, um,- however that knowledge was attained through my, my, my being a, a County worker, so I think though the knowledge would overlap into that, um, and knowing how, knowing where to get information as a building inspector, like I know how to use the County website easier, and there's information on there-, how to, um-, what the plan reviewers need but that's public information. Anybody can download, but, um, I think what I do-, the knowledge as a building inspector, um, and drawing plans is beneficial because a lot of people draw plans that are not, they're not-, they don't know that they doing. So, the builder builds-, and then in the plan review it doesn't catch it, so like as an inspector I'm telling them you guys cannot do that because the code says this, so it costs them more money because then they did it wrong. So, I feel like I would be able to provide plans to people with enough information that they could build it correctly. Um, so there is an overlap, but it's-, I don't think it's going to conflict my official duty as a building inspector.

Ms. Fukumitsu: Thank you for that. I have a, I have a question, just for my own knowledge of the process. So, um, a drafter creates the plans, and the it goes to the where?

Mr. Reiswig: So, they apply for a permit.

Ms. Fukumitsu: Apply for a permit, and you have nothing to do with the permitting process, and then from permitting it goes to...

Mr. Reiswig: Um, it goes to different departments but-...

Mr. Fukumitsu: Okay.

Mr. Reiswig: ... plan review eventually reviews the plans, and the...

Ms. Short: But you know that they're looking for, correct? When they go to apply for the permit?

Mr. Reiswig: But then that's public information.

Mr. Short: Okay.

Mr. Fukumitsu: But you're not involved in that process...

Mr. Reiswig: I'm not involved...

Ms. Fukumitsu: ... you're involved in the inspection and those two processes, those two processes don't-, you don't have any access to plan review, right? Okay, I just needed to understand the process, and they're completely separate.

Mr. Reiswig: And there's a queue, too, for plan review. So, um, it's not like I'm going to get my stuff reviewed faster because I know the plan reviewer. Um, they take it out of a queue-, the next one, the next one, so it's-...

Ms. Short: Board Member Allende, I believe you had something.

Mr. Allende: Yeah, I was just going to say, um, with, with, um, in this instance, you don't, or do you have a, a stamp, either structural or archi-, as an architect-, it's more you doing the draftsmen and you still pass it on to an architect to stamp it, or a structural engineer?

Mr. Reiswig: Yes, I would have to find an architect and a structural engineer. I don't have a stamp.

Mr. Allende: And then, once that is done, they would, on their stamp, they say that they have the responsibility of, um, having the work performed under their supervision, correct?

Mr. Reiswig: Yes.

Mr. Allende: So, so, pretty much you're, uh, a secondary source of getting the plans that the architect would then have to put his name to make sure, not only one, that they conform to the County Codes, but then are structurally sound in order to, um, to be able to pass, the, the

plan checking, um, stations, in a, in a, you know-, without having it being kicked back because of a revision, right? And then once that's done, then it becomes the contractor that-, um, the homeowner picks, responsibility to be able to follow those plans, and then once they follow those plans, the, you know-, yes, you did the, the drafting for, but then the architect becomes, or structural engineer becomes responsible for that work, right?

Mr. Reiswig: Yes.

Mr. Allende: And then now the cons-, the contractor has to make sure that they follow those plans, um, either well enough or-, so then that way, if there is a revision, the architect would become the point of contact for that homeowner first, and then the architect could contact you, and then you would make that revision if needed?

Mr. Reiswig: Um, well, because I would be a contact on EPIC as the drafter, if a revision was needed, I would get an e-mail from the building inspector's report saying a revision was needed. And then-, so, the communication may not start from the architect, the homeowner might call the drafter first.

Mr. Allende: Okay, but, but once that all happens, you, you, the, there also is a fail-safe that the architect isn't going to allow something that, say, you've done to be drawn that would require multiple revisions, therefore creating a larger conflict, right?

Mr. Reiswig: Um, oh, like, say like, oh I-...

Mr. Allende: So, say you draw-...

Mr. Reiswig: ... if I drew something poorly, and the architect says you got to re-draw 'em-, so it kind of puts me in a spot to keep on getting more money because I'm re-drawing-...

Mr. Allende: Right.

Mr. Reiswig: more-, multiple times.

Mr. Allende: Right. But the architects not going to allow that because they're going to be the one stamping it, right, and having to put their name on it-...

Mr. Reiswig: The architect will be responsible.

Mr. Allende: Right. So, my thing is is then once all that happens, as the draftsman, you're-, while you may be a point of contact, you're not the one who would be-, as long as you excluded yourself from, uh, uh, plans checking-, or not plan checking, but, um, actually physically inspecting your, your houses that you've drawn, or have pre-approved plans for, that's-, is there, is there the manpower within the County to ensure that that wouldn't hold up any other inspections?

Mr. Reiswig: Yes, there's, there's eight positions, and se-, seven is being filled right now because one of the building inspectors became TA supervisor.

Mr. Allende: Okay, yeah. Thank you.

