

BOARD OF ETHICS, County of Hawai‘i

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

Tel. No. (808) 961-8251

AGENDA

DATE: Wednesday, December 10, 2025

TIME: 10:00 a.m.

PHYSICAL LOCATION: Hawai‘i County Building, Council Chambers,
25 Aupuni Street, Hilo, Hawai‘i 96720

REMOTE MEETING LINK:

<https://www.zoomgov.com/j/1610524408?pwd=zBMCSzhWvZ08VpqRo3iUP15gJT2NmH.1>

Login:

Meeting ID: 161 052 4408

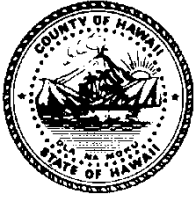
Passcode: 653475

The Board of Ethics (**Board**) will be meeting remotely using interactive conference technology pursuant to Hawai‘i Revised Statutes (**HRS**) § 92-3.7. The public may either attend and testify in person at the physical location or remotely using the Zoom remote meeting link above. If participating remotely, please set your settings to mute, except while testifying.

If audiovisual communication cannot be maintained with all members participating or with the public physical meeting location and quorum is lost, the meeting will be automatically recessed for up to thirty (30) minutes to attempt to restore audiovisual communication. The meeting will reconvene if either audiovisual communication or audio-only communication is restored within thirty (30) minutes. If the meeting is reconvened, remote participants may need to re-enter the meeting using the Zoom remote meeting link above. If the meeting cannot be reconvened within thirty (30) minutes, the meeting will be automatically terminated.

HOW TO TESTIFY:

Written Testimony: To ensure timely distribution and review by the Board Members before the meeting, it is requested that written testimony be received before 12:00 p.m. the business day prior to the meeting by: (1) email to boardofethics@hawaiicounty.gov; (2) mail to the Board of Ethics, 101 Aupuni Street, Suite 325, Hilo, Hawai‘i 96720; or (3) hand delivery during regular business hours to the Office of the Corporation Counsel, 101 Aupuni Street, Suite 325, Hilo, Hawai‘i 96720. All written testimony received prior to the meeting or at the meeting and prior to



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the Board's action on the respective agenda item, will be provided to the Board and made a part of the record.

Oral Testimony: Oral testimony will be accepted in person at the physical meeting location or remotely via the remote meeting link as provided on page 1. The Board will hear public testimony at the beginning of the meeting and when the respective agenda item is called, or as otherwise permitted 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 October 15, 2025, meeting.
- b. Executive session minutes of the October 15, 2025, meeting.

4. COMMUNICATIONS

- a. Update regarding responses from department heads to the Board's request for information on internal department policies and procedures relating to outside employment, issued at the Board's August 13, 2025, meeting.

5. OPEN PROCEEDINGS RELATING TO INFORMAL ADVISORY OPINIONS

- a. New and Continued Review of Petitions:
 - i. None for open proceedings.
- b. Consideration of Draft Informal Advisory Opinions:
 - i. Petition 2025-18 (Open Proceeding): Ivory Quintal, council aide, petition for informal advisory opinion as to whether her position on the Hilo Downtown Improvement Foundation Board would violate the Code of Ethics.
 - ii. Petition 2025-20 (Open Proceeding): Patti Pinto, recovery & redevelopment assistant, petition for informal advisory opinion as to whether her position as a volunteer officer of Puna Maukaukau would violate the Code of Ethics.



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6. EXECUTIVE SESSION

a. Relating to Confidential Informal Advisory Opinions:

i. New and Continued Review of Petitions:

The Board anticipates going into executive session for the following petitions pursuant to HRS §§ 92-4 and 92-5(a)(2), to consider charges brought against a County officer or employee, as specified below, and to consider matters affecting that individual’s privacy; and pursuant to HRS § 92-5(a)(4) to consult with the Board’s attorney on the Board’s powers, duties, and liabilities:

1. Petition 2025-17 (Closed Proceeding): Former County employee petition for informal advisory opinion alleging that a County officer violated the Code of Ethics, other laws, and a collective bargaining agreement.
2. Petition 2025-19 (Closed Proceeding): County employee petition for informal advisory opinion alleging that a County officer violated the Code of Ethics and other laws.
3. Petition 2025-25 (Closed Proceeding): Niles Huey, a member of the public, petition for informal advisory opinion alleging that a County employee violated the Code of Ethics in issuing a notice of violation.

The Board anticipates going into executive session for the following petitions pursuant to HRS §§ 92-4 and 92-5(a)(2), to consider whether the conduct presented by a County employee may constitute a probable violation of the Code of Ethics and may result in disciplinary action, and to consider matters affecting that individual’s privacy; and pursuant to HRS § 92-5(a)(4), to consult with the Board’s attorney on the Board’s powers, duties, and liabilities:

4. Petition 2025-21 (Closed Proceeding): County employee petition for an informal advisory opinion concerning whether their current outside employment violates the Code of Ethics.
5. Petition 2025-22 (Closed Proceeding): County employee petition for informal advisory opinion regarding whether or not a business in which their immediate family member has a controlling interest may contract with another County agency pursuant to the Code of Ethics.



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- 6. Petition 2025-23 (Closed Proceeding): County employee petition for informal advisory opinion concerning whether an outside party’s coverage of the County employee’s travel related expenses violates the Code of Ethics.
- 7. Petition 2025-24 (Closed Proceeding): County employee petition for informal advisory opinion concerning whether an outside party’s coverage of the County employee’s travel related expenses violates the Code of Ethics.

The Board anticipates going into executive session for the following petition pursuant to HRS §§ 92-4 and 92-5(a)(2), to consider the hiring of a County employee and to consider matters affecting that individual’s privacy; and pursuant to HRS § 92-5(a)(4) to consult with the Board’s attorney on the Board’s powers, duties, and liabilities; and HRS § 92-5(a)(6) to consider sensitive matters relating to public safety or security:

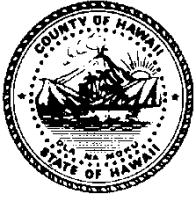
- 8. Petition 2025-26 (Closed Proceeding): Hawai‘i Police Department, as the appointing authority, petition for informal advisory opinion concerning whether a County employee’s participation in a part-time assignment in which an immediate family member is a supervisor would violate the Code of Ethics.

b. Confidential Financial Disclosures:

The Board anticipates going into executive session for the following items pursuant to HRS §§ 92-4 and 92-5(a)(2) to evaluate the listed employees and officers through their confidential financial disclosures, which requires consideration of financial and personal information to which they have a legitimate expectation of privacy in; HRS § 92-5(a)(8) as Article XIV of the Constitution of the State of Hawai‘i provides that financial disclosures made by public officials that are not required by law to be public shall be confidential; and HRS § 92-5(a)(4) to consult with the Board’s attorney on the Board’s powers, duties, and liabilities as they relate to reviewing the confidential financial disclosures for compliance with the Code of Ethics:

