



BOARD OF ETHICS, County of Hawai‘i

101 Aupuni Street, Suite 325, Hilo, Hawai‘i 96720

Tel. No. (808) 961-8251

AGENDA

DATE: Wednesday August 13, 2025
TIME: 10:00 a.m.
PLACE: Hawai‘i County Building, Council Chambers,
25 Aupuni Street, Hilo, Hawai‘i 96720

Members of the public may attend this meeting either in-person at the meeting location or via Zoom:

<https://www.zoomgov.com/j/1610807019?pwd=cwyA8zxEOlRjDTNnTr89OfDckRTHGf.1>

Login:

Meeting ID: 161 080 7019

Passcode: 675038

Find your local number: <https://www.zoomgov.com/u/acSUG9FeRl>

Submitting Written Testimony: The Board encourages the public to submit thoughts, comments, and input via written testimony. To ensure timely delivery to Board Members prior to the meeting, written testimony is requested to be submitted before 12:00 noon on the business day prior to the meeting by: (1) email to boardofethics@hawaiicounty.gov, or (2) mail to the Board of Ethics office at 101 Aupuni Street, Suite 325, Hilo, Hawai‘i 96720. All written testimony, regardless of time of receipt, will be part of the permanent record.

Presenting Oral Testimony: The Board will hear public testimony at the beginning of the meeting or when the respective agenda item is called or as allowed at the sole discretion of the Chair. Public testimony is limited to three (3) minutes, please plan accordingly.

1. CALL TO ORDER
2. PUBLIC TESTIMONY ON AGENDA ITEMS
3. APPROVAL OF THE MINUTES
 - a. Regular session minutes of the July 16, 2025, meeting.
 - b. Executive session minutes of the July 16, 2025, meeting.



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4. COMMUNICATIONS

- a. Legal memorandum from the Board’s attorney pertaining to the Board’s powers, duties, and analyses relating to informal advisory opinions requested by employees and officers.

Pursuant to Hawai‘i Revised Statutes (HRS) §§ 92-4 and 92-5(a)(4), the Board will convene an executive session to consult with the Board’s attorney on questions and issues pertaining to the Board’s powers, duties, privileges, immunities, and liabilities.

- b. Review of draft communication from the Board to all department heads requesting information on internal department policies and procedures pertaining to outside employment.

5. OPEN PROCEEDINGS FOR INFORMAL ADVISORY OPINION PETITION(S)

- a. Petition 2025-14 (Open Proceeding): David Holbrook, building inspector, petition for informal advisory opinion as to whether proposed outside employment as architectural plans drafter would violate the Code of Ethics.

6. EXECUTIVE SESSION

- a. Confidential Informal Advisory Opinion Petitions:
 - i. Petition 2025-15 (Closed Proceeding): County Employee petition for informal advisory opinion concerning their own conduct.
 - ii. Petition 2025-16 (Closed Proceeding): County Employee petition for informal advisory opinion concerning their own conduct.

Pursuant to HRS §§ 92-4, 92-5(a)(2), and 92-5(a)(4), the Board will convene an executive session to consider the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved, provided that if the individual concerned requests an open meeting, an open meeting shall be held; and to consult with the Board’s attorney on questions and issues pertaining to the Board’s powers, duties, privileges, immunities, and liabilities.



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b. Confidential Financial Disclosures:

Pursuant to HRS §§ 92-4, 92-5(a)(2), and 92-5(a)(4), the Board will convene an executive session to consider the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved, provided that if the individual concerned requests an open meeting, an open meeting shall be held; and to consult with the Board’s attorney on questions and issues pertaining to the Board’s powers, duties, privileges, immunities, and liabilities, for the following items:

i. Continued Evaluation:

	Name	Position	County Agency
1.	Alexandria Ayers	Commissioner	Leeward Planning Commission
2.	Michael Bell	Board Member	Water Board
3.	Wendy Botelho	Commissioner	Police Commission
4.	Arthur Buckman	Commissioner	Police Commission
5.	Cheryl Chan	GIS Analyst	Finance Department – Real Property Tax Division
6.	Todd R. Crowe	Building Inspector Aid	Department of Public Works
7.	Kristy Cruz	Commissioner	Transportation Commission
8.	Cynthia Davenport	Board Member	Liquor Control Adjudication Board
9.	Mark Davis	Board Member	Real Property Tax Board of Review
10.	Lloyd Enriquez	Commissioner	Police Commission
11.	Cathy Ferreira	Board Member	Pension Board
12.	Sidney Fuke	Chair	Liquor Control Adjudication Board
13.	Lisa Fukumitsu	Board Member	Board of Ethics
14.	Judy Greenbaum	Commissioner	Salary Commission
15.	Christopher Ho	Vice Chair	Board of Ethics
16.	Michael Hughes	Board Member	Liquor Control Adjudication Board
17.	Rebecca Inaba	Commissioner	Leeward Planning Commission
18.	Donala Kawaauhau	Commissioner	Salary Commission
19.	James Lee	Board Member	Water Board
20.	Stephen Lopez	Board Member	Water Board
21.	Corey Luke	Commissioner	Fire Commission
22.	Maria Shon Magsalin	Commissioner	Fire Commission



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	Name	Position	County Agency
23.	Lloyd Matsubara	Commissioner	Transportation Board
24.	Robyn Matsumoto	Civil Engineer V	Department of Public Works
25.	Kaleb Meno	Real Property Valuation Analyst	Finance Department – Real Property Tax Division
26.	Lisa Miura	Real Property Tax Administrator	Finance Department – Real Property Tax Division
27.	Benjamin Ney	Board Member	Water Board
28.	Samuel Nelson	Commissioner	Salary Commission
29.	Laurisa Nishimoto	Commissioner	Liquor Commission
30.	Paul Paiva	Board Member	Board of Ethics
31.	Steven Pavao	Chair	Salary Commission
32.	Dawn Raymond	Board Member	Liquor Control Adjudication Board
33.	Dennis Riordan	Commissioner	Salary Commission
34.	Rachel Short	Chair	Board of Ethics
35.	Emily Taaroa	Board Member	Water Board
36.	Dale Tokuuke	Board Member	Real Property Tax Board of Review
37.	Keith Unger	Board Member	Water Board
38.	Kelly Valenzuela	Board Member	Board of Ethics
39.	Melvin Ventura	Commissioner	Liquor Commission
40.	Jennifer Wilkinson	Commissioner	Liquor Commission
41.	Jennifer Yadao	Commissioner	Liquor Commission

ii. New:

	Name	Position	County Agency
1.	David Bruno	Board Member	Board of Ethics
2.	Kimberly Lin	Board Member	Real Property Tax Board of Review

7. PERMITTED INTERACTION GROUP

- a. Report of the Permitted Interaction Group (PIG) formed on November 13, 2024, to review and recommend revisions to the Rules of Practice and Procedure of the Board of Ethics.