Ms. Fukumitsu; Uh Board Member Fukumitsu. So, as a draft person, you create these plans, and in your role at the County, do you have access to a system that would allow you to review or look at your plans as they're moving through the system as a drafts person and not in your role as a building inspector? Do you have access, in your professional capacity, to give you information about the product you're selling that a normal non-County employee drafts person overlapping would have access to?

Mr. Reiswig: Um, so, I'm not too sure of how much information is given on EPIC, um, but I know there is a workflow on epic for the homeowners to see what stage it's in. Um, as a building inspector, I would probably-, I would see the same workflow. Um, so, I'm not quite sure if it's different because I haven't really familiarized myself with EPIC on the homeowners side, but it could, like-, on EPIC it might say, um-, it, it was pro-, is processed through intake, it might say that. So, when I look on the computer as a building inspector, I would see the same thing. Um, you know I don't think I get more access to where it's at besides, yeah, I don't think so.

Ms. Fukumitsu: Thank you.

Ms. Short: Do we have any more questions for our-...

Mr. Reiswig: And um, the Hawai'i County system that we use, um-, it has a history of everything. So, so, we pu-, when we look at a permit,

and we look at history, it has, it has access to every single thing that happened on that, on that particular permit. From plan review, intake, outtake, um, inspections, requests, changes-, so like, if I did anything to violate, um, the conflict of interest, like I actually-, if I went on and changed something because this was my client, it's all recorded right there. So, there's, there's absolutely no way except-, no way to erase that. So, if there was an investigation, like some, like-, it would be easily traced because you could just type out what jobs I, um, had plans for, and see if my name comes up on that history.

Ms. Fukumitsu: Thank you for that. And so, in that same regard then, as a building inspector, what mechanisms are in place to ensure that you're not inspecting a client's project?

Ms. Short: Wait, so can I piggyback on this? I believe we had a rule about this previously where we allowed someone to do this as long as they agreed that we-, they would never inspect their own side work, that we put those parameters in, in the informal advisory opinion, on a previous case. Is that-...

Mr. Allende: Yeah, that was the one with the carp-, contractor who was a, um, yeah.

Ms. Short: So, we could put those same parameters into place again, as we have previously done, saying that, you know, if, if this Board were to find there is no conflict, as long as you do not inspect any structures, or buildings, or projects, in which you, or your side business does the draft for. Drafting or design for. We would put those parameters in place. Correct me if I'm wrong, Corporation Counsel.

Ms. Wan: Um, I believe that is correct, and if I remember correctly, um, Jack-, it was, it was Jack Manini, and he was in an open hearing, so I can state that.

Ms. Short: Okay, so, cool. Yay, my knowledge is right.

Ms. Wan: I, I can't remember if the-, I think the facts were a little bit different-...

Ms. Short: But similar.

Ms. Wan: but they were-, but they are similar, so I do think you are, at least reciting, along the similarities.

Mr. Allende: Yeah, he was the one who wanted to do-, perform the work on projects, and be hired to do the work-...

Ms. Short: Yes.

Mr. Allende: ... and so, then-, yeah, he would be-, that's why we have those parameters in place now.

Ms. Short: So, I guess that would be our question. If the Board were to find that there is no conflict of interest, given you never inspect a project that you have worked on, on the side, are you willing to adhere by that?

Mr. Reiswig: Yes.

Ms. Short: Okay, thank you. Do we have any more questioners for our petitioner at this time?

Ms. Valenzuela: No, just a comment. I just think it's really good if an inspector is drawing something-, from your experience, you're already putting your client in-, on a good path. You know, um-, helping them, you know, not, not do things, or construct things, and then, and inspector shows up and is like by the way, that's wrong, this is a violation, that-, you know. A lot times, like you said, the average person doesn't know. Um, and then I do have one question for you. How do you obtain your clients? How do you get clients?

Mr. Reiswig: So, I was going to advertise on the MLS and go from there. So, I understand that, like, um, in my position, I meet a lot of people, a lot of contractors, and that's something that I want to keep separate. Like, my advertising to these people. So, um, I bought the MLS, 50 bucks a month, to put a ad on their website, on Aloha Living, and people buying properties will see it and possibly buy the package.

Ms. Valenzuela: Okay, thank you.

Mr. Reiswig: So, I'm very, um, I don't know, just-, I'm a very ethical person who has-, who tries to live with integrity, and, um, like, if something, I feel like, um, could be a problem, like, I'll avoid it

because I don't want to-, so I've been thinking about this stuff too. Like, I can't advertise when I'm at work, I can't tell any people stuff like that when I'm in-, talk, talking to these contractors, and, um-, because that would be a conflict of interest too.