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

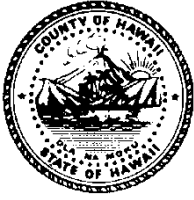


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	Name	Position	County Agency
5.	Cheryl Chan	GIS Analyst	Finance Department – Real Property Tax Division
6.	Todd R. Crowe	Building Inspector Aid	Department of Public Works
7.	Kristy Cruz	Commissioner	Transportation Commission
8.	Cynthia Davenport	Board 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.	Michael Hughes	Board Member	Liquor Control Adjudication Board
16.	Rebecca Inaba	Commissioner	Leeward Planning Commission
17.	Donala Kawaauhau	Commissioner	Salary Commission
18.	James Lee	Board Member	Water Board
19.	Stephen Lopez	Board Member	Water Board
20.	Corey Luke	Commissioner	Fire Commission
21.	Maria Shon Magsalin	Commissioner	Fire Commission
22.	Lloyd Matsubara	Commissioner	Transportation Board
23.	Robyn Matsumoto	Civil Engineer V	Department of Public Works
24.	Kaleb Meno	Real Property Valuation Analyst	Finance Department – Real Property Tax Division
25.	Lisa Miura	Real Property Tax Administrator	Finance Department – Real Property Tax Division
26.	Benjamin Ney	Board Member	Water Board
27.	Samuel Nelson	Commissioner	Salary Commission
28.	Laurisa Nishimoto	Commissioner	Liquor Commission
29.	Paul Paiva	Board Member	Board of Ethics
30.	Steven Pavao	Chair	Salary Commission
31.	Dawn Raymond	Board Member	Liquor Control Adjudication Board
32.	Dennis Riordan	Commissioner	Salary Commission
33.	Emily Taaroa	Board Member	Water Board
34.	Dale Tokuuke	Board Member	Real Property Tax Board of Review
35.	Keith Unger	Board Member	Water Board
36.	Kelly Valenzuela	Board Member	Board of Ethics



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	Name	Position	County Agency
37.	Melvin Ventura	Commissioner	Liquor Commission
38.	Jennifer Wilkinson	Commissioner	Liquor Commission
39.	Jennifer Yadao	Commissioner	Liquor Commission
40.	Gilbert Aguinaldo	Board Member	Merit Appeals Board

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
3.	Bernadette Urban-Smith	Commissioner	Police Commission
4.	Justin Canelas	Commissioner	Environmental Management Commission
5.	Alan Okamoto	Commissioner	Liquor Commission

7. EXECUTIVE SESSION REPORT

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

8. PERMITTED INTERACTION GROUP

Consideration of forming a new Permitted Interaction Group (**PIG**) to continue the work of the PIG formed on November 13, 2024, and dissolved on October 15, 2025, to propose revisions to the Rules of Practice and Procedure of the Board of Ethics.

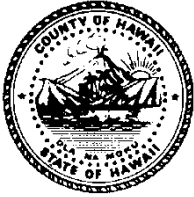
9. ELECTION OF OFFICERS FOR 2026

Nomination and election of the chair and vice chair for 2026.

10. ANNOUNCEMENTS

- a. The next monthly meeting of the Board of Ethics is scheduled for Wednesday, January 14, 2026, at 10:00 a.m., at the Hawai‘i County Building, Council Chambers, 25 Aupuni Street, Hilo, Hawai‘i, 96720.

11. ADJOURNMENT



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HOW TO REQUEST AN ACCOMODATION:



If you need an auxiliary aid/service or other accommodation due to a disability, please 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/accessible formats such as large print, braille, or electronic copy.

MEETING MATERIALS AND OTHER INFORMATION:

The board packet for this meeting will be available for public inspection at least three full business days before the meeting: (1) during regular business hours at the Office of the Corporation Counsel, 101 Aupuni Street, Suite 325, Hilo, Hawai‘i 96720; and (2) on the Board’s website at <https://www.hawaiicounty.gov/our-county/boards-and-commissions/boards-and-commissions-listings/board-of-ethics>. The minutes, agendas, and meeting materials for the Board’s past meetings are also available on the Board’s website.

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, October 15, 2025

10:08 a.m. – 1:31 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

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 10:08 a.m. Present in chambers were Lisa Fukumitsu, David Bruno, Kelly Valenzuela and Paul “Scotty” Paiva. Also present was Deputy Corporation Counsel Cameron Takamura, Deputy Corporation Counsel Keyra Wong and Board Secretary Khayla-Lei Peiler.

Ms. Fukumitsu: Ok, good morning everyone I am Vice Chair Lisa Fukumitsu. Due to Chair Shorts absence today I’ll be presiding over this meeting. Calling to order the Board of Ethics meeting for October 15, 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 please raise your hand and wait for recognition by me 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, turning off mobile phones and other devices. And as a general reminder for all 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. Takamura: Ok Khayla that is four members which is a quorum. So just note for the record.

Ms. Fukumitsu: Also present we have DCC, Deputy Corporation Counsel Cameron Takamura, the Boards attorney, and BOE Secretary Khayla-Lei Peiler who will be assisting the Board today.

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

Ms. Fukumitsu: Ok moving on to agenda item...so we'll take statements from the public on agenda items. Do we have any public testimony today? Is that correct?

Mr. Takamura: Yeah so at this time the Board will be taking any public testimony if any body wants to testify now if not you can wait till a specific agenda item comes up. Seeing none we can move on to the next agenda item.

3. APPROVAL OF THE REGULAR SESSION MINUTES (10:03 a.m.)

a. Approval of the regular session minutes of August 13, 2025

Ms. Fukumitsu: Ok so moving on to agenda item 3 approval of the minutes. This would be our regular session minutes for our August 13, 2025 meeting. Do we have any public testimony on this agenda item? Let the record reflect there's no public testimony has everyone had a chance to review the regular session minutes for the August 13 meeting?

Mr. Bruno: Yes.

Ms. Valenzuela: Yes.

Mr. Paiva: Yes.

Ms. Fukumitsu: Can I get a motion to approve the regular session minutes for the August 13 meeting?

Mr. Bruno: Member Bruno I make a motion to accept the regular session minutes for the August 13 board meeting.

Ms. Fukumitsu: Second?

Ms. Valenzuela: Kelly Valenzuela. I second it.

Ms. Fukumitsu: Any discussion? Ok all those in favor of approving the regular session minutes for our August 13, 2025 meeting say aye.

All members say aye in unison

Ms. Fukumitsu: Any oppose? Ok motion carries.

Motion and Vote: Board member Bruno moved to approve the Regular Session minutes of August 13, 2025; Board Member Valenzuela seconded; All Members voted aye. Motion Passes. (10:04 a.m.)

3. APPROVAL OF THE EXECUTIVE SESSION MINUTES (10:04 a.m.)

b. Approval of the executive session minutes of August 13, 2025

Ms. Fukumitsu: Next would be approval of the executive session minutes for the August 13, 2025 meeting. Do we have any public testimony on this agenda item? Ok let the record show there's no public testimony. Has everyone had a chance to review? Can I get a motion?

Mr. Bruno: Member Bruno. I make a motion to accept the executive session minutes from the August 13 board meeting.

Ms. Valenzuela: Kelly Valenzuela. I second it.

Ms. Fukumitsu: Any discussion? Ok all those in favor of approving the executive session minutes say aye.

All members say aye in unison

Ms. Fukumitsu: All those opposed? Ok motion carries.

Motion and Vote: Board member Bruno moved to approve the Executive Session minutes of August 13, 2025; Board Member Valenzuela seconded; All Members voted aye. Motion Passes. (10:04 a.m.)

4. COMMUNICATIONS (10:04 a.m.)

- a. Responses from department heads to the Board's request for information on internal department policies and procedures relating to outside employment, issued at the Board's August 13, 2025, meeting.

Ms. Fukumitsu: Ok so agenda item 4, responses from department heads to the Board's request for information on internal department policies and procedures relating to outside employment, issued at the Board's August 13, 2025, meeting.

Mr. Takamura: So this is just an update from Board staff as to which Departments responded to that request. So Khayla so you know which Departments sent in?

Ms. Peiler: We have not received any new Department documents. So far we have heard from Office of Aging, Animal Control, Civil Defense, Environmental Management, Fire, Housing, Human Resource, Information Technology, Liquor, Mass Transit, Planning Department, Parks, Public Works, R&D, and Water.

Mr. Takamura: Who's outstanding?

Ms. Peiler: The Police Department, Prosecuting Attorney's office, the Mayor's office, and Corporation Counsel.

Mr. Takamura: How would you guys like to proceed with this? Would you like me to send out another reminder to the outstanding Department to respond to your request for their policies?