8. EXECUTIVE SESSION REPORT

Executive Session Report by Board’s attorney pursuant to HRS § 92-4(b).



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9. ANNOUNCEMENTS

- a. The next monthly meeting of the Board of Ethics is scheduled for Wednesday, September 10, 2025, at 10:00 a.m., at the Hawai‘i County Building, Council Chambers, 25 Aupuni Street, Hilo, Hawai‘i, 96720.

10. ADJOURNMENT



NOTE: If you need an auxiliary aid/service or other accommodation due to a disability, contact 808-961-8251, as soon as possible. Requests made as early as possible will allow adequate time to fulfill your request. Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.

BOARD PACKET. Pursuant to HRS § 92-7.5, the board packet for this meeting will be available for public inspection, by appointment, during regular business hours at the Office of the Corporation Counsel, 101 Aupuni Street, Suite 325, Hilo, Hawai‘i 96720, no later than three full business days before the meeting.

NOTICE TO LOBBYISTS

If you are a lobbyist, you must register with the Hawai‘i County Clerk within five days of becoming a lobbyist (Article 15, Section 2-91.3(b), Hawai‘i County Code).

A lobbyist means “any individual engaged for pay or other consideration who spends more than five hours in any month or \$275 in any six-month period for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.” (Article 15, Section 2-91.3(a)(6), Hawai‘i County Code.)

Registration forms and expenditure report documents are available at the Office of the County Clerk-Council, 25 Aupuni Street, Hilo, Hawai‘i 96720.

HAWAI‘I COUNTY BOARD OF ETHICS

MINUTES – REGULAR SESSION

Wednesday, July 16, 2025

10:01 a.m. – 12:10 p.m.

County Council Chambers

Hawai‘i County Building

25 Aupuni Street

Hilo, Hawai‘i 96720

Members and Staff Present:

Lisa Fukumitsu, Vice Chair

Paul “Scotty” Paiva, Member

David Bruno, Member

Kelly Valenzuela, Member

Erick Allende, Member via Zoom

Cameron Takamura, Deputy Corporation Counsel

Khayla-Lei Peiler, Secretary

1. CALL TO ORDER (10:01 a.m.)

Ms. Fukumitsu called the meeting to order at 10:01 a.m. Present in chambers were Lisa Fukumitsu, David Bruno, Kelly Valenzuela and Paul “Scotty” Paiva. Erick Allende appeared via Zoom. Also present was Deputy Corporation Counsel Cameron Takamura and Board Secretary Khayla-Lei Peiler.

Ms. Fukumitsu: Ok, good morning everyone I am Vice Chair Lisa Fukumitsu and due to Chair Shorts absence today I’ll be presiding over this meeting. Call to order the Board of Ethics meeting for July 16, 2025 which is being held both in person at the Hilo Council Chambers as well as virtually using the Zoom platform. I’d like to review some protocols with all of our zoom participants, cameras must be turned on at all times during the hearing, one person speaks at a time with no side conversations, please mute your device when you’re not speaking to improve audio quality for all. For Zoom participants raise your hand and wait for recognition by the Chair before speaking to ensure we make a clean and clear record. Prior to speaking please state your name so that all parties know who is speaking, speak slowly, clearly and be close to the microphone. Limit distractions, for example turn off mobile phones and other devices. As a general reminder for BOE members please state your name before speaking throughout our hearing today. I’d like to now have the Board of Ethics members introduce

themselves. If we can each go down the line and state our names. I'll go first. Vice Chair Lisa Fukumitsu.

Mr. Bruno: Member, David Bruno.

Mr. Paiva: Member, Paul Scotty Paiva.

Ms. Valenzuela: Member, Kelly Valenzuela.

Mr. Allende: Member Erick Allende.

Ms. Fukumitsu: Thank you. Also present are Deputy Corporation Counsel Cameron Takamura, the Boards attorney, and BOE Secretary Khayla-Lei...

Mr. Takamura: For the record there are five members present and we have a quorum for this meeting.

Ms. Fukumitsu: Thank you. Ok, so I was informed by DCC Takamura that agenda item 6c under the executive session part of the agenda which involves a gift disclosure filed under Hawaii County Code section 2-91-5 should have been listed under the new business part of the agenda. Can I get a motion to amend the agenda to reflect that?

Ms. Valenzuela: I make a motion. Kelly Valenzuela, to amend the agenda in regard to...

Ms. Fukumitsu: It was item 6C.

Ms. Valenzuela: Item 6B.

Mr. Takamura: Oh 6C.

Ms. Valenzuela: Oh I'm sorry 6C.

Ms. Fukumitsu: Can I get a second?

Mr. Bruno: Member Bruno. Second.

Ms. Fukumitsu: Any discussion? All those in favor of amending the Agenda to move the agenda item 6C to New Business say aye.

****All members say aye in unison****

Ms. Fukumitsu: Any oppose? So that would be 5 votes in favor of moving agenda item to New Business.

Mr. Takamura: Yup, so the motion carries.

Motion and Vote: Board member Valenzuela moved to amend the agenda item 6C; Board Member Paiva seconded; All Members voted aye. Motion Passes. (10:04 a.m.)

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

Ms. Fukumitsu: Now we will take statements from the public on the agenda items. As a reminder public testifiers can either testify now or have the option to wait until the agenda item is called to testify. DCC Takamura will keep time. Everyone will get three minutes and at two and a half minutes DCC Takamura will announce that the testifier has 30 seconds remaining. Do we have any public testifiers at this time? My the record reflect there is no public testimony at this time.