- Mr. Fukumitsu: Right, and I believe we included that parameter also-...
- Ms. Short: Yeah. Yeah.
- Ms. Fukumitsu: ... that you cannot use County equipment and time for conducting private side business-...
- Ms. Short: Right. Right. Side work.
- Ms. Fukumitsu: Yup.
- Mr. Reiswig: So, I have one question though. So, what about lunch break?
- Ms. Wan: That's your time.
- Ms. Valenzuela: That's your-, yeah, that's your only time-...
- Ms. Short: Yeah, that's not County paid time. As long as-...
- Ms. Wan: Because-...
- Ms. Short: ... you are not using County equipment on your lunch break. So, if you have a County computer-...
- Mr. Reiswig: For instance, if I have to submit a plan, or I had to do something at the front counter, I could do that on my lunch break-...
- Ms. Wan: As long as it's not County equipment-...
- Mr. Reiswig: Yeah.
- Ms. Short: So, you couldn't use a County computer-...
- Ms. Wan: So, if you, if you, like-...
- Mr. Reiswig: Yeah.

Ms. Wan: ... go to some other space, and you do it on your laptop and com-, or computer-...

Mr. Reiswig: Yeah, yeah, yeah.

Ms. Wan: ... and you submit it during that time, then that's your time and your resources.

Mr. Reiswig: Because the hours for the office changed that's why, so they close early now.

Ms. Fukumitsu: Board Member Fukumitsu, sorry, I think that's a great question, but I think to be clear, right, when you're operating in one capacity to the other, it's like oh, to my supervisor I'm on a lunch break, and I'm going to go to the counter and I'm now a customer, right, is kind of what you're saying-...

Mr. Reiswig: Yeah, yeah...

Ms. Fukumitsu: ... using your lunch hour to be a member of the public doing business-...

Mr. Reiswig: ... to do something-, business at the counter.

Ms. Fukumitsu: ... got you. Thank you.

Ms. Short: So, it sounds like we don't have any more questions. Would someone like to make a motion?

Mr. Allende: Board Member Erick Allende, make a motion that there is no conflict of interest barring that, um, the employee will not inspect any projects, or buildings, or structures, that they have been a part of drafting, or use any County equipment on personal time during lunch breaks for, uh, the side drafting business.

Ms. Wan: Uh, so, can I just clarify that, because I think you maybe made it a little too tight. Just, um it would be not using County resources or equipment.

Mr. Short: Or time.

Ms. Wan: Oh, or County time. County paid time.

Ms. Short: County paid time.

Mr. Allende: That's perfect. Do I have to restate it, or can we amend it in when it's written?

Ms. Wan: Are you, are you saying that that is in fact what your motion is?

Mr. Allende: Yes.

Ms. Wan: Kay.

Ms. Short: Can I get a second to that motion?

Ms. Valenzuela: Board Member Valenzuela, I second it.

Ms. Short: Any discussion to be had? Hearing and seeing none, I'll call for the vote. All in favor will role call. Chair Short, aye.

Ms. Fukumitsu: Board Member Fukumitsu, aye.

Ms. Valenzuela: Board Member Valenzuela, aye.

Mr. Allende: Board Member Valenzuela, aye.

Mr. Allende: Board Member Allende, aye.

Ms. Short: The motion hereby passes. We'll get an informal advisory opinion issues to you and they'll be in contact. Thank you so much for your time.

Mr. Reiswig: Thank you for your guys time.

Ms. Valenzuela: Thank you.

Motion and Vote: Board Member Allende moved to find that there is no conflict of interest with the Petitioner conducting a drafting while business while also being employed with the County as a Building Inspector; Board Member Valenzuela seconded; All members voted aye; Motion passed. (12:18 p.m.)

f. Annual Nomination of the Chair and Vice Chair of the Board of Ethics

Ms. Short: Moving right along to agenda item 5(f), our annual nomination and election of Chair and Vice Chair. At this time, I will open the floor for nominations for Chair. Does anyone have a Chair to nominate?

Ms. Fukumitsu: Board Member Fukumitsu, I nominate Rachel Short to be our Chair.

Ms. Wan: Ms. Short, do you accept that nomination?

Ms. Short: I accept that nomination. Do we need a motion?

Ms. Wan: Um, well, uh, I'm, I'll, do you accept-...

Mr. Allende: Seconded.

Ms. Wan: There you go.

Ms. Short: Thanks Erick. Um, all in favor of me being your Chair again-...

Ms. Wan: Dis-, discussion.

Ms. Short: Oh, oh. Discussion, sorry. Do we need to have a discussion?

Ms. Wan: Well-...

Ms. Short: Uh, there's a motion on the table for me to be Chair. Board Member Fukumitsu made that motion, Board Member Allende seconded that motion. I'm opening the floor to discussion. Is there any discussion to be had regarding your Chair? Hearing and seeing none, I'll call for a vote, but I can't vote for myself?

Ms. Wan: You can, but make sure that your vote is stated last.

Ms. Fukumitsu: Board Member Fukumitsu, aye.

Ms. Valenzuela: Board Member Valenzuela, aye.

Mr. Allende: Board Member Allende, aye.

Ms. Short: Aye. Okay, so I'm your Chair. The motion passes?

Ms. Wan: Yes.

Motion and Vote: Board Member Fukumitsu moved to nominate Rachel Short to be the Chair of the Board of Ethics; Board Member Allende seconded; All members voted aye; Motion Passed (12:19 p.m.)