Mr. Paiva: Member Paiva. Yes please.

Mr. Takamura: Ok can we do it by vote please?

Ms. Fukumitsu: All those is favor of sending a communication out to...

Mr. Takamura: No, somebody has to make a motion first.

Ms. Fukumitsu: Oh sorry. Can I get a motion?

Mr. Paiva: Member Paiva, I move that we send out a reminder to the Departments who failed to meet our earlier deadline for submittal.

Ms. Fukumitsu: Can I get a second?

Ms. Valenzuela: Kelly Valenzuela. I second that.

Ms. Fukumitsu: All those in favor?

All members say aye in unison

Ms. Fukumitsu: Opposed? Ok so motion passes. DCC Takamura your office will send a communication out?

Mr. Takamura: Yeah we'll send a reminder that they need to provide us with their Department policies and procedures relating to outside employment.

Motion and Vote: Board member Paiva moved to reissue request to Departments who have not yet responded to the Boards request for information on Department Policies and Procedures relating to outside employment; Board Member Valenzuela seconded; All Members voted aye. Motion Passes. (10:07 a.m.)

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

a. Petition 2025-18 (Open Proceeding): Ivory Quintal, council aide, petition for informal advisory opinion as to whether her position on the Hilo Downtown Improvement Foundation Board would violate the Code of Ethics.

Ms. Fukumitsu: OK so our next agenda item is Petition 2025-18. Is there any public testimony on this item? Ok let the record reflect there's no public testimony. Do we call the petitioner?

Mr. Takamura: If the Board would like I can walk you through the analysis if you want in executive session or we can proceed with the petition. It's up to you. If you guys want to go into executive session you can do a motion to enter executive session.

Ms. Fukumitsu: Do we have a motion?

Ms. Fukumitsu: Ok, can I get a motion to move us into executive session?

Mr. Bruno: Member Bruno, I move that we go to executive session to walk through the analysis.

Mr. Takamura: Ok and that would be pursuant to HRS Sections 92-4, 92-5a(2) and 92-5a(4) for the purpose of discussing privacy interest related to potential discipline and also to consult with the Board's attorney regarding the powers, duties, privileges and liabilities of the Board.

Ms Fukumitsu: Do we have a second?

Mr. Paiva: Member Paiva, second.

Ms. Fukumitsu: All those in favor of moving to executive session say aye.

All members say aye in unison

Ms. Fukumitsu: Ok, so at 10:09 we'll be moving into executive session.

Motion and Vote: Board member Bruno moved to go into Executive Session pursuant to HRS Sections 92-4, 92-5a(2) and 92-5a(4); Board Member Paiva seconded; All Members voted aye. Motion Passes. (10:09 a.m.)

Mr. Takamura: Ok for those on Zoom, we are going into executive session for Petition 2025-18. So we are going to put you in a separate lobby until we reconvene in open session.

Ms. Quintal: Should I be there? Or do I stay on Zoom since it's my petition?

Mr. Takamura: So right now they are consulting with me pursuant to the attorney client exception to open meetings and also in regards to privacy so at this point we're going to exclude you from the executive session but once we go back into open session then we're going to reinvite you back in.

Ms. Quintal: Ok thank you.

Board enters Executive Session (10:09 a.m.)

Board enters Open Session (10:53 a.m.)

Ms. Fukumitsu: Ok calling the meeting back to order we're in open session at 10:53 this is Vice Chair Fukumitsu so the petitioner for Petition 2025-18 we're unable to contact them they are no longer on Zoom and the Board Secretary did attempt to call the petitioner with no answer so DCC Takamura what should we do?

Mr. Takamura: So for now you could probably just continue the item until we can try and get her back just incase you guys have further questions that need to be clarified.

Ms. Pinto: Ivori contacted me, this is Patti Pinto, she will be back at 11:05 she had a meeting.

Mr. Takamura: Ok, so Chair you can just unilaterally continue that item and then we can move on.

Mr. Paiva: Yes, member Paiva, I would like to ask questions.

Ms. Fukumitsu: Ok so we're going to continue that item 5a(1) to a later time in this meeting until the petitioner can return. Alright so moving on calling Petition 2025-20. Patti Pinto, recovery & redevelopment assistant, petition for informal advisory opinion as to whether her position as a volunteer officer of Puna Maukaukau would violate the Code of Ethics.

Mr. Takamura: Do you guys have any legal questions on this one or are you ready to...

Ms. Fukumitsu: Have you prepared a summary analysis for us with this?

Mr. Takamura: Yes I did for each one.

Ms. Fukumitsu: Yes I'd like to call for a...do I have a motion from the Board?

Mr. Paiva: Member Paiva. I'd like to move into executive session to discuss with our legal counsel Petition 2025-20.

Mr. Takamura: To clarify Commissioners Paiva's motion is going to be pursuant to HRS §§ 92-4 and 92-5(a)(2) and 92-5(a)(4) for the purpose of discussing information which the petitioner has a privacy interest that could potentially involve discipline as well as to consult with the Board's attorney regarding the Board's powers, duties, privileges and liabilities.

Ms. Fukumitsu: Do I have a second?

Mr. Bruno: Member Bruno I second.

Ms. Fukumitsu: All those in favor of moving to executive session?

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

Ms. Fukumitsu: Any opposed? Ok motion passes we are going to be moving into executive session at 10:55am.

Motion and Vote: Board member Paiva moved to go into Executive Session pursuant to HRS Sections 92-4, 92-5a(2) and 92-5a(4); Board Member Bruno seconded; All Members voted aye. Motion Passes. (10:55 a.m.)

Mr. Takamura: I'm sorry Patti are you still on Zoom?

Ms. Pinto: I am.

Mr. Takamura: Sorry we're going to enter into executive session and we're going to put you in the lobby again. I apologize.

Ms. Pinto: Ok.

Mr. Takamura: And then we'll call you back once we go into the open session. Thank you.

Board enters Executive Session (10:55 a.m.)

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

Ms. Fukumitsu: Sorry Vice Chair Fukumitsu we're back in open session at 11:07. Board Secretary do we have the petitioner back on Zoom?

Mr. Peiler: Yes.

Ms. Fukumitsu: Ok. Aloha.

Ms. Pinto: Aloha.

Ms. Fukumitsu: Do any of our Board Members have questions for the Petitioner?

Mr. Paiva: Member Paiva. Hi Patti. Just wondering what is your position with the County?

Ms. Pinto: I'm in the disaster recovery division which is part of the Planning Department. I'm a Recovery and Redevelopment Assistant.

Mr. Paiva: Can you explain your duties?

Ms. Pinto: I manage a grant program. The Kilauea Recovery Grant program. And I also work in the housing bi-op program.

Mr. Paiva: So I hear the word grants and that kind of raises a red flag for me. That you're also looking to volunteer for a community program that soliciting grants from the County?

Ms. Pinto: Yes but not in the grant program that I'm managing.

Mr. Paiva: Ok I have to formulate my thoughts now.

Mr. Bruno: Member Bruno I guess going along those lines could you maybe give a little more specific information on the grant program that you represent or are working under in the Kilauea Grant and how...what that entails?

Ms. Pinto: That grant is in its third phase of granting a...we do restoration and recovery programs for people who lost or were impacted by the Kilauea eruption of 2018. It serves populations in lower Puna only.

Mr. Bruno: And the funding...

Ms. Pinto: We're restoring ag roads, restoring farms, workforce developments, and projects along those lines.

Mr. Bruno: Ok and the funding of that is on a County level? State? Federal? Or combined?

Ms. Pinto: It is a State funds. The State gave a recovery fund to the County of Hawaii and we're dispersing that for this grant program. So it's a County Program.