3. APPROVAL OF THE REGULAR SESSION MINUTES (10:05 a.m.)

a. Approval of the regular session minutes of June 12, 2025

Ms. Fukumitsu: Ok, moving on to approval of the regular session minutes for our June 12, 2025 meeting. Do we have any public testimony on this agenda item? Let the record reflect that there is no public testimony. Has everyone had a chance to review the regular session minutes for our June 12, 2025 meeting?

Mr. Bruno: Yes.

Ms. Valenzuela: Yes.

Ms. Fukumitsu: Can I get a motion to approve the regular session minutes for our June 12, 2025 meeting?

Ms. Valenzuela: Kelly Valenzuela, I make a motion to approve the minutes from our June meeting.

Ms. Fukumitsu: Can I get second?

Mr. Bruno: Member Bruno. Second.

Ms. Fukumitsu: Any discussion?

Mr. Bruno: Uh, yeah this is Member Bruno. I did note a couple corrections that are needed. On the heading, the attendance was incorrect. I don't know if I need to specify the details or if.

Mr. Takamura: Yeah for the record if you could just read what your proposed edits are.

Mr. Bruno: Ok so the present in chambers was Lisa Fukumitsu, Paul Scotty Paiva, Chris Ho and David Bruno. So Rachel Short was not in attendance. And um also present was DCC Cameron Takamura and Secretary Khayla-Lei Peiler.

Mr. Takamura: Any other proposed edits from anybody else? Ok so I'd ask that Commissioner Kelly revise her motion to be a motion to approve the June 12, 2025 Regular session minutes as amended.

Ms. Valenzuela: Kelly Valenzuela, commissioner, I make a motion to approve the minutes from the June 12, 2025 as amended.

Mr. Bruno: Second. Member Bruno second.

Ms. Fukumitsu: Ok all those in favor of approving the regular session minutes with amendments. Correct? Or is it just with the minutes.

Mr. Takamura: With the amendments.

Ms. Fukumitsu: With the amendments for our June 12, 2025 meeting say aye.

All members say aye in unison

Ms. Fukumitsu: Any opposed? Ok five voted in favor of and the motion carries.

Motion and Vote: Board member Valenzuela moved to approve the Regular Session minutes of June 12, 2025 as amended; Board Member Bruno seconded; All Members voted aye. Motion Passes. (10:07 a.m.)

4. APPROVAL OF THE EXECUTIVE SESSION MINUTES (10:07 a.m.)

b. Approval of the executive session minutes of June 12, 2025

Ms. Fukumitsu: Ok, moving next is approval of the executive session minutes for our June 12, 2025 meeting. Do we have any public testimony on

this agenda item? Let the record reflect that there is no public testimony. Has everyone had a chance to review the executive session minutes for our June 12, 2025 meeting?

Ms. Valenzuela: Yes.

Mr. Bruno: Yes.

Mr. Paiva: Yes.

Ms. Fukumitsu: As a reminder if anyone wants to discuss or has any proposed edits we should enter into an executive session to do that.

Mr. Takamura: If there's no proposed edits we can go on to...

Ms. Fukumitsu: So we're good, it's just a motion to approve?

Mr. Takamura: Yeah would be a motion to approve the executive session minutes.

Ms. Fukumitsu: Can get a motion to approve the executive session minutes for our June 12, 2025 meeting?

Mr. Bruno: Member Bruno I make a motion to approve the minutes of the executive session meeting from the 12th.

Ms. Fukumitsu: Can I get a second?

Ms. Valenzuela: Kelly Valenzuela. I second.

Ms. Fukumitsu: All those in favor of approving executive session minutes for our June 12, 2025 meeting say aye.

All members say aye in unison

Ms. Fukumitsu: Any opposed? Motion carries.

Motion and Vote: Board member Bruno moved to approve the Executive Session minutes of June 12, 2025; Board Member Valenzuela seconded; All Members voted aye. Motion Passes. (10:09 a.m.)

5. UNFINISHED BUSINESS (10:06 a.m.)

a. Petition 2025-14: Review of draft Informal Advisory Opinion

Ms. Fukumitsu: Our next item is Petition 2025-14. Is there any public testimony on this item? Ok, let the record reflect that there is no public testimony. I note that this petition was filed on April 22, 2024.

Mr. Takamura: I think that should be 2025.

Ms. Fukumitsu: Oh, 2025. And Petitioner David Holbrook elected to have the petition held in an open session. As a recap, the petition was a request for an advisory opinion as to whether preparation of architectural plans outside of the Petitioners employment as a County Building Inspector violated the County code of Ethics. At the last meeting we voted to continue the agenda item to allow DCC Takamura to reissue an email asking for the Department of Public Works position on the issue because the original email that we sent listed the wrong Petitioner and did not include some relevant people. In our Board packet there is a letter from DPW regarding Petition 2025-14 dated July 9, 2025. Has everyone had a chance to read that letter? Do we want to discuss the letter and the Petition further?

Mr. Bruno: Member Bruno. I just have a question. Just to get clarification was their reference to someone in a similar position that had previously received approval. Or is that not the case.

Mr. Takamura: That is the case. So, do you remember the number?

Ms. Peiler: 2024-22.

Mr. Takamura: I believe you guys previously reviewed Petition 2024-22. This pertained to Kevin Reiswig in which the Board voted to permit it with conditions. Sorry I don't have it before me so I'm not sure what the particular conditions were.

Mr. Bruno: Ok, thanks.

Mr. Takamura: Do you guys have any further discussion?

Ms. Valenzuela: Kelly Valenzuela. I think that the discussion at that time was we were wanting to know if there was anything in writing any formal type of guideline that would answer that question and if there was if we were able to get that information. Obtain that information.

Mr. Takamura: Up to you guys how you guys want to proceed.