Ms. Short: It feels weird to vote for myself. On the record, I, I voted, okay? Aye, thank you. Uh, honored to serve as your Chair again, thank you very much for your vote of confidence everyone. At this time, I will open up the floor to nominate a Vice Chair. Would someone like to nominate a Vice Chair?

Ms. Wan: Deputy Corporation Counsel Sylvia Wan, I'll just note that you can also self-nominate.

Ms. Short: You can self-nominate.

Ms. Valenzuela: Board Member Valenzuela, I nominate Lisa Fukumitsu as Vice Chair.

Ms. Short: Chair Short, I will second that motion.

Ms. Wan: Well first-...

Ms. Short: Oh.

Ms. Wan: ... Lisa, do you accept that nomination?

Ms. Short: Lisa, do you accept that nomination?

Ms. Fukumitsu: Board Member Fukumitsu, I accept.

Ms. Wan: Okay.

Ms. Short: Chair Short, I will second that motion. Any discussion to be had? Hearing that there is none, we'll do a vote. Chair Short, aye.

Ms. Valenzuela: Board Member Valenzuela, aye.

Ms. Short: Un-mute.

Mr. Allende: Oh, Board Member Allende, aye.

Ms. Fukumitsu: Board Member Fukumitsu, aye.

Ms. Short: Thank you very much. Board Member Fukumitsu is now Vice Chair Fukumitsu.

Ms. Wan: Congratulations.

Ms. Short: Mazel tov, congratulations everyone.

Motion and Vote: Board Member Valenzuela moved to nominate Lisa Fukumitsu to be the Vice Chair of the Board of Ethics; Chair Rachel Short seconded; All members voted aye; Motion Passed (12:20 p.m.)

g. Review and Comment for Bill 21

Ms. Short: Moving along to agenda item 5(g), the review and comment of Bill 21. County Council has requested that our Board review and provide input regarding Bill 21. Did everyone receive a copy?

Ms. Fukumitsu: Yes.

Ms. Short: Does any member have a motion to put forth regarding a stated position on the contents of Bill 21?

Mr. Allende: Can I have a question though?

Ms. Short: Please.

Mr. Allende: So, on, part of that Bill, it states that the-, a family member, and I know in one department there was a family member who was, uh, a father who was a supervisor in a certain department, uh, and when his child wanted to join said department, um, they said that they couldn't because of the, the father's position, and so, does this amend that to allow, or is it-, is there wording that could say that they may be able to, um, be hired in the same department, as long as it states that that family member isn't directly under the supervision of them? So, like say, one person was the, the West Hawai'i-, worked in West Hawai'i as a supervisor somewhere in an apartment, and then the son worked as-, you know, on East Hawai'i, is there some time of wording or is blanketed to the fact that, you know, now that they changed it, um, where they crossed it out?

Ms. Wan: So, Deputy Corporation Counsel Sylvia Wan. Um, the question you pose is a little bit complicated, and would also require a reference back to what the Code presently defines immediate family member as. So-...

Mr. Allende: Um, it's down on-...

Ms. Wan: Yeah, so I was about to find it and read it into the record-...

Mr. Allende: Oh, okay.

Ms. Wan: ... because right now, for the provision that you have, uh, looked at, it is referring to-, it would otherwise be, uh, an amendment to immediate family member as a definition under section 2-82, which currently states, immediate family member means the employee's, or officer's, spouse, siblings, children, grandchildren, or parents. So, this present definition is expanding what an immediate family member means to include, uh, family members within a third degree of consanguinity, which would include grandchild-, sorry, child, grandchild, parent, grandparent, sibling, or spouse. So, it goes more-, it-, so it includes the nuclear family and the grandparent family.

Mr. Allende: Right.

Ms. Wan: Also-...

Mr. Allende: So then-...

Ms. Wan: ... the cousins and uncles. So, it, it expands what would be considered immediate family members to that next ring of family members.

Mr. Allende: Oh, okay, so I'm, I just wanted to make sure for clarification for me. So, it doesn't change the fact that a family member might be able to be hired whether they're th-, it's just including that the grandparents and uncles can't be hired underneath another member?

Ms. Wan: Well, that's, what would be a different portion of the Code. So, this is the-, this would be amending the definition, so anywhere within the Code of Ethics where it mentions, uh, rules relating to an immediate family member, means that you also have to consider those family members to that third consanguinity which would be grandparents, which would be aunty, uncle-...

Mr. Allende: Uncles.

Ms. Wan: ... and, and cousins. This would come in-...

Ms. Valenzuela: Second cousins.

Ms. Wan: ... perspective when you're looking at, um, conflicts of interest, when you're looking at, uh, potentially financial disclosures, when you're looking at, um-, I'd have to look up exactly where immediate family members comes up, and all of the different instances. I'm not prepared to provide that input to the Board today. If you want to allow me sometime between this hearing and the next meeting, I can provide that to the Board-...

Ms. Short: I, sorry.

Ms. Wan: ... if you, if you want to understand, um, it-, if you want me to identify for you everywhere where this term is being used presently in your Code of Ethics.

Ms. Short: So, basically, what we're looking at is an amendment to the Code that would change the definition of immediate family.

Ms. Wan: That's, that's the first step, yeah-...

Ms. Short: Okay.

Ms. Wan: ... that's the first thing that this Bill would be contemplating.

Ms. Short: Okay.

Ms. Fukumitsu: Board Member Fukumitsu-...

Mr. Allende: I sto-, sorry-...

Ms. Short: Vice Chair Fukumitsu:

Mr. Allende: ... Board Member-...

Ms. Fukumitsu: Oh. Vice Chair Fukumitsu, and um, my, that-, this is sort of where I'm st-, actually concerned because it goes on to, like, the parent, sibling, living-in, hanai, step, and, right? Is that-, am I-, or I'm-, am I misunderstanding this-...

Ms. Valenzuela: No, yeah, yeah, you're right.

Ms. Short: Yeah, you're right.

Ms. Valenzuela: Yup.

Ms. Fukumitsu: And, I, I-, I mean, I just kind of s-, uh, wonder what the Corporation Counsel-, have you, as a division-, department, weighed in on this expansion of the definition? I mean, I just-...

Ms. Wan: We have not yet.

Ms. Fukumitsu: ... and I just have concerns about, like, the legality of this at the County level, State level, Fed-, I mean, I just-, is, is there precedent that this definition has, sort of, been expanded to this scope and, you know, at a State level, Federal level, and why we-...

Ms. Wan: I could do that research for the Board, but I, I haven't-, I can't actually find-...

Ms. Fukumitsu: Right, no, absolutely.

Ms. Wan: ... right now.

Ms. Short: Can I just from-, if we're giving personal opinion, I personally think this is-, I, I don't know. I mean, there's a part of me that definitely sees this as positive, because I think nepotism is a, is a things, we've seen that happen. Um-...

Ms. Wan: Uh, but I'll, I'll just note that, um, this, this definition, specifically, is not the nep-, nepotism portion.

Ms. Short: Right.

Ms. Wan: So, so, you could-...

Ms. Short: But this does help eliminate some nepotism in expanding the definition of immediate family because we do know, here in Hawai'i, it's not just who you're married to on paper or have kids with on paper, like, that's definitely not a thing. I know people who are in, you know-...

Ms. Wan: So, um, I, I understand the sentiment. Um, at this point, yes, it's a review and comment. Um, if there's questions about the legality and what would the applications be as far as legality, I would need those questions posed to me by the Board so that I can research them and provide you that, that type of opinion. Um, on that level, the, the good or bad or those opinions, those are completely the

Board's, as far as what is appropriate and not appropriate. I just want to caution as well, though, that yes, generally speaking nepotism, favoritism, is, is not an ethical thing. However, you want to make sure that you are striking a balance, um, because we are a small community. We are, um-, and there are a lot County workers that-, you have entire families that work for the County-...

Ms. Short: Right.

Ms. Wan: ... in different capacities.

Ms. Short: Right.

Ms. Wan: And there may not be a conflict of interest because of the varying roles that they're working for the County.

Ms. Short: Could I ask a question? The Council Member who proposed this, could we request them to appear-...

Ms. Valenzuela: Yup. Yup.

Ms. Short: ... and hear their through process behind it, and ask them some questions?

Ms. Valenzuela: Yeah.

Ms. Wan: Well, um, potentially. Uh, that's generally not how, how that would go. Um-...

Ms. Short: Well, I guess my question would be, the-, there's obviously a Council Member proposing this Bill-...

Ms. Wan: Yes.

Ms. Short: ... they have a reason for proposing this Bill-...

Ms. Wan: ... could we find out-...

Ms. Short: I, I could probably, I could probably identify what were the communications that were filed in connection with this Bill, because that is something that-, a matter of public record, I could-...

Ms. Short: But my question would be-...

Ms. Wan: ... retrieve that and provide it to you-...

Ms. Short: ... just like we would hear to issue an informal advisory opinion from-, or-, from someone applying a petition, the-, could we not have a similar process with the Council Member proposing this Bill since it does require our input, and it, and it's kind of a big thing?

Ms. Valenzuela: So, this is Kelly Valenzuela. Um, we can, because anytime a Senator or a Representative or a Council Member introduces a Bill, the committee that handles any of that is all public knowledge. So, since we're being asked for their input on this which, in my opinion, is so ridiculous-, it's Hawai'i. It's, it's Hawai'i, so I want to know who introduced the Bill, and their reasons behind the Bill, since their asking us to weigh in on it, because I can tell you right now, whether it's a Council Member, a Mayor, a office worker, any, any of these people that related-, like, 80%, so, notice it only goes to the second cousin. I can, I can walk around this building and pick up fourth and fifth cousins, like, in a heartbeat. So, yes, I'd like to know who introduced the Bill, their thinking and reasoning behind the Bill, and how in fact, if this Bill passes, how do you expect-...

Ms. Short: Yeah, what does that look like-...

Ms. Valenzuela: ... the fallout to look like with all the members of the County of Hawai'i, the State of Hawai'i, how-, in this case the County, because that's who we're, we're-, our kuleana is with, what, what is that going to look like?

Ms. Wan: Yeah.

Ms. Valenzuela: Are they going to be dismissed from their positions?

Ms. Short: That's my question.

Ms. Valenzuela: Are they going to lose out on their pensions? Are they-, so this right here, the ramification of this is super not good in my opinion. So, yeah, I'd like to, I'd like to see that.

Ms. Wan: Okay. So, um, at this point in time, uh, your Board Staff can provide an invitation for Coun-, it's Council Member Heather Kimball who's, who is the one who introduced this Bill. Um, I believe it may have been Council on a whole that was asking for input. I, my understanding is, is that it was, um, stayed, uh, or rather, um, pushed-, no, no, no, it was, it was basically continued, for input from this Board. Um, and it doesn't sound like the Board is quite ready to provide the Board's official, uh, position, because I'm hearing a lot of different comments which are all valid. Um, so, what I need from the Board for today's meeting is if there's legal questions, or if there's different matters or information that's already available that you would like me to go get to provide to you to help your thought process to better inform how you are considering your comments on this, please let me know now, because it sounds like you would like to at least consider-, continue your consideration for another meeting.

Ms. Short: So, can I propose that us as Board Members e-mail our-...

Ms. Wan: No, no, no, we can do that-...

Ms. Short: ... we have to put the-...

Ms. Wan: ... we, because-...

Ms. Short: ... we can't e-mail you the, the stuff we have questions on?

Ms. Wan: Oh, yes, no-...

Ms. Short: That's what I was going to say.

Ms. Wan: ... each, each individual Member, if you, if you don't want to tell me your questions-...

Ms. Short: That's what I'm saying-...

Ms. Wan: ... in this meeting right now-...

Ms. Short: Right.

Ms. Wan: ... you can definitely e-mail me your questions, um, outside of this meeting, and-, your choice, whether you want me to provide that information as an attorney-client communication, or if, if it's

something that is directly related to this Bill as in-, like, I can read Code into the record for you.

Ms. Short:

Right, right.

Ms. Wan:

If it's an interpretation that you're asking me for, that's going to be an attorney-client communication. If it is me identifying other definitions that re-, that are also appear in other statutes, I can read that into the record because that's also public information. So, depending on, um-, I can respond to you in either a public, or your attorney communication.

Ms. Short:

I would think that just for time sake, potentially, um, I would ask maybe our Board Members to write down or e-mail, um, your thoughts, your questions, your concerns, to our Board's attorney, and we can then discuss those responses, either-, that are given on the record, not the attorney-client ones confidentially, at our next meeting so that we can process better. That would be my thought.

Ms. Wan:

Okay. So, um, if you guys are okay with that, I think-, I'm, I'm seeing yes, I'm seeing yes-...

Ms. Short:

Okay.

Ms. Wan:

I'm seeing a short nod-...

Ms. Valenzuela:

Well, well I'm try-, like, I'm-...

Ms. Short:

I just think it would be helpful if we could organize our thoughts, and, and table this, review our attorney's feedback on our initial thoughts, and then come back together for more of a discussion.

Ms. Wan:

Okay, so, this is what I can provide to you within my role.

Ms. Valenzuela:

I, I do have a question really quick, before you go there with that. Under your role as an attorney, where would you get the definition, the legal definition, of immediate family member, is that a Hawai'i Revised Statute?

Ms. Wan:

So-...

Ms. Short:

But we already have a definition in our Code.

Ms. Wan: So presently, I read into the record our County Code's definition for immediate family member, and that's within our Code of Ethics. Lisa just posed, on record today, asking if there was any other statutes or authorities within the State that has a different definition for immediate family member, so that is a research topic that I'd have to find-...

Ms. Valenzuela: And that would be under the HRS?

Ms. Wan: Theoretically, yes.

Ms. Valenzuela: Yeah, okay.

Ms. Wan: I could probably also look for other regulations. I could also look at the other, um, Code of Ethics for the different counties to provide you a perspective. Um, so, what I understand my task is today from Lisa, if this Board agrees, is that I will search other definitions for immediate family member, as it is presented in our State or other municipal laws.

Ms. Valenzuela: Okay, and then one, one more, other question with that same thought. So, you know how the State law overrides the County laws?

Ms. Wan: Yes.

Ms. Valenzuela: I'd like to know if HRS, Hawai'i Revised Statute law, if the definition is different from the County definition-...

Ms. Wan: And if that would supersede your current definition?

Ms. Valenzuela: Yes. Yup.

Ms. Short: That's a good question.

Ms. Wan: Okay, I, I can definitely provide you that input. Um, I would, I would just note that State law is going to supersede County law when it is-, there's a direct conflict. Right? If it's both directly on point, then it would. Uh, right now, I can tell you that the State does have it's own version of a Code of Ethics, but the State's Code of Ethics only applies to State entities and State agencies, not to the Counties. So, if you're looking for a direct comparison, I can already tell you that there is, there is not a conflict, even if that

definition is different. I can provide it to as an example, as, um, a persuasive authority, and you guys, this Board right here, can decide your opinions on the definitions I am to provide you, as to what's a good definition, do you like your present one, do you like this proposed one, do you like these others. That's up to you. At this point though, the Bill is only-, is re-, is asking for this, so I'd be providing you those other just-, those other definitions just to help your mental thought process on your opinion on what's presently written.

Ms. Valenzuela: And then I'd like to know, which I could probably look up but, where is the status, where this Bill is.

Ms. Wan: I, I can tell you that.

Ms. Valenzuela: Okay. Thank you.

Ms. Wan: I, I can tell you that. I can inform, I can inform the Board that...

Ms. Valenzuela: Yeah. Yeah.

Ms. Wan; ... out of the next meeting. If I remember correct-, don't hold me to this, but I'm pretty sure it's still in committee.

Ms. Fukumitsu: So, the purpose of this Bill coming to the Board of Ethics for review is to what?

Ms. Wan: Is to receive your comments...

Ms. Fukumitsu: Okay.

Ms. Wan: ... and input on the verbiage that's present within...

Ms. Fukumitsu: Okay, so...

Ms. Wan: ... the Bill. So, if you have strong opinions for, if you strong opinions against, if you like some parts, don't like some other parts, a statement as to what that is and why.

Ms. Fukumitsu: Okay, so the Board would be issuing a response, not an opinion, it's just a response to the Bill received for review?

Ms. Wan: Uh, yes. It's, it's not an informal advisory opinion. It, it is in fact more of-...

Ms. Valenzuela: Opinion.

Ms. Wan; ... yeah, it's an opinion from the Board as to how you think this would operate, not operate, consequences-...

Ms. Valenzuela: And then I have one more question.

Ms. Fukumitsu: Sorry, can I just-...

Ms. Valenzuela: Who's-...

Ms. Fukumitsu: ... finish one second, just so I can end this. So, but, that opinion is based on ethics, right? So, like, when we-...

Ms. Wan: It's based on epi-, ethics and how you guys-...

Ms. Valenzuela: The law.

Ms. Wan: ... would apply this-...

Ms. Fukumitsu: Okay.

Ms. Wan: ... as the Board.

Ms. Fukumitsu: Okay, thank you, sorry. I just needed to-...

Ms. Valenzuela: So, who brought this to us? Is it the speaker, is it-...

Ms. Wan: I, I don't, I don't remember exactly how-, what was the, the mechanism of Council sending it to us, but, I, I am aware that Council-...

Ms. Valenzuela: If you, if you can find out, that's-, because that's super important. That, that right there, is a very important piece of information. Who's asking for this. Is it all the Council Members? Is it Heather Kimball only? Is it, uh, Council Member Holeka, who's the Chair, Inaba? Who, who is this, because I've been on this Board for a while, and I've never seen this, so-...

Ms. Wan: Yes. I can, I can find that out-...

Ms. Valenzuela: Yeah, that's important. Thank you.

Ms. Wan: ... along with, um, so let's see. Let me-, I need to start writing a list. So, um, our secretary has just made me aware that our next meeting is in two weeks, that's February 13. I, we can still place this on the Board's calendar. My ability and readiness to be able to address all of the Board's concerns, um-, I will try my best, but, I'm just letting you know, depending on how many questions you have-...

Mr. Allende: Do we need to make a motion that we can just do it for the March meeting then, so then that way it gives you ample time to do this that-, you know, I know it's a large undertaking.

Ms. Short: ... potentially pass it before then though?

Ms. Valenzuela: It depends on where the Bill is, though.

Ms. Short: Yeah. They could potentially pass it.

Ms. Valenzuela: I don't, I don't want it to-, I don't want-, this is Board Member Valenzuela, I don't want to table to another meeting and this passes. I, I want to address this, like, now. This is a se-, this, this right here has a lot of ramifications, so I'd like to put it on as soon as we can and get the answers that we asked, um, Ms. Wan, as soon as we can, please. Thank you.

Ms. Wan: Um, that's, that's fine, here, one second, let me start writing, uh. Um, um just, just a second. Um, okay, I'm sorry. So, I know, um, I've got-, I already have my one, uh, research project which is the definition of immediate family member. I-, my second to do, to provide to the Board, is the status of the Bill, as well as who specifically, or what was the mechanism that was requesting the input from the Board. Was there a third thing that I'm not remembering?

Ms. Short: Would Council Member Kimball be willing to-...

Ms. Wan: Oh, yeah, okay, inviting-...

Ms. Short: Speak with us.

Ms. Wan: ... Ms. Coun-, okay. Thank you. Inviting Ms. Kimball to be present at the next meeting to explain the reasons behind-...

Ms. Valenzuela: And, probably her and anybody else supporting it, right?

Ms. Wan: Well-...

Ms. Valenzuela: ... is it just her?

Ms. Wan: ... I, I don't know if we-, I don't know who would even have that information presently if they-, if it's still like-...

Ms. Valenzuela: In committee, yeah.

Ms. Wan: ... in committee, I don't know if there'd be anybody-...

Ms. Valenzuela: No, no, no.no. You don't. Yeah.

Ms. Wan: Yeah. Um, okay, so, sorry. I just need to make sure I get this wrapped up. Um, I want to let the Board know that as you're providing input and comments, um, unlike an order, if you want to have separate opinions and comments, you can. I would suggest and recommend that if you, as a Board Member, have a distinct opinion that you want to be shared, that you provided to the Board Secretary and I as a communication that we can then provide to the rest of the Board Members, right, and that communication can be adopted, not adopted-, basically it would be like, uh, majority opinion, concurring opinion, dissenting opinion, so that I can make sure that all of the Board's; each members input is honored and preserved in, in what's being provided to Council. So, if you feel strongly and you want to do that, please do that and submit it to, um, to Khayla as a communication. And just know that we will make that communication a part of the public record for this agenda item.

6. EXECUTIVE SESSION (12:44 p.m.)

Ms. Short: Moving on to agenda item number six. Can I get a motion to move into executive session, please?

Ms. Fukumitsu: Vice Chair Fukumitsu, I move to-, I motion to move us to executive session.

Ms. Short: So that we may review the confidential financial disclosures.

Ms. Fukumitsu: So that we may review the confidential financial disclosures, uh-...

Ms. Short: And consult with our Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities.

Ms. Fukumitsu: And consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities.

Ms. Short: Can I get a second?

Ms. Valenzuela: Board Member Valenzuela, I second.

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

Ms. Fukumitsu: Vice Chair Fukumitsu, aye.

Ms. Valenzuela: Board Member Valenzuela, aye.

Mr. Allende: Board Member Allende, aye.

Ms. Short: At 12:45, it so passes. The m-, it so moves. Um, we are hereby in executive session.

Motion and Vote: Vice Chair Fukumitsu moved to enter into Executive Session; Board Member Valenzuela seconded; All members voted aye; Motion passes (12:45 p.m.)

Board enters Executive Session (12:45 p.m.)

Board enters Open Session (12:49 p.m.)

Mr. Allende: So, now do we make that motion to-...

Ms. Wan: So, you're, you're, we're opening it up to open hearing, so just a second-...

Mr. Allende; Okay.

Ms. Wan: ... and then you can do that motion.

Ms. Short: Just let me chew, Erick. You're muted, I can't hear your banter.

Mr. Allende: I said no worries, anytime.

Ms. Short: I'm don't do well when I'm not fed and watered.

Ms. Short: Give me that motion Erick.

Mr. Allende: Uh, I move that we go over the financial documents at next meeting.

Ms. Short: Can I get-...

Ms. Wan: So, just to clarify-, you're, you're continuing all of agenda item number 6 to, uh, next, the next Board of Ethics meeting?

Mr. Allende: Yes. I, I move that we, we move agenda item 6 to the next Board of Ethics Meeting.

Ms. Short: Can I get a second to that motion?

Ms. Fukumitsu: Board Member Fukumitsu, oh, Vice Chair Fukumitsu, second.

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

Ms. Fukumitsu: Vice Chair Fukumitsu, aye.

Ms. Valenzuela: Board Member Valenzuela, aye.

Mr. Allende: Board Member Allende, aye.

Ms. Short: The motion passes unanimously, we will review the financial disclosures at our February 14 meet-, February 13 meeting, which brings me to number 7, announcements.

Motion and Vote: Board Member Allende motioned to move Item number 6 to the next Board of Ethics Meeting; Vice Chair Fukumitsu seconded; All members voted aye; Motion passes (12:52 p.m.)

7. ANNOUNCEMENTS (12:52 p.m.)

Ms. Short: Our next monthly meeting of the Board of Ethics is scheduled for Thursday, February 13, 2025, at 10:00 a.m., here at the Hawai'i County Building, Council Chambers, 25 Aupuni Street, Hilo Hawai'i, 96720.

8. ADJOURNMENT (12:52 p.m.)

Ms. Short: Finally moving on to agenda item A, can I get a motion to adjourn at 12:52 p.m.?

Mr. Allende: Motion that we adjourn.

Mr. Short: Can I get a second to Erick's motion?

Ms. Valenzuela: Board Member Valenzuela, I second.

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

Ms. Fukumitsu: Vice Chair Fukumitsu, aye.

Ms. Valenzuela: Board Member Valenzuela, aye.

Mr. Allende: Board Member Allende, aye.

Ms. Wan: We are adjourned.

Ms. Short: So moves, we adjourned at 12:52 p.m., thank you everyone very much for your time, see you next month.

Mr. Allende: Thank you everyone, have a good day.

Ms. Short: Thanks Erick.

Mr. Allende: Bye.

Ms. Valenzuela: Thank you, bye Erick.

Motion and Vote: Board Member Allende moved to adjourn the meeting; Vice Chair Fukumitsu seconded; All members voted aye; Motion passes (12:52 p.m.)

Respectfully submitted:

Khayla-Lei Peiler, Secretary