

BEFORE THE BOARD OF ETHICS

COUNTY OF HAWAI'I

In the Matter of the Petition by

BENSON MEDINA,

Petitioner.

PETITION NO. 2025-08

INFORMAL ADVISORY OPINION

Initial Review: April 23, 2025

INFORMAL ADVISORY OPINION

By Petition dated February 25, 2025, with the Hawai'i County Board of Ethics (hereinafter "the Board"), Petitioner BENSON MEDINA (hereinafter referred to as "Petitioner") who is employed as the Director of the County of Hawai'i, Department of Research and Development ("R&D"). Petitioner was previously employed by Sustainability Partners as an Infrastructure Partner. Petitioner requested an Informal Advisory Opinion from the Board regarding application of section 2-84, Conflicts of Interest, of the Hawai'i County Code. Petitioner sought guidance regarding the existing contracts held by R&D with Sustainability Partners with the Office of Sustainability, Climate, Equity, and Resilience ("OSCER").

At its duly noticed meeting on April 23, 2025, in an open hearing, the Board reviewed and considered the above-captioned Petition pursuant to Rule 4 of the *Rules of Practice and Procedure of the Board of Ethics*. Petitioner identified he is currently employed as the Director of R&D. Petitioner explained that the types of subjects handled by his department are: economic development, workforce development, agriculture, tourism, early childhood development, to include matters relating to the film commissioner, and special projects prioritized by the Mayor.

In his prior employment, Petitioner was employed by Sustainability Partners for eight (8) years as an Infrastructure Partner which installed infrastructure (lighting, wastewater, electric vehicle infrastructure, building infrastructure, etc.) for government, schools, universities, or hospitals. Sustainability Partners presently has a contract with the State of Hawai'i Department of Transportation, and the County in relation to fixing the electric vehicle chargers present in the County. The contract with the County was awarded utilizing the Requests for Proposals (RFP) process. Sustainability Partners has responded to other RFPs from the County on various infrastructure projects. Petitioner explained that those contemplated contracts would potentially be with the County Department of Environmental Management, and Department of Public Works, not with R&D. However, Petitioner acknowledged that, as the Director of R&D, he may be asked to consult in a meeting involving Sustainability Partners.

In regards to the County contract with Sustainability Partners, the contract was processed through the previous Energy Division of R&D. The aforementioned contract with Sustainability Partners was signed by R&D Deputy Director Dennis Lin. The Energy Division has since been moved from R&D to OSCER. The Sustainability Partners contract presently being administered by OSCER and implemented by the Department of Public Works.

The Board, having deliberated and considered and giving appropriate weight to the testimony and petition 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 employed as the Director of the County of Hawai'i, Department of Research and Development.

3. Petitioner was previously employed by Sustainability Partners as an Infrastructure Partner.

4. Petitioner does not presently have any financial interest in Sustainability Partners.

5. Sustainability Partners has a current contract with the County to fix the electric vehicle chargers within the County, and was procured through the previous Energy Division of R&D. This contract was procured prior to Petitioner's tenor as Director of R&D.

6. The Sustainability Partners contract was executed shortly after Petitioner became the Director of DEM, to which Petitioner recused himself, and Deputy Director Dennis Lin executed said contract on behalf of R&D.

7. The previous Energy Division of R&D has been moved to OSCER. With the transfer of the Energy Division, the Sustainability Partners contract was transferred to OSCER for administration and implementation by the Department of Public Works.

8. Petitioner does not anticipate any future contracts between R&D and Sustainability Partners. However, Petitioner acknowledges that there may be instances where R&D may need to consult with other County departments regarding work that Sustainability Partners is contracted to perform with the County.

9. Petitioner proposes to continue recusing himself from handling any work related to Sustainability Partners, and to otherwise assign said work to his Deputy Director.

B. Board's Ruling

10. Based on the evidence and testimony presented, the Board finds that there is no conflict of interest for the Petitioner if the Petitioner recuses himself from future county work related to Sustainability Partners and Sustainability Partners' affiliates.

11. Board Member Christopher Ho moved that the Board find that there is no conflict of interest under the Hawai'i County Code of Ethics should the Petitioner recuse himself, and only the Deputy Director of R&D will handle any work related to Sustainability Partners and Sustainability Partners' affiliates. The Board further instructs the Director to memorialize the aforementioned recusal process within a departmental memo.

12. Board Member Lisa Fukumitsu seconded the motion. The motion passed 5 in favor, 0 against.

CONCLUSION OF LAW

Based upon the evidence presented and the Board's review of the Hawai'i County Charter, Hawai'i County Code of Ethics and the *Rules of Practice and Procedure of the Board of Ethics*, the Board finds and concludes that there is no conflict of interest under the Hawai'i County Code of Ethics should the Petitioner recuse himself, and only the Deputy Director of R&D will handle any work related to Sustainability Partners and its affiliates.

ORDER

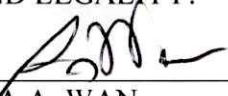
Pursuant to Rule 4.9 of the *Rules of Practice and Procedure of the Board of Ethics*, this Informal Advisory Opinion shall be filed and a copy shall be sent to the Petitioner.

Dated: Hilo, Hawai'i, May 14th, 2025.

BOARD OF ETHICS, COUNTY OF HAWAI'I

By: 
RACHEL SHORT
Chair

APPROVED AS TO FORM
AND LEGALITY:



SYLVIA A. WAN
Deputy Corporation Counsel

In the Matter of the Petition by BENSON MEDINA, PETITION NO. 2025-08,
INFORMAL ADVISORY OPINION