- Mr. Paiva: Member Paiva. Well from the letter from Mr. Azevedo it says that they're against any outside employment so that kind of conflicts what the previous administration had told us. So there's kind of a dilemma now. With were already having approved I think at least one inspector prior to this one in the previous administration and now it says here any form of outside employment presents an unacceptable risk of actual perceived conflicts of interests. So I see a problem now. And I don't now how to move forward.
- Mr. Takamura: Ok well that's something that you guys are going to be tasked with deciding. Whether or not you still view this type of work as incompliance with the County Ethics Code.
- Mr. Bruno: For me it would be helpful to have, in reference, we don't have the prior information. The conditions that were applied from a consistency stand point. It would be helpful to know what the conditions were and if there haven't been any issues there. If that's something that notwithstanding the recommendation from DPW to not allow it or their position but then at least some continuity.
- Mr. Allende: The stipulations were that, the employee of the DPW wasn't allowed to solicit work or advertise that they actually did any of the work inside of the County Buildings or during their scheduled shifts. So there's no soliciting of work, you know somebody came in and this gentleman is saying for a draftsman, somebody came in for a permit and they need to get a revision or something of that nature. That person wouldn't be able to say well I can do that revision for you. You know for the low price of this much. They can't advertise or solicit any work during the working hours so theoretically it's not as if they're using the DPW as a place to bolster business but as much of their still doing their job wholeheartedly while they're on the clock whereas if that's the case while they're off the clock and somebody calls them you know it's like with any of us if we do something else outside of our normal timeframe that would be our business and if they're able to do that while...and then the other thing was I believe there was a stipulation that they couldn't be part of the, if they were a plans checker they wouldn't be able to look or review their plans and have any notion into the plan checking process with their own work.

Ms. Valenzuela: Kelly Valenzuela. So I do have a question though cause on this letter it says...these are the exact words, "However, it is the Departments position that inspectors should not engage in outside employment." And in my opinion what I do on my spare time is my business but this just seems very clear cut. This doesn't say during work hours, it's not saying during the week I just so I would like to know if this in fact can be enforced and if it is where? In the Charter and or Ethics on someone's personal time that we're limiting them as far as outside employment in America what has free enterprise here.

Mr. Takamura: Ok so I think if you're asking for my legal opinion then you can move to enter into executive session. As a side note our staff Khayla is getting printed copies of the pervious disposition for your review. But if you'd like to discuss the legal questions you have I'd ask that you do a motion to go into executive session pursuant to HRS 92-4 and HRS 92-5(a)(4) for the purpose of consulting with the... with me the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges immunities, and liabilities as they relate to the agenda item we're discussing.

Mr. Allende: Member Erick. I was just curious would it be possible to either push this agenda item to later on during this meeting? Till we have further ability to look over the printed material from the 2024-22 to see what were the stipulations? And then or to move the agenda item to the next meeting when we have the ability to do that?

Mr. Takamura: Yup, sure that's your guys discretion.

Mr. Bruno: I have a questions and I apologize, is the petitioner in here? In chambers? Could I ask a question maybe ahead of that and is that possible or appropriate to do at this time?

Mr. Takamura: Yes at the Chair's discretion.

Mr. Bruno: Chair could we call the Petitioner to answer a question?

Ms. Fukumitsu: Yes. That would be great.

Mr. Holbrook: David Holbrook.

Mr. Bruno: Thanks for coming forward. So question I have, you, you heard what our fellow member had commented about some of the restrictions. So the question I have to you is how do you envision or you know what's your expectation as to where this type of business request, you know this work would come from?

Mr. Holbrook: Well before I came to work for the County of Hawaii I had a drafting business for 12 years here in the County and I discontinued that business when I came to work for the county at the time and I actually in lieu of another building inspector receiving the ok from the ethics board to produce plans outside of his regular work I decided to ask also for permission. Now the idea that was put forth in this letter from the acting Director of the Department of Public Works that a DPW employee cannot have any type of work outside of the County job with all due respect to the Director it seems ridiculous to me. Because we have plumbing and electrical inspectors who are licensed plumbers and electricians and they do do work outside of their inspection job. On weekends or whatever. I don't have any details about that I just I'm aware that that goes on. I think that to try and restrict an employee's ability to increase their income by doing work outside of their county job I'm not even sure that would be called legal. I supposed corporate counsel could answer that question but anyway.

Mr. Bruno: Just to come back, sorry to interrupt you. My question as far and again is it that you are getting requests that you feel that you are going to advertise somewhere? Sort of where you feel this business would be coming from and just so were...it helps us gives us an understanding or thought as to you know the potential conflicts.

Mr. Holbrook: Right. No my business would come...I have one contractor who I used to work for and he would like me to draw plans for him. His plan is to have a website where there are five or six sets of plans available for his customers to choose from. He's trying to develop his business that way. He builds four or five houses a year. And then I'm not sure I would have time to do anything more than that. Because it takes quite a bit of time to draw a set of plans but in terms of seeking actually going out and seeking work I probably would not do that I would rely on people who I've worked with before, contractors mainly who I've done drawings for and house plans. But you know I don't envision this as being a full time job,

I'm already working full time. And I need some time to do the yard work too stuff like that.

Mr. Bruno: That's very helpful thank you very much. Appreciate it. That's all the questions I had.

Mr. Allende: Member Erick again. Mr. Holbrook, I was just curious I know you said that you are going to be working with a contractor to develop these four to five different home plans are you in anyway in related to the plan checking process because if these plans come across your desk or anything like that and you've personally worked on them. We just want to make sure that there's no conflict of interest versus you reviewing and looking over the plans that you designed for this contractor/client who may sell these plans to other members of the community that you would be looking after.

Mr. Holbrook: Yeah I think that, well the contractors idea is that people would pick a set of plans that they like and he would build the house for them but I'm not involved in plan checking or plan review at all. That's a separate part of the building department. I'm strictly a building inspector and I would go out and inspect when inspections are requested in my inspection area I have however come across two instances where plans that I have drawn previously were I received inspection requests and at that point I referred the inspections to my supervisor who assigned them to a different inspector. I think that's the proper way to handle any kind of situation like that. In other words not be involved in something that I had been involved in outside my county job.

Mr. Allende: That's exactly what I know that you're referring to I think we had the electrical contractor at one time he's a building inspector electrical inspector come forward and that was part of the stipulations that you're saying is that as long as you don't go into the supervisory role because then you can adjust who does or doesn't review the plans that you draw up and that there's not a conflict of interest that way but then there's also the fact that doing exactly what you just mentioned being done, that if you get a request to review or inspect a home that you've designed it gets redirected to another home inspector so you don't have that liability or..(inaudible)

Mr. Holbrook: My goal would be absolutely to keep things very transparent my name would appear on all the plans on every page. And I would probably be named as an agent at submission of the plans or intake

so I...everybody knows me down there at the building department so they would recognize my name and then I would also be informed if there was a permit issued and then I would advise my supervisor that this particular job is mine and he could assign someone else to do inspections. One of the jobs I mentioned that came up for a foundation inspection that I had prepared plans for they actually contacted me to do revisions on the plan and I said I'm sorry, you need to send it to someone else and they found someone else to do the plans. I did send them the CAD files so the new draftsman could use those instead of having to redraw everything but that's the extent of it.

Ms. Fukumitsu: Thank you so much. Do we have any other questions for Mr. Holbrook? Are we ready to make a motion?

Mr. Paiva: I'd like to make a motion that we move into executive session on reasons that Corp counsel had mention previously.

Ms. Fukumitsu: Can I get a second?

Ms. Valenzuela: Kelly Valenzuela...

Mr. Takamura: I'm sorry. Yeah, I'll read it out cause under sunshine law we're supposed to read the whole thing so just for your guys clarification as to what Commissioner Paiva motion is, is that we would move into executive session pursuant to HRS Sections 92-4 and 92-5a(4) for the purpose of consulting with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities as they relate to this agenda item. So just for clarification that is Commissioner Paiva's motion.

Ms. Valenzuela: Kelly Valenzuela I second it.

Ms. Fukumitsu: Any discussion? All those in favor.

****All members say aye in unison****

Ms. Fukumitsu: All those opposed? Ok, all five members present voted in favor of moving to executive session.

Mr. Takamura: Ok so at this time I'd ask anybody who's not on the Commission to please wait outside.

Motion and Vote: Board member Paiva moved to go into Executive Session pursuant to HRS Sections 92-4 and 92-5a(4) for the purpose of consulting with the Board’s attorney on questions and issues pertaining to the Boards powers, duties, privileges, immunities, and liabilities as they relate to this agenda item; Board Member Valenzuela seconded; All Members voted aye. Motion Passes. (10:27 a.m.)

Board enters Executive Session (10:27 a.m.)

Board enters Open Session (11:09 a.m.)

Ms. Fukumitsu: 11:09 we’re going to take a ten minute recess.

Microphones turned off

Mr. Takamura: Just for a...I guess a notification of everybody, the two of you who are in the audience. We’ve provided the Board with the informal advisory opinion that was referenced earlier 2024-22 pertaining to Kevin Reiswig. So if anybody wants a copy we have couple extras.

Mr. Allende: Is that in an email to me?

Ms. Fukumitsu: Erick did you hear Khayla? She said a copy was emailed to you. Ok, sorry Vice Chair Fukumitsu. I’m going to call this meeting back to order at 11:19 and we are in open session and all members are present and what do we need? Anything on the Zoom part? We’re good? Ok great, um so what do you guys want to do?

Mr. Bruno: Member Bruno. I mean I think for the Petition that’s before us based on our conversation and the information we’re trying to compile. Unfortunately, Mr. Holbrook, I think we’re in a position that I would say we need to hold off to compile the rest of the information and then consider this at the next Board of Ethics meeting.

Mr. Takamura: So would that be a motion to continue to...this agenda item to the next meeting?

Mr. Bruno: I would start just to see if my fellow Board members feel the same or feel differently? If there’s something that...

Mr. Takamura: So if you get a second then you can discuss.

Ms. Fukumitsu: Do I have a second?

Ms. Valenzuela: Kelly Valenzuela. I second.
Ms. Fukumitsu: Any discussion? About continuing this item to the next meeting agenda?

Mr. Takamura: If none then you can call for the vote.

Ms. Fukumitsu: Ok, no discussions. So calling for the vote all those in favor?

All members say aye in unison

Ms. Fukumitsu: Erick I'm sorry I didn't hear you.

Mr. Allende: Aye.

Ms. Fukumitsu: Ok, any opposed? Ok motion carries. So this agenda item will be move to the next...to next month's meeting agenda. Is that all I need to say? And then. So sorry Mr. Holbrook. Is that it for Mr. Holbrook today though?

Mr. Takamura: Yeah. We apologize Mr. Holbrook but the Board needs to consider additional information so they're going to continue it to next month's meeting.

Ms. Fukumitsu: Do we have a date for that Khayla? I'm so sorry I don't have it off the top of my head. August 13th and does Mr. Holbrook get a notification? So sorry. Thank you for your patience.

Motion and Vote: Board member Bruno moved to go continue Petition 2025-14 to the next Board of Ethics meeting Agenda; Board Member Valenzuela seconded; All Members voted aye. Motion Passes. (11:21 a.m.)

5. NEW BUSINESS (11:22 A.M.)

c. Review of Gift Disclosures filed pursuant to Section 2-91.5(a), Hawai'i County Code, by County board and commission members and designated County employees:

Mr. Takamura: Ok so now remember we moved...or you guys moved...agenda item 6c up above 5a so you are looking at the Gift Disclosure right now.

****Inaudible comment from a Board Member****

- Mr. Takamura: Oh no at the beginning of the meeting you guys voted to move item 6c up to before 5a in New Business.
- Mr. Allende: Does that mean we need to go into executive session?
- Mr. Takamura: No. Sorry I don't think you guys got copies I think we have to provide you with copies. Ok sorry Erick, so 6c was previously in...listed under the executive session agenda but it got moved up to new business because it's supposed to be in open session.
- Ms. Fukumitsu: I see.
- Mr. Takamura: So could we email him this?
- Ms. Fukumitsu: Ok so were moving on to what was previously agenda item 6c and then we're going to review... each of us are going to take this document to review it at this time.
- Mr. Takamura: Yes.
- Ms. Fukumitsu: I'm just saying that for the record. Is that fine? And we're going to look at it and do you need me to do anything? Or just pass it along?
- Mr. Takamura: I guess Khayla said your guys past practice was to initial it?
- Ms. Fukumitsu: Initial. Gotcha. And Erick got a copy?
- Mr. Takamura: Yeah so technically it's just your guys practice to sign off on it. All you guys actually need to do is move to receive it. I will note that in my opinion I don't think that the Council member needed to file the gift disclosure. Because if you look at it it just says he didn't receive anything and HCC 2-91.5 related to reporting of gifts says that every officer and employee shall file a gift disclosure statement with the County Board of Ethics on June 30 of each year if all of the following conditions are met. And there's three conditions that the officer, employee or spouse or dependent child of an officer or employee received directly or indirectly from one source any gift or gifts valued singly or in the aggregate in excess of \$100 whether the gift is in the form of money. So I think that ones already not met so he didn't necessarily need to file one but

because he did you guys can move to receive it if you would like to.

Mr. Bruno: Member Bruno I make a motion to receive the gift disclosure form.

Ms. Fukumitsu: Can I get a second?

Mr. Takamura: Sorry, Erick, did you get it?

Mr. Allende: I haven't gotten it just yet.

Mr. Bruno: Just as a question of sort of protocol. Making a motion, should it be as specific...more specific than receiving it as you know...receiving a gift disclosure? Do I need to repeat where it's from and who it's from based on the agenda item? Or is it sufficient?

Mr. Takamura: So it's already listed on the agenda and there's only one so in these circumstances I think you could just say move to receive the gift disclosure or you can identify it by agenda name. If there's a lot on the agenda then I would probably ask you to be more specific.

Mr. Bruno: Ok. Thanks.

Mr. Allende: Just so you know I just got it.

Mr. Takamura: Ok let us know when you're ready.

Mr. Allende: I'm ready. Thank you.

Mr. Takamura: Ok so there's a motion and a second. Now you can do the vote.

Ms. Fukumitsu: Did we get a second?

Mr. Takamura: Was there a second? Maybe not.

Ms. Fukumitsu: I know Board member Bruno made the motion. Do we have a second on the record Khayla? I don't think so.

Mr. Paiva: And if not Member Paiva. Second.

Ms. Fukumitsu: Ok, perfect. Any discussion? All those in favor.

****All members say aye in unison****

Ms. Fukumitsu: Opposed? Ok, motion carries.

Motion and Vote: Board Member Bruno moved to receive the gift disclosure; Member Paiva seconded; All Members voted aye; Motion Passes (10:27 a.m.)

- a. Petition 2025-15: Review of a Petition from a County Employee seeking clearance and guidance regarding a potential conflict of interest.

Ms. Fukumitsu: Ok moving on. Now calling petition 2025-15 review of a Petition from a County Employee seeking clearance and guidance regarding a potential conflict of interest. Is there any public testimony on this item? Ok, let the record reflect there is no public testimony. The Petitioner elected to a closed session pursuant to Hawaii County Code section 2-86(a). Can I get a motion to enter into executive session?

Mr. Takamura: So the motion would be to enter executive session pursuant to HRS sections 92-4 and 92-5(a)(2) for the purpose of considering the hire, evaluation, dismissal or discipline of an officer or employee, or charges brought against the officer or employee where considerations affecting privacy will be involved. And also HRS section 92-5(a)(4) for the purpose of consulting with the Boards attorney on questions and issues pertaining to the Boards power's, duties, privileges, immunities and liabilities as they may relate to this agenda item. So that would be the motion. If anybody wants to adopt the motion that I just read.

Mr. Bruno: Member Bruno. I make a motion to adopt the under the consideration that DCC Takamura has provided to use that move to executive session.

Ms. Fukumitsu: Can I get a second?

Mr. Paiva: Member Paiva. Second.

Ms. Fukumitsu: Any discussion? All those in favor say aye.

****All members say aye in unison****

Ms. Fukumitsu: Any opposed? Ok, all five members voted for us moving into executive session.

Mr. Takamura: And I presume you're the petitioner? Ok, you can stay for the parts relating to your privacy stuff but if we go into executive to talk about legal stuff we're going to have to ask you to step outside. You can come up here.

Motion and Vote: Board Member Bruno moved to enter executive session to hear Petition 2025-15; Member Paiva seconded; All Members voted aye; Motion Passes (11:29 a.m.)

Board enters Executive Session (11:29 a.m.)

Board enters Open Session (11:53 a.m.)

Mr. Takamura: Khayla, just for the record there's nobody in Zoom right. Ok, nobody in Zoom that shouldn't be here.

Ms. Fukumitsu: Ok, so now I...

Mr. Takamura: We're going to re-open the stuff and then...

Ms. Fukumitsu: But Board Member Allende is...

Mr. Takamura: And then we'll say it on the record that he's going to be gone for the rest.

Ms. Fukumitsu: Ok are we open right now? We're open.

Mr. Takamura: We're going to open up everything.

Ms. Fukumitsu: And then close it again?

Mr. Takamura: And then yeah eventually we have to close it again for the rest of the item 6.

Ms. Fukumitsu: Ok. So do you want me to...Ok back in open session.

Mr. Takamura: Ok commissioner. Were you going to leave?

Ms. Fukumitsu: Board Member Allende? Are you staying on with us?

Mr. Allende: No no no, I'm leaving. Thank you very much. Have a great rest of your day.

Ms. Fukumitsu: Thank you for staying so on record at 11:55 Board Member Allende is leaving but we still have quorum. With four Board Members present. Do you need me to go down the list? Ok, thank you.

Mr. Takamura: Ok, now you can call the next item. Item 6a.

6. EXECUTIVE SESSION (10:14 a.m.)

Ms. Fukumitsu: Ok moving on to agenda item 6a the continued review of confidential Financial Disclosure Forms filed pursuant to Hawaii Code Section 2-91.1(d), is there any public testimony on this item? Let the record reflect there's no public testimony can I get a motion to go into executive session for agenda item 6a.

Ms. Valenzuela: Member Kelly Valenzuela. I make a motion to move into executive session for item agenda 6a.

Mr. Takamura: Sorry you got to read...so the rest is it's pursuant to HRS Section 92-4 and 92-5(a)(2) for the purpose of considering the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against the officer or employee or consideration of matters affecting privacy will be involved and also if necessary HRS Section 92-5(a)(4) for the purpose of consulting with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities as they relate to item 6a.

Ms. Fukumitsu: Can I get a second?

Mr. Bruno: Member Bruno. Second.

Ms. Fukumitsu: Any discussion? All those in favor?

****All members say aye in unison****

Ms. Fukumitsu: Any opposed? Ok, all four members voted in favor of so we will...there are no members present on Zoom and we will be moving into executive session.

Motion and Vote: Board member Valenzuela motioned to enter into Executive Session; Board Member Bruno seconded; All Members voted aye; Motion Passes (11:57 a.m.)

Board enters Executive Session (11:57 a.m.)

Board enters Open Session (12:04 p.m.)

Ms. Fukumitsu: Ok can I get a motion from a Board member as to whether to acknowledge and file the financial...oh sorry we're back in open session. 12:06 Can I get a motion from a Board Member as to whether to acknowledge and file the financial disclosures present in agenda item 6 A.

Mr. Bruno: Member Bruno I make a motion that we accept and file financial disclosure number 15, and 34 in agenda item 6a.

Ms. Valenzuela: Kelly Valenzuela. Board Member I second.

Ms. Fukumitsu: Any discussion? All those in favor say aye.

All members say aye

Ms. Fukumitsu: Any opposed? Ok, motion carries.

Motion and Vote: Board Member Bruno motioned to accept and file agenda item 6a numbers 15 and 34; Board member Valenzuela seconded; All members voted aye; Motion passes (12:07 p.m.)

Mr. Takamura: Ok, one more thing I guess since the remainder of the ones listed did not get returned yet I guess if we could get a motion to continue those to a future agenda.

Ms. Fukumitsu: Do you need the numbers specifically?

Mr. Takamura: You can just say all except the ones that were acknowledged and filed.

Mr. Bruno: Member Bruno. I make a motion that we continue for a future meeting all items in 6a other than the approved 15 and 34.

Ms. Fukumitsu: Can I get a second?

Ms. Valenzuela: Member Valenzuela. I second.

Ms. Fukumitsu: Discussion? All those in favor...

All members say aye

Ms. Fukumitsu: Any opposed? Ok, motion carries.

Motion and Vote: Board Member Bruno motioned to continue all other items under 6a with the exception of number 15 and 34 to next meeting's agenda; Board member Valenzuela seconded; All members voted aye; Motion passes (12:07 p.m.)

Ms. Fukumitsu: At this time can I ask DCC Takamura to provide the executive session report pursuant to HRS 92-4b?

Mr. Takamura: Ok so on the agenda item 4a there was an anticipated executive session needed. It was held pursuant to HRS 92-4, 92-5(a)(2) and (a)(4) there was a discussion and that discussion is not subject to disclosure as disclosure would tend to frustrate the purpose of the executive session which I listed. As to agenda item 5a which is Petition 2025-15. The Board held an executive session pursuant to HRS 92-4 and 92-5(a)(2) and also pursuant to HRS 92-5(a)(4). The discussions and decisions held there in are not subject to disclosure as disclosure would tend to frustrate the purpose which was what I read. As to item 6a HRS 92...it was held pursuant to HRS 92-4, 92-5(a)(2) and 92-5(a)(4). There was no substantive discussion and the final action occurred in open session.

7. ANNOUNCEMENTS (12:09 p.m.)

Ms. Fukumitsu: Moving on to announcements our next monthly meeting is scheduled for Wednesday August 13, 2025 at 10am at the Hawaii County Building Council Chambers 25 Aupuni Street Hilo Hawaii 96720.

8. ADJOURNMENT (12:09 p.m.)

Ms. Fukumitsu: Ok we're at the end of our agenda can I get a motion to adjourn?

Mr. Paiva: Member Paiva, I make a motion to adjourn.

Ms. Fukumitsu: And can I get a second?

MS. Valenzuela: Kelly Valenzuela. I second.

Ms. Fukumitsu: Any discussion? All those in favor say aye.

****All members say aye in unison****

Ms. Fukumitsu: Aye and we are adjourned.

Motion and Vote: Board Member Paiva moved to adjourn the meeting; Board Member Valenzuela seconded; All Members voted aye; Motion Passes (12:10 p.m.)

Respectfully submitted:

Khayla-Lei, Secretary

DRAFT



Petition No. 2025-14

BOARD OF ETHICS, County of Hawai'i

101 Aupuni Street, Suite 325, Hilo, Hawai'i 96720
Tel. No. (808) 961-8251 / e-mail: boardofethics@hawaiicounty.gov

PETITION

Your name: David Holbrook

Date: 04/22/2025

Mailing address: [REDACTED]

Phone: [REDACTED]

Email address: [REDACTED]

(attach additional pages if necessary)

1. State the nature of your interest, including reason(s) for the submission of this Petition:

Before I became a Hawaii County Building Inspector, I had a drafting business, preparing plans for permitting. I was advised that I would need to discontinue this endeavor due to possible conflict of interest. I complied. Recently a fellow inspector informed me that the Board of Ethics approved his architectural plans and that would not be a conflict of interest if done correctly.

2. Provide the specific section(s) of the Code of ethics in question (the Code of Ethics is Chapter 2, Article 15, of the Hawai'i County Code):

The only area in the code of ethics might be 2-84.

3. Provide a complete statement of the facts:

I would like to begin preparing plans for permitting in Hawaii County again. I understand that if architectural plans I have prepared have a permit issued, that I would advise my supervisor of the situation and my supervisor should assign any inspections to another inspector. This situation has already come up. Plans for a commercial building I prepared before I was employed by the county has very late getting started and requested a foundation inspection in my inspection area. another inspector took the task.

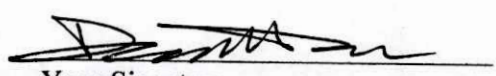
4. Provide a statement of your position or contention

If the Board grants my request to start preparing architectural plans again, I would follow any protocols deemed appropriate to avoid a conflict of interest. This would include being completely transparent and keeping my supervisor informed of any plans I have prepared requesting inspections in my inspection area.

5. If this petition is regarding yourself, as a county officer or employee, please indicate whether you are requesting an:

(Check one)

open hearing closed hearing


Your Signature

SUBMITTAL: Please submit one (1) hard copy of the completed petition and any relevant documents to the Board of Ethics at the address stated above or via e-mail at boardofethics@hawaiicounty.gov.

NOTE: Any petition that does not substantially comply with the foregoing requirements may be rejected. In addition, the Board may, for good cause, reject any petition. Hawai'i County Code Section 2-86.

From: [Takamura, Cameron](#)
To: [Azevedo, Neil](#); [Spielman, Aaron](#); [Stroud, Mark](#)
Cc: [Board of Ethics](#); [SalasFerguson, Sinclair](#); [Holzman-Escareno, Juliana](#)
Subject: RE: Board of Ethics Request for Information Related to Informal Advisory Opinion Petition 2025-14 (Holbrook)
Date: Thursday, June 12, 2025 1:48:07 PM

Sorry, correction, by the BOE's next meeting on July 16, 2025.

Cameron N. Takamura

Deputy Corporation Counsel
Office of the Corporation Counsel
County of Hawai'i
101 Aupuni St., Ste. 325
Hilo, Hawai'i 96720
Telephone: 808-961-8251
Fax: 808- 961-8622

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From: Takamura, Cameron
Sent: Thursday, June 12, 2025 1:34 PM
To: Azevedo, Neil <Neil.Azevedo@hawaiicounty.gov>; Spielman, Aaron <Aaron.Spielman@hawaiicounty.gov>; Stroud, Mark <Mark.Stroud@hawaiicounty.gov>
Cc: Board of Ethics <boardofethics@hawaiicounty.gov>; SalasFerguson, Sinclair <Sinclair.SalasFerguson@hawaiicounty.gov>; Holzman-Escareno, Juliana <Juliana.Holzman-Escareno@hawaiicounty.gov>
Subject: Board of Ethics Request for Information Related to Informal Advisory Opinion Petition 2025-14 (Holbrook)

Good afternoon, Director Azevedo, Mr. Spielman, and Mr. Stroud,

DCC Sylvia Wan, on behalf of the Board of Ethics (BOE), emailed you on May 28th, requesting information from the Department of Public Works (DPW) relating to its policies/procedures for building inspectors who may have conflicts of interest related to

work done outside of their County of Hawaii employment. That email mistakenly named Kevin Reiswig as the petitioner seeking an informal advisory opinion in Petition 2025-14, instead of David Holbrook. At today's meeting (June 12th) the BOE voted to issue a corrected request for information to DPW.

The BOE now requests that DPW provide the following information before the BOE's next meeting on July 26, 2025:

1. DPW's conflict of interest policies or procedures applicable to building inspectors who desire to/have performed work outside of their County of Hawaii employment; and
2. Input regarding the impact to DPW's policies/procedures/operations should the BOE continue to issue informal advisory opinions like Petition 2024-22 (attached for reference), which found in an open meeting that there was no conflict of interest under the County of Hawaii's Code of Ethics related to building inspector Kevin Reiswig drafting house plans outside of his County of Hawaii employment, subject to certain conditions.

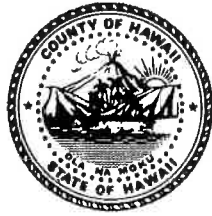
Please let me know if you have any questions, concerns, or are unable to provide the information by the requested date.

Thank you,

Cameron N. Takamura
Deputy Corporation Counsel
Office of the Corporation Counsel
County of Hawai'i
101 Aupuni St., Ste. 325
Hilo, Hawai'i 96720
Telephone: 808-961-8251
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C. Kimo Alameda, Ph.D.
Mayor



Neil A. Azevedo
Acting Director

William V. Brillhante, Jr.
Managing Director

County of Hawai'i DEPARTMENT OF PUBLIC WORKS

Aupuni Center

101 Pauahi Street, Suite 7 · Hilo, Hawai'i 96720-4224
(808) 961-8321 · Fax (808) 961-8630
public_works@hawaiicounty.gov

July 9, 2025

Ms. Rachel Short, Chair
and members of the Board of Ethics
County of Hawai'i
101 Aupuni Street Suite 325
Hilo, HI 96720

Re: Petition 2025-14
Department of Public Works Input Regarding
Board of Ethics Petition No. 2025-14

Dear Chair Short and Board Members:

This letter is to provide input from the Department of Public Works (DPW or Department) regarding Petition 2025-14. The petition was filed by Mr. David Holbrook, who is requesting an informal advisory opinion to determine whether there would be any conflict of interest between his employment as a Building Inspector for the County of Hawai'i and his intent to perform outside work for others, independent of his official duties with the County.

Currently, DPW does not have a formal written policy regarding outside employment. However, it is the Department's position that Inspectors should not engage in outside employment. Given the nature of their responsibilities—including code enforcement, inspections, and impartial decision-making that directly affects public safety and private development—any form of outside employment presents an unacceptable risk of actual or perceived conflicts of interest.

Our Department expects all employees to adhere strictly to ethical standards, including:

- Avoiding conflicts of interest at all times;
- Not reviewing or inspecting any work in which they have a personal or financial stake;
- Not using County resources, authority, or work hours for private business activity; and
- Not taking any official action that could benefit themselves, family members, or private clients.

Because Inspectors hold a position of public trust and authority, even the appearance of compromised judgment can damage confidence in our permitting and enforcement processes. This risk is heightened for supervisory staff, whose influence and decision-making responsibilities carry additional ethical weight.

While moonlighting may be permissible in other roles under certain conditions, DPW's view is that for Inspectors, the risks outweigh the benefits.

Ms. Rachel Short, Chair
and members of the Board of Ethics
July 9, 2025
Page 2

DPW is committed to supporting the Board's oversight and ethical guidance, and remains dedicated to promoting transparency, accountability, and public trust.

Thank you for the opportunity to provide the input regarding outside employment by Inspectors within DPW.

Sincerely,

A handwritten signature in black ink, appearing to read "Neil A. Azevedo". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Neil A. Azevedo
Acting Director



BOARD OF ETHICS, County of Hawai'i

101 Aupuni Street, Suite 325, Hilo, Hawai'i 96720

Tel. No. (808) 961-8251

To: Department and Agency Heads

From: Board of Ethics

Date: [Insert Month and Day], 2025

Subject: Request for information on internal department policies and/or procedures relating to outside employment

The Board of Ethics (BOE) respectfully requests, pursuant to Hawai'i County Code § 2-89, that each County of Hawai'i department, through its department head or designee, provide the BOE with information relating to its internal department policies and/or procedures relating to outside employment, if any exist. The BOE further requests that the information be provided by [Insert Month and Day], 2025, by email to boardofethics@hawaiicounty.gov or inter-departmental mail to Office of the Corporation Counsel Attn: Board of Ethics at 101 Aupuni Street, Suite 325, Hilo, Hawai'i 96720.

If you have any questions or need clarification, please contact the BOE's secretary, Khayla-Lei Peiler, by telephone at (808) 962-8251 or by email at boardofethics@hawaiicounty.gov.

BOARD OF ETHICS, COUNTY OF HAWAII'I

By: _____
RACHEL SHORT, Chair