

BEFORE THE BOARD OF ETHICS

COUNTY OF HAWAI'I

In the Matter of the Petition by

HOLEKA GORO INABA,

Petitioner.

PETITION NO. 2025-11

INFORMAL ADVISORY OPINION

Initial Review: April 23, 2025

INFORMAL ADVISORY OPINION

By Petition dated March 25, 2025, with the Hawai'i County Board of Ethics (hereinafter "the Board"), Petitioner HOLEKA GORO INABA (hereinafter referred to as "Petitioner") who is the elected County Council Member for District 8 North Kona, and serves as Council Chair. Petitioner requested an Informal Advisory Opinion from the Board regarding application of section 2-83, Fair Treatment, and section 2-84, Conflicts of Interest, of the Hawai'i County Code. Petitioner sought guidance regarding his role as Chair of the County Council and his mother's potential service as a county officer on the Leeward Planning Commission, a volunteer board.

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 that he is an elected County Council Member and serves as Council Chair. Petitioner informed the Board that his mother, Rebecca Kawehi Inaba, has been nominated by the Mayor to serve on the Leeward Planning Commission ("LPC") for a five-year term, pending confirmation.

The Board received information from the Planning Department Director Jeff Darrow, and Planning Program Manager Maija Jackson. As it was explained to the Board, the LPC receives recommendations from the Planning Director regarding change of zone applications and state land use boundary amendments. The LPC would then review the recommendations and vote to forward either a favorable or unfavorable recommendation to Council. The LPC would forward communication of this recommendation via letter to the County Council. The LPC letter would be signed by the commission chairperson. Prior to signing the letter, the commission chairperson would review the letter and ensure that it captures the approved action of the LPC, which requires a vote of a majority of the membership to approve said action. The specific break down of the vote is not included in the letter to Council. However, the individual commissioner's votes are recorded in the LPC meeting minutes. Ultimately, the decision whether or not to approve a particular zoning application requires legislative approval of County Council.

Petitioner informed the Board that there are instances where, in his role as a Council Member, he may forward to the LPC a bill that proposes to amend the zoning or subdivision codes to both the Leeward and Windward Planning Commissions for their review and input. Petitioner volunteered that Ms. Inaba would recuse herself in the instance that his introduced bill were to be considered by the LPC. Petitioner explained that he does not recall anytime in which an LPC member would be required to present or otherwise explain the LPC recommendation.

The Board considered and deliberated a motion, which ultimately failed unanimously, that would require Petitioner to recuse himself from legislative consideration of zoning applications that would include a recommendation letter from the LPC if his mother were to become the chairperson of LPC. During the deliberation, the Board received additional information from Petitioner relating to Council Rule 9(6), which prohibits council members from refraining from voting unless excused by the chairperson for a stated conflict of interest.

Petitioner pointed out that the motion as purposed would essentially force him to not do his job as a legislator and bar him from voting on any zoning applications that had recommendations from the LPC. In discussion, three Board members expressed that it would not be appropriate or ethical to determine what matters the Petitioner can or cannot vote on. As a Council Member, Petitioner has a responsibility, ethically and professionally, to represent his constituents and County District. Several Board members expressed that Ms. Inaba, Petitioner's mother, could recuse herself from any matters that the Petitioner introduces and submits to the LPC.

The Board recognized that Ms. Inaba was not a party to this petition, and her actions are not being advised on in this informal advisory opinion. However, the Board recognized that members of boards and commissions are encouraged to announce where conflicts lie and to actively recuse themselves when the consideration of a family member's petition, item, or subject matter that comes before the board or commission in which they serve.

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 an Officer of the County, in that he is the County Council Member representing District 8 North Kona, and Council Chair.

3. As a Council Member, Petitioner is charged with voting on zoning applications that require the legislative approval of County Council.

4. The leeward zoning applications as brought forth to County Council will include a recommendation letter from the Leeward Planning Commission providing either a favorable or unfavorable recommendation.

5. Petitioner's mother, Rebecca Kawehi Inaba, has been nominated by the Mayor to become a commission member of the Leeward Planning Commission, pending council approval.

6. The Leeward Planning Commission hears recommendations from the Planning Director regarding change of zone applications and state land use boundary amendments.

7. The Leeward Planning Commission would then, after a majority of the membership votes, provide either a favorable or unfavorable recommendation to County Council.

8. County Council would then approve or deny the zoning application by legislative action.

9. The question presented was whether Petitioner would have a conflict if/when his mother becomes a member of the Leeward Planning Commission.

10. Council Rule 9(6) states:

No member shall refrain from voting unless excused by the Chairperson for a stated conflict of interest or is otherwise excused as provided herein. Unless a member is excused from voting, silence shall be recorded as an affirmative vote.

11. The Board articulated that it would be unethical to bar Petitioner, as an elected Council Member, from voting on matters in which the LPC provides a recommendation. Such a bar would prevent Petitioner from performing his legislative duties and undermine his representation of the constituents in his District.

B. Board's Ruling

12. Based on the petition and testimony presented, the Board finds that there is no conflict of interest for the Petitioner to vote on matters that include a recommendation from the Leeward Planning Commission if/when his mother becomes a commission member.

13. Board Member Christopher Ho moved that the Board find that there is no conflict of interest under the Hawai'i County Code of Ethics.

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

CONCLUSION OF LAW


Based upon the petition 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 for Petitioner to vote on matters that include a recommendation from the Leeward Planning Commission if/when his mother becomes a commission member.

ORDER

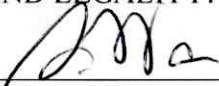
Pursuant to Rule 4.9 of the *Rules of Practice and Procedure of the Board of Ethics*, this Informal Advisory Opinion shall be filed and a copy shall be sent to the Petitioner.

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 HOLEKA GORO INABA, PETITION NO. 2025-11,
INFORMAL ADVISORY OPINION