Ms. Fukumitsu: And I apologize if I mis-say it and your role within the County and the duties in your official position of employment would be?

Ms. Pinto: I'm part of the planning department. The Kilauea Disaster Recovery Division. I work in a housing bi-op program. And I manage the Kilauea Recovery Grant. There is no connection between this grant the one that Puna Maukaukau has applied for.

Mr. Bruno: Ok, so along those lines now going to the organization, the charitable organization... because it talks about that it's emergency response center. What specifically or where specifically, you talked about that program and that organization and the details of what it...

Ms. Pinto: Puna Maukukau is a small non-profit. It's purpose is to serve emergency and infrastructure needs of upper Puna communities.

Ms. Fukumitsu: Again, so within your role at Puna Maukukau are you going to be in a position that you'd be sort of managing these funds that they receive? Is that the appropriate question?

Mr. Takamura: Hi Patti this is Deputy Corporation Counsel Cameron Takamura. So one of the questions I think the Board is trying to get to is whether in your capacity as Vice President of Puna Maukukau, what are you going to be doing in relation to the contingency fund grant applications. Are you proposing to represent them in front of Council? Or what is your involvement?

Ms. Pinto: The hub emergency response committee does not include me right now. So the actual work and purchasing the equipment that we're asking to buy will be done by other people. But I can represent Puna Maukukau to the County. Puna Maukukau has also managed other County funds.

Mr. Takamura: Ok but in your role as the Vice President are you proposing to be their representative in applying for the contingency fund grants I guess is the question that we're asking.

Ms. Pinto: Yes. Yes.

Mr. Takamura: Ok because under HCC 2-84c it provides that no officer or employee shall appear on behalf of private interest before any agency except as provided by law. So that I guess is what the Board's concern is.

Ms. Pinto: Well then I will have the President be the representative.

Mr. Takamura: Ok. Thank you, Does the Board have anymore questions.

Ms. Fukumitsu: No. Thank you for that. So do we have any other questions? Oh go ahead Scotty.

Mr. Paiva: So Member Paiva. Patti do you go in front of the Council on your County position to solicit funds on behalf of your position?

Ms. Pinto: No. I'm an assistant.

Mr. Paiva: OK.

Ms. Valenzuela: Board Member, Kelly Valenzuela. And who is the President of that organization.

Ms. Pinto: Claudia Zirolì.

Ms. Valenzuela: Ok thank you.

Mr. Takamura: If there's any further discussion you guys can discuss if not somebody can make a motion on how to propose a disposition and then you guys can discuss whether or not to include any guardrails with that.

Mr. Bruno: I guess for discussion purposes you know the difference here and the petitioners position and professional position versus the charitable organization are separate enough that with guidelines and guardrails is to things that we've been discussing, appearing before the Council and making the CRF funds, is there any concern beyond that? That there's a probable cause or risk for you know violation of the code?

Mr. Paiva: Yeah just in my mind... sorry member Paiva. That her County position overseeing the Kapoho eruption buy out and working with this organization that does emergency response center and other community service seems kind of closely tied so I'm just kind of wondering and thinking if there is any kind of conflict there in my mind.

Mr. Bruno: Ok then I guess I would ask the petitioner from the standpoint of with your position and monitoring and working with the recovery for the Kilauea Eruption from 20218 is it geographically...would the Puna Maukukau organization that you have...you're working on emergency relief for the Puna district is there any geographic over...

Ms. Pinto: There's no geographic overlap. The Kilauea recovery grant can only serve lower east rift zone communities. We only serve upper Puna communities.

Mr. Bruno: Ok so there's a geographic distinguisher. Separation completely.

Ms. Fukumitsu: Does the Board have anymore questions or are we ready to move forward? Does anyone have a motion?

Mr. Takamura: Just to assist you guys the form of the motion would be either to find a probable violation or to advise that there is likely no probable violation and then after you make the motion you can discuss the conditions on the basis for your findings. So we just need an initial motion to get into that discussion phase.

Mr. Bruno: Member Bruno I make a motion that we find that there is no probable cause for a violation of the HCC 2-83(c)?

Mr. Takamura: No so it would be...so 2-83(c) is what was cited by the petitioner and then you would evaluate whether or not you think that applies and then go through the other provisions that you think might apply. But we can do that once we get into the discussion phase.

Mr. Bruno: Ok so do I need to cite the violation...

Mr. Takamura: Well for now you could just say that no probable violation. And then we can get a second and then you can go into the discussion.

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

Mr. Takamura: Ok so now discussion as to the basis and any conditions or guardrails. So if the Board could in their discussion cite out what provisions you've reviewed in making your determination.

Mr. Bruno: Member Bruno so I think more appropriate than it's not 2-83(c), it would be 2-83(b) and we then we also considered 2-84(a)(1), (a)(2), and (c).

Mr. Takamura: Ok and the basis for not considering 2-83(c)?

Mr. Bruno: Is that 2-83 is for contracting goods and services with the County and the contingency relief funds are not considered goods and services.

Ms. Fukumitsu: So then for the record we're reviewing this as 2-83(b) yes?

Mr. Takamura: Based on what commissioner Bruno said you guys looked at Hawaii County Code sections 2-83(b), 2-84(a)(1), (a)(2) and (c).

- Mr. Bruno: Then I think considering that in order to further...move further we just want to put in guardrails and guidelines that on behalf of the organization that the petitioner would not represent the organization in soliciting the CRF. In further provide that assurances of avoiding any ethical violation.
- Ms. Fukumitsu: So that takes me to Hawaii County Code 2-84(c)?
- Mr. Takamura: Yeah so that would be what you guys are proposing to make sure that the petitioner continues not to violate that provision. And as to 2-84(a)(1) and (a)(2) do you guys have any guardrails regarding that part about using the petitioners official capacity to make official actions upon the contingency funds?
- Mr. Bruno: Member Bruno again. To the extent that whats been held out to us is that the position does not... that's a totally different...it's isolated to a different geographical region so I don't think we need to put any guardrails in place because those funds and that activity don't cross into where the funds are being sought for the CRF would be expended. I personally don't feel there's any guidelines that are needed there.
- Mr. Takamura: Anything pursuant to 2-83(b) regarding use of official position to secure a grant unwarranted privileges, exemptions, advantages, contracts, or treatment?
- Mr. Bruno: If I'm interpreting that sort of question correctly...that's further along the guidelines of not representing the organization in making the request for the CRF and to not being directly involved in seeking that. That would avoid even though it seems in a professional position that's not involved just as a County employee just keeping it separate and not being involved in that and letting the other directors, the president of the organization, be the representative making this specific solicitation.
- Mr. Takamura: Ok so I guess to summarize what you guys have discussed, you guys determined that HCC 2-83(c) does not apply. And that you're finding that there is likely no probable violation of 2-83(b), 2-84(a)(1), (a)(2), and (c) to the extent that the petitioner does not represent Puna Maukaukau in front of the Council in relation to the application for contingency funds. Is that an accurate recollection?
- Ms. Fukumitsu: Yes.

Mr. Bruno: Yes much better. Much clearer.

Mr. Takamura: I guess that I would just ask that whoever made the motion amend their motion to find no probable violation based on that summary.

Mr. Bruno: I would like to amend my motion to find that there's no violation with the guidelines that's set forth that DCC Takamura provided for us.

Ms. Fukumitsu: That the petitioner does not represent...

Mr. Bruno: The petitioner does not represent the organization in filing the CRF before the Council.

Mr. Takamura: Ok second the amendment.

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

Ms. Fukumitsu: Ok call for the vote all those in favor?

All members say aye in unison

Ms. Fukumitsu: Opposed? Ok.

Mr. Takamura: Ok so I guess to explain to the petitioner what is going to be done is that I will draft an informal advisory opinion draft to be presented to the commission at the next meeting and if they vote to approve that draft it will be sent to you. Their decision today is not binding until you receive the final draft.

Ms. Pinto: Can you give me a timeline on that?

Mr. Takamura: So our next meeting is November 12th if the commission votes to approve the draft that is presented to them at that meeting then it will be sent within a few days after that to the address you provided in your petition.

Ms. Pinto: Thank you.

Motion and Vote: Board member Bruno moved to find no probable violation; Board Member Valenzuela seconded; Board member Bruno moved to amend motion to include they find there is likely no probable violation of 2-83(b), 2-84(a)(1), (a)(2), and (c) to the extent that the petitioner does not represent Puna Maukukau in front of the Council in

relation to the application for contingency funds; Board Member Valenzuela seconded; All Members voted aye. Motion Passes. (11:24 a.m.)

Ms. Fukumitsu: Khayla do we have that petitioner present for...

Ms. Peiler: Yes.

Ms. Fukumitsu: So do I call that petition again?

Mr. Takamura: Yeah so you can say recalling agenda item 5a roman numeral 1.

- a. Petition 2025-18 (Open Proceeding): Ivory Quintal, council aide, petition for informal advisory opinion as to whether her position on the Hilo Downtown Improvement Foundation Board would violate the Code of Ethics.

Ms. Fukumitsu: Ok Vice Chair Fukumitsu recalling agenda item 5a roman numeral 1, Petition 2025-18, Ivory Quintal. Ivory you with us?

Ms. Quintal: Hello.

Ms. Fukumitsu: Aloha.

Ms. Quintal: Aloha.

Ms. Fukumitsu: Does our Board have questions for the petitioner?

Mr. Bruno: Hi, Member Bruno. Thanks for your petition, thanks for your time coming back. So I had question in your position as council aide would the applications for the contingency relief funds coming to the office, what is your involvement from your council position as council aide with regards to the relief funds?

Ms. Quintal: Um I don't have any.

Mr. Bruno: Ok so you're not involved in...

Ms. Quintal: No cause normally the...the LRB normally does the CRF's and then how they have it sectioned now most of it goes to Jessica Valdez which oversees more of the CRF funds now. So it's more streamlined than it was in the past.

Mr. Bruno: I'm sorry, Jessica? And her position is?

Ms. Quintal: She works for the Chair. I don't know her title specifically but she oversees the CRF funds, the Waiwai Grants, and any of those funds.

Mr. Bruno: So you don't have any involvement from your office and your position working with your council member to...with the CRF's?

Ms. Quintal: No.

Mr. Bruno: Ok. And then similar on the other side with the Hilo Downtown Improvement Foundation Board what is your involvement if any with regard to the relief fund applications. Are you involved in submitting them? Are you signing on them and representing them ro showing up to council.

Ms. Quintal: No I don't have access to sign off on anything. I'll help with the documents if they need documents but I don't have access to the banking account or I do not sign off. I'm the Vice President.

Mr. Bruno: Do you participate in drafting and compiling, and I apologize I don't know the specifics.

Ms. Quintal: For the CRFs if they need like an IRS letter, like I'll find the IRS letter or any documents that they need to make sure that it's legit.

Mr. Bruno: Sure ok. But as far as the details and what you're applying for sort of the rest of the application form, the CRF form...

Ms. Quintal: Yeah that is done by the President.

Mr. Bruno: Thank you that's the questions I had.

Mr. Paiva: This is member Paiva. Who do you work for?

Ms. Quintal: District 4.

Mr. Paiva: So again, who is that?

Ms. Quintal: Council Member Ashley Kierkiewicz.

Mr. Paiva: And what is your job title?

Ms. Quintal: Council Aide.

Mr. Paiva: And what are your job duties?

Ms. Quintal: I oversee the office. So making sure we're balancing our DAEs, filing papers, answering phone calls, taking care of the constituents.

Mr. Paiva: And for the grants that you folks are applying for do you appear before the Council with the organization?

Ms. Quintal: No I don't.

Mr. Paiva: Is your name on any of those documents that may appear on the grant forms.

Ms. Quintal: No.

Mr. Paiva: Ok.

Ms. Fukumitsu: Aloha so just circling back to the Petition you brought this before the Board because you are...you did reach out to the council members for the CRF for funds. So you are on that application?

Ms. Quintal: I'm not on the application, one of the forms state if any of your Board Members are on...it's like if any of your Board Members is on the Council or works for the Council so we put my name down because I work for the Council. So I just wanted to be very transparent like I don't want anybody to come back and say anything so...because it's worded that way we just wanted to make sure that there was no issues with me being on the Board and working for council.

Mr. Takamura: Hi Ivory, this is Deputy Corporation Counsel Cameron Takamura I think that one of the things that the Board is trying to get at is you know with the contingency relief funds they are approved by Council by resolution right?

Ms. Quintal: Yes.

Mr. Takamura: And your Council Member that you work for is Ashley Kierkiewicz and she would necessarily vote on that contingency relief fund application correct?

Ms. Quintal: Yes.

Mr. Takamura: So I guess could you kind of explain like what I guess measures you'd take to kind of avoid the appearance of impropriety for that?

Ms. Quintal: Would it be along the lines of like if it's to do with the DIA she can recuse her... like she can revoke her ability to vote on it? Like along those lines?

Mr. Takamura: I guess we're looking at your position as a council aide as to I guess what kind of precautions you might take to avoid the appearance that you know your Vice President position somehow may be used to gain unwarranted access or privilege to I guess the contingency relief grant program being that your employer votes on those funds.

Ms. Quintal: I'm sorry maybe reword the question so I understand what the question is.

Mr. Takamura: Ok so I'll present it with I guess a kind of factual scenario right. So you are a Vice President with the Downtown Improvement Foundation Board.

Ms. Quintal: Yes.

Mr. Takamura: They are applying for contingency relief funds. And part of the contingency relief fund process under the Hawaii County Code is that the Council has to approve it by resolution and one of the people approving the resolution is your employer.

Ms. Quintal: Yes.

Mr. Takamura: So I guess what precautions will you folks be taking to kind of address the appearance of impropriety?

Ms. Quintal: So I can ask her if it's any...if it has anything to do with the DIA if it is CRF funds she can just remove herself from the vote. I mean I don't see any other way. Normally when we ask for funds we don't ask her specifically for funds. We're in a different district. We're in district 4, DIA is normally like District 1,2, and 3.

Mr. Takamura: But the Council collectively votes on it correct?

Ms. Quintal: So would that suffice as having her remove herself from the vote if it has to do with the DIA?

Mr. Takamura: Well that's up to the commission. But as to the other part... I guess you said right that you're not involved with the application itself?

Ms. Quintal: Yeah so I don't actually go out and...

Mr. Takamura: So you're not contacting the other Council Members or anything regarding the application?

Ms. Quintal: No not really.

Mr. Bruno: Just one clarifying question. The petition you have submitted is and understandably seeking for our opinion to some extent the clearance of what happened earlier this year in July. But is there also the potential that based on your... is this also something that may come back again next year if you plan to continue with your participation with the Hilo Downtown Development improvement so that you might be in this position. Because I think there's two things not only what we're talking about retrospectively and making sure we can render an opinion based on what happened but also trying to put in place that this may be able to apply in 2026 or in future years if you're going to continue so I guess do you see

yourself in that position? Or is this something that's a term that this won't come back again next year?

Ms. Quintal: It might come up. I mean I don't fill out... it's all the President that fills it out.

Mr. Bruno: Sure, understood. So it is something that it is as much prospective as it is...

Ms. Quintal: Yeah and I don't have access to like writing the checks or anything to do with the banking account.

Mr. Bruno: Ok and is I guess also maybe taking it to the extreme but obviously you have a relationship with your employer she's aware of your position and your involvement with the Hilo Downtown Improvement Foundation?

Ms. Quintal: Yes.

Mr. Bruno: Cause some of it is although it's collective of all of the Council Members and not that you're... I guess we could ask the question if you're soliciting her saying, "Hey our petitions going to come up could you please get a favorable vote?" But the appearance of impropriety is that you have access to her, she's got a positive vote for you because she's aware of you know your involvement in that organization and wants to support you, you know as an employee. That's where part of the question comes up is that undue influence and there's different levels of that.

Ms. Quintal: So would it be I guess fair to say that I wouldn't have any conversations with her about anything to do with the DIA? Or any voting at all?

Ms. Fukumitsu: Can you explain to me what's DIA? I'm so sorry.

Ms. Quintal: Oh sorry it's the Hilo Downtown Improvement Association.

Ms. Fukumitsu: Oh gotcha ok.

Mr. Bruno: Thank you for asking because I was looking we have it down here as Foundation so I kept saying DIF.

Ms. Quintal: In the by-laws it has DIF as well, it's very confusing but the Foundation is the non-profit.

Ms. Fukumitsu: So based on the Hawaii County Code 2-84(c) I think where we're going with this though for me is that the petitioner does not represent the Hilo Downtown Improvement Association in the

CRF application process. Do we have any other questions for the petitioner?

Mr. Paiva: Yeah, member Paiva. This came up earlier but you know in your, in your petition you have here and reached out to council members for CRF funds. So you...did you solicit? You reached out?

Ms. Quintal: I did check in, that's how I knew it was on the Board. Or that's how I knew it had a question for. When I was sent the paperwork.

Mr. Paiva: What do you mean by reached out to Council members?

Ms. Quintal: I asked the office if they had funding for an event that we were doing on Fourth of July.

Mr. Paiva: So my concern is that you work for the District 4 I understand Council member which is outside of this Downtown Hilo Improvement Association but you still have access and a relationship with the Council members from that District and other Council Members so it's just a dilemma for me for that.. like you're an insider and possible conflicts there. For me is what I'm thinking out loud. I'm probably not verbalizing it well. I have a problem that you're like... you have the connections to facilitate something that Joe Blow may not be able to.

Ms. Fukumitsu: I think for me too. Mahalo Board Member Paiva, this is Vice Chair Fukumitsu, I think what we're sort of getting at is like does the position that you hold give you access to information or funds and like that comment on the application or the petition, "reached out to the Council" so it alludes to having privilege or access to situations I think and that's where the ethical conflict for me comes in. Does that make sense?

Ms. Quintal: No I totally understand from my point of view though it's not insider. Any one has access to it they just have to reach out. So it's not like I know behind the scenes or I know what their budget is or anything like that. Any single organization is able to reach out at anytime and call any office. And have the exact same information. When I originally did this I filled out the exact same paperwork under the DIA that anybody would do so for me I don't look at it as insider kind of information because if any organization like non-profit wanted to reach out to their council members they have the ability to do it and they would be given the exact same information.

Ms. Fukumitsu: Thank you for the clarification. This is Vice Chair Fukumitsu. I think though and I do appreciate that perspective and that's great I

think though because you do hold a County position it maybe sets you apart a little bit from a member of the general public so I think for me the protection for you and the position that you hold would be probably that you maybe are removed some what from being a representative in this process.

Ms. Quintal:

Ok.

Mr. Bruno:

Yeah Member Bruno. I appreciate that. I think the clarification is where it sounds like you had knowledge that anybody could but you're closer to knowing hey the County has funds and hey I'm working for a non-profit let's put the two together. But aside of that is once you have the knowledge, anybody can have the knowledge but is that you don't draft, or are not involved or represent your organization before the council goes as far as to even if you're not the one presenting it in person or answering questions that you're not involved in that, that you have someone else within the organization take responsibility for completing the CRF and then you know even though it does come by your office and you say you're not involved when the CRFs hit your office you're not involved but then you have to, you know your probably the protection of saying look I'm not involved in representing the organization before the Council so you're not using your position.

Ms. Fukumitsu:

And if I can, if this is appropriate I'd like to point us to the Hawaii County Code 2-84(c) for our County employees right no officer or employee shall appear on behalf of private interests before agency except as otherwise provided by law and in this situation I don't see that there would be a reason that this person would be required by law to be representing this agency in this application process.

Mr. Takamura:

So to clarify you're saying that you don't see that any of the exceptions apply?

Ms. Fukumitsu:

Vice Chair Fukumitsu. Yes thank you. So I guess what I'm really saying is that I guess as County Employees we have to be mindful of the way these processes unfold because members of the public could look and say this individual had special privilege or access to information knowledge or applications so although it's open to everybody I think that the ethical part is that it holds our County employees to this standard that protects them I guess from public assumption or accusation.

Ms. Quintal:

I understand.

Ms. Fukumitsu:

Anybody else have any questions?

Mr. Paiva: Not questions but more of a comment. That it's not only the information that you might have perceived access to but it's also the connection with the Council members who are voting for the funds. Being that you work in the office of the County Council you know you have connections with I would imagine all Council members so that's where I have a question in my mind about a conflict.

Ms. Fukumitsu: Potential risk of yeah?

Mr. Bruno: So internal with the discussion based on that comment that you made Scotty, is if we put guidelines and guardrails around to say that the petitioner would not be advisable that they don't represent the organization that would be sufficient to allow the organization to eventually petition in future years but as long as the petitioner doesn't...is not involved? Or is that not even enough that we may not be able to get past that?

Mr. Paiva: I just have a concern with the grant process.

Mr. Takamura: Deputy Corporation Counsel Cameron Takamura. I mean even if you did find no current probable violation and you set guardrails I mean you still could express your concern regarding HCC 2-83(b) regarding what you're alluding to the use of unofficial positions for unwarranted privileges, exemptions, advantages, contracts or treatment. So that's one way I guess you guys could address it. So to clarify I mean for that provision you wouldn't necessarily be finding that there is a probable violation as of now but you could express that you guys do have concerns regarding that...

Mr. Bruno: But, member Bruno, the risk exists so there's not a violation, an actual violation but there is under 2-83(b) that there's a risk remains.

Mr. Takamura: Correct.

Ms. Fukumitsu: Ok, anymore questions for the Petitioner? Do we have a motion?

Mr. Bruno: I'll take a stab at it. So I would make a motion that having considered...should we be calling out how we considered?

Mr. Takamura: Yeah it would be good for the record and for the drafting of the opinion if you could state what provisions that you guys reviewed. And then what your basis is for the decision.

Mr. Bruno: So my motion is that after consideration of HCC 2-83(b), 2-84(a)(1), and (a)(2), oh yes and (c) that although there's a probable or potential risk of an ethical violation based on 2-83(b) that with

guidelines saying that the petitioner should not be involved in any further drafting and submission of CRF applications to the County that...

Mr. Takamura: On behalf of...

Mr. Bruno: On behalf of the DIA. That with those guidelines in place that I make a motion that we submit a... I don't know if it's a favorable opinion or?

Mr. Takamura: It'll be an informal advisory opinion that there is no probable violation to the extent that the petitioner complies with the conditions and while expressing your concern over the risk of probable violation in the future of 2-83(b).

Mr. Bruno: Yup, thank you for that clarification.

Ms. Valenzuela: Member Valenzuela I second.

Ms. Fukumitsu: Ok all those in favor?

All members say aye in unison

Ms. Fukumitsu: Opposed? Ok so motion passes.

Mr. Takamura: Yeah and you said none in opposition right?

Ms. Fukumitsu: None in opposition, yes.

Mr. Takamura: So Ivory what's going to happen is that I will draft an informal opinion for them to review at next months meeting and if they approve that then that's going to get sent to you and their decision that they made today is not official until you receive the final opinion in writing.

Ms. Quintal: Ok.

Mr. Takamura: Ok thank you.

Ms. Fukumitsu: Mahalo.

Mr. Bruno: Thank you.

Ms. Quintal: Aloha.

Motion and Vote: Board member Bruno moved to find no probable violation of 2-83(b), 2-84(a)(1), (a)(2), and (c) to the extent that the petitioner does not participate in the process of applying for CRF's for the Hilo Downtown Improvement Association; Board Member Valenzuela seconded; All Members voted aye. Motion Passes. (11:49 a.m.)

5. OPEN PROCEEDINGS RELATING TO INFORMAL ADVISORY OPINIONS

b. Consideration of Draft Informal Advisory Opinions:

- i. 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.

Ms. Fukumitsu: Oh ok so sorry, consideration of draft informal advisory opinion. Petition 2025-14, 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. So we're reviewing...

Mr. Takamura: You're reviewing the Draft to see if it incapsulates everything that you decided and if you guys have no proposed revision the final can be executed today.

Mr. Paiva: So I have a comment or question. We didn't put in or there's no guardrails like we did for the Petition 2024-22 that Kevin Reiswig.

Mr. Takamura: So based on that petition I included whatever the guardrails were in that one. So it's the last one.

Mr. Bruno: Member Bruno so it's at the very end, "to the extent that the Petitioner does not inspect any projects, buildings or structures to which he had had a part in drafting the plans and does not use any resources, equipment or time in relation to his outside drafting services."

Mr. Paiva: It's just worded differently then.

Mr. Takamura: So that actually comes from what you guys decided in the Reiswig case.

Mr. Paiva: Ok I just was looking at 24-22 I went back to that Reiswig one.

Mr. Takamura: Yeah so Kevin Reiswig was 2024-22 and you guys provided that "the Board finds that there is no conflict of interest if the petitioner does not inspect any projects or buildings or structures that he has

been a part of drafting plans of or use any county resources, equipment or county paid time for the side drafting business.”

Mr. Paiva: Which we don't have on...

Mr. Takamura: So that's included at the end of this new draft petition.

Mr. Paiva: This is a new draft?

Mr. Takamura: This is for Holbrook but...

Mr. Bruno: That's Holbrook right?

Mr. Paiva: Yeah, yeah.

Mr. Bruno: This language here...and you're comparing that to...

Mr. Takamura: That's the exact language that was provided in the Reiswig opinion as well.

Mr. Paiva: Ok ok this was... That's ok my mind was thinking something else. Ok I apologize. Sorry.

Mr. Takamura: Ok so if nothing else you can have a motion to approve this draft and to issue it to the petitioner.

Ms. Fukumitsu: Vice Chair Fukumitsu. Do we have motion to approve the draft informal advisory opinion for Petition 2025-14?

Mr. Paiva: Member Paiva I move that we approve the draft informal advisory opinion for Petition number 2025-14.

Ms. Fukumitsu: Can I get a second?

Mr. Bruno: Member Bruno. I second.

Ms. Fukumitsu: All those in favor?

All members say aye in unison

Ms. Fukumitsu: Opposed? Ok four zero motion approved and I sign.

Motion and Vote: Board member Paiva moved to approve the draft informal advisory opinion for Petition 2025-14; Board Member Bruno seconded; All Members voted aye. Motion Passes. (11:54 a.m.)

Mr. Paiva: And I apologize I just was looking at how we had it numbered before so I apologize.

Mr. Takamura: Yeah so this way is a little less formal so for the formal opinions we'll keep with the findings of fact and conclusion of law. But for informal advisory opinions that are not too complicated we'll go with this kind of more informal style.

Ms. Fukumitsu: Ok so question DCC Takamura, we have another petition to call but do I need to call for this first because it was requested?

Mr. Takamura: Yes so we'll enter into executive session and so for now I guess you could call the petition I mean the executive session items, you can read them out and then we'll ask for a public testimony and then we'll as for amotion to go into an executive session for those items pursuant to the authority listed on there so whoever makes the motion will just state the petition number and you'll read the paragraph under expect instead of the Board anticipates going into executive session you're going to say that the Board is going into executive session.

Ms. Fukumitsu: Ok so I'm calling all of these right now yes publicly?

Mr. Takamura: It's up to you guys we could do one by one but then we'd have to go in and out of executive session.

Ms. Fukumitsu: Ok so calling Petition 2025-17, 2025-19, 2025-15, and 2025-16. Petitioner's have requested closed proceedings.

Mr. Takamura: And then you can also do the financial disclosures.

Ms. Fukumitsu: And the Confidential Financial Disclosures. The petitioners have requested a closed hearing so do we have a motion to mover into executive session?

6. EXECUTIVE SESSION

Mr. Takamura: So before we do that id ask that you for the record just call for public testimony on these items.

Ms. Fukumitsu: Oh public testimony! Yes, is there any public testimony on the Petitions or items that I just mentioned? Ok, hearing none can I get motion to take us into executive session. Is that right?

Mr. Takamura: Yeah so what you would do for the motion, it's going to be a pretty long motion so you'd say for the executive session items under item 6 you'd say petition 2025-17 we are going into executive session pursuant to HRS 92-4 and then you'd read that and then you'd go on to the next one for item 6a roman numeral one, two and so on.

Mr. Bruno: You have to repeat it each time?

Mr. Takamura: So each one has to be specified cause it's tailored towards the specific agenda item. So whoever wants to read the...

Ms. Fukumitsu: But I don't typically make the motion when I call for the motion?

Mr. Takamura: So because you're the Chair you don't make the motion. Somebody else makes the motion.

Ms. Fukumitsu: Got it. I was trying to help you guys out, sorry.

Mr. Bruno: Member Bruno. I make a motion that we enter executive session for item 6a i(1) Petition 2025-17 the Boards going into executive session pursuant to HRS §§ 92-4 and 92-5(a)(2) to consider the charges brought against the County Officer and to consider matters affecting that individual's privacy; and HRS § 92-5(a)(4) to consult with the Board's attorney on the Board's powers, duties, and liabilities as it relates to this petition. And also under 6a i(2) Petition 2025-19 the Boards going into executive session pursuant to HRS §§ 92-4 and 92-5(a)(2) to consider the charges brought against the County Officer and to consider matters affecting that individual's privacy; and HRS § 92-5(a)(4) to consult with the Board's attorney on the Board's powers, duties, and liabilities as it relates to this petition. And also under 6a ii Petition 2025-15, the Boards going into executive session pursuant to HRS §§ 92-4 and 92-5(a)(2) to consider whether the conduct presented by the County Employee could result in a probable violation of the Code of Ethics and potential discipline, and to consider matters affecting that individual's privacy; and HRS § 92-5(a)(4) to consult with the Board's attorney on the Board's powers, duties, and liabilities as it relates to this petition. And also under section 6a ii Petition 2025-16, the board is going into executive session pursuant to HRS §§ 92-4 and 92-5(a)(2) to consider whether the conduct presented by the County Employee could result in a probable violation of the Code of Ethics and potential discipline, and to consider matters affecting that individual's privacy; and HRS § 92-5(a)(4) to

consult with the Board's attorney on the Board's powers, duties, and liabilities as it relates to this petition. And under 6b to consider the financial disclosures the Board is going into executive session pursuant to HRS §§ 92-4 and 92-5(a)(2) to evaluate the listed employees and officers through their confidential financial disclosures, which requires consideration of financial and personal information to which they have a legitimate expectation of privacy in; HRS § 92-5(a)(8) as Article XIV of the Constitution of the State of Hawai'i provides that financial disclosures made by public officials that are not required by law to be public shall be confidential; and HRS § 92-5(a)(4) to consult with the Board's attorney on the Board's powers, duties, and liabilities as they relate to reviewing the confidential financial disclosures for compliance with the Code of Ethics.

Ms. Fukumitsu: Can I get a second?

Mr. Paiva: Member Paiva. Second.

Ms. Fukumitsu: All those in favor?

All members say aye in unison

Ms. Fukumitsu: Opposed? Seeing none motion passes we will be moving into executive session at 12:01. Before we call the petitioner in would it be appropriate to ask you for your analysis?

Mr. Takamura: Yup we can go through all of that first and then call her back.

Motion and Vote: Board member Bruno moved to go into Executive Session pursuant to HRS Sections 92-4, 92-5a(2), 92-5(a)(8) and 92-5a(4); Board Member Paiva seconded; All Members voted aye. Motion Passes. (12:01 p.m.)

Board enters Executive Session (12:01 p.m.)

Board enters Open Session (1:20 p.m.)

Ms. Fukumitsu: Ok so at this time can I ask DCC Takamura to provide the executive session report pursuant to HRS Section 92-4(b).

Mr. Takamura: Ok and just for clarification for the record because of time constraints and quorum restraints we're skipping to item 7. Ok so the Board entered into executive session for item's 5(a)(1) and (2) pursuant to HRS 92-4, 92-5(a)(2), 92-5(a)(4) to discuss matters regarding the Petitioners privacy interests which has the potential

for discipline. The discussions held therein are not subject to disclosure because it would tend to defeat the purpose of the executive session. The Board did vote to find no probable violation for both Petition's with conditions and a draft informal advisory opinion will be voted on at the next meeting. For item's 6(a)(i)(1) the Board went into executive session pursuant to HRS 92-4, 92-5(a)(2) to consider the charges brought against the County officer and to consider matters affecting that individual's privacy...I'm sorry 6a(1) was not considered because the petitioner was not here. So Petition 2025-19 the board went into executive session pursuant to HRS §§ 92-4 and 92-5(a)(2) to consider the charges brought against the County Officer and to consider matters affecting that individual's privacy and to consult with the Board's attorney on the Board's powers, duties, and liabilities as it related to that petition. The discussion held therein in not subject to disclosure as it would tend to defeat the purpose of the executive session the Board decided to continue the Petition to the next meeting. For item 6(a)(ii)(1) was held pursuant to HRS §§ 92-4 and 92-5(a)(2) to consider whether the conduct presented by the County Employee could result in a probable violation of the Code of Ethics and potential discipline, and to consider matters affecting that individual's privacy; and HRS § 92-5(a)(4) to consult with the Board's attorney on the Board's powers, duties, and liabilities as it relates to this petition. There was no discussion and the draft was approved. For item 6(a)(ii)(2) Petition 2025-16 the Board went into executive session pursuant to HRS §§ 92-4 and 92-5(a)(2) to consider whether the conduct presented by the County Employee could result in a probable violation of the Code of Ethics and potential discipline, and to consider matters affecting that individual's privacy; and HRS § 92-5(a)(4) to consult with the Board's attorney on the Board's powers, duties, and liabilities as it relates to this petition. There was no discussion and the Board voted to approve the draft. Based on time constraints the Board did not address the item 6(b) either items thereunder. And that is the end of the executive session report.

Ms. Fukumitsu: Mahalo DCC Takamura. So in regards to agenda item 6(b) do I need to ask for a motion to move that?

Mr. Takamura: No for now we can just say that based on time constraints we're not going to be able to address this so we'll re-notice it for the next meeting. All the uncompleted items.

Ms. Fukumitsu: Ok so uncompleted items will be agendized at the next meeting and then moving on to agenda item 8. The permitted interaction group I don't have a copy of my report. Thank you thank you. Ok so in regards to the Permitted Interaction Group formed on November 13, 2024 pertaining to the PIG's loss of membership I just read this report?

Mr. Takamura: Yes you can present your report to the group.

Ms. Fukumitsu: Ok so in November 2024 the Board of Ethics voted to create a Permitted Interaction Group to review and propose updates to the current County of Hawaii Board of Ethics Rules of Practice and Procedures. Membership at that time was comprised of myself, Lisa Fukumitsu, Christopher Ho, and Paul Scotty Paiva and operated under the guidance of Deputy Corporation Counsel Sylvia Wan. On February 23 Board member Paiva unfortunately had to resign from the PIG and we were advised by DCC Wan that we could continue working on the draft rules. On June 4th however Board Member Ho notified DCC Wan of his resignation from the Board of Ethics and ended his participation in the PIG. The PIG met December 10th 2024, January 16th 2025, April 1st 2025, April 29th and June 4th. We reviewed rule 4, 5, and 8 but with the resignation of the Board Member Ho on June 4th we no longer had quorum to continue and no additional meetings were held since that time. In accordance with the Sunshine Law membership of the former PIG cannot be altered therefore any continuation of this work would require a creation of a new PIG.

Mr. Takamura: Ok so that's all for that item. You guys can't take any action on the report or anything contained therein until the next meeting pursuant to Sunshine Law. So that's it for item 8.

9. 2026 BOARD OF ETHICS MEETING SCHEDULE

Ms. Fukumitsu: Ok so moving on to agenda item 9, the 2026 Board of Ethics meeting schedule. Consideration of the proposed 2026 Board of Ethics meeting scheduled based on board member availability and other factors. Is there an action that we take on that today?

Mr. Takamura: Do we have a draft schedule?

Ms. Fukumitsu: Yup right here.

Mr. Takamura: I guess you guys can vote on approving that schedule or if you guys have issues with one of the dates you guys can discuss maybe changing it to another one or just keeping it as is for now and then adjusting as it gets closer.

Ms. Fukumitsu: I just have a question what is the Tuesday, November 10th? That's not a Veterans Day holiday is it?

Mr. Bruno: Because Wednesday the 11th is.

Ms. Fukumitsu: Ok I just thought it was on Tuesday. At first glance I don't think I have any...

Mr. Takamura: You guess can always just approve this one and then discuss changing later.

Ms. Fukumitsu: Ok can I get a motion to approve the 2026 Board of Ethics meeting schedule.

Mr. Bruno: Member Bruno I make a motion to accept the 2026 Board of Ethics meeting schedule that's presented.

Ms. Fukumitsu: Can I get a second?

Mr. Paiva: Member Paiva. Second.

Ms. Fukumitsu: All those in favor?

All members say aye in unison

Ms. Fukumitsu: Opposed? Ok so motion passes unanimously approve the 2026 Board of Ethics meeting schedule.

Motion and Vote: Board member Bruno moved approve the 2026 Board of Ethics meeting schedule; Board Member Paiva seconded; All Members voted aye. Motion Passes. (1:28 p.m.)

10. ANNOUNCEMENTS (1:29 p.m.)

Ms. Fukumitsu: So after a discussion with the Board we've realized we will not have quorum for the meeting on November 12th so I would need a motion to amend the agenda to reflect the next meeting will be scheduled for December 10 at 10 a.m.

Mr. Takamura: Yup and of course we also are going to do the Sunshine Law notice so this is just for the purpose of changing the item on the agenda.

Mr. Paiva: Member Paiva I move to amend the agenda item as mentioned by Vice chair.

Ms. Fukumitsu: Can I get a second?

Mr. Bruno: Member Bruno. Second.

Ms. Fukumitsu: All those in favor?

All members say aye in unison

Ms. Fukumitsu: Any opposed? None. Ok so motion passes so the agenda item has been revised to reflect the next monthly meeting will be December 10.

Motion and Vote: Board member Paiva moved to amend the agenda item 10 to reflect the next monthly meeting of the Board will be December 10, 2025; Board Member Bruno seconded; All Members voted aye. Motion Passes. (1:30 p.m.)

Mr. Takamura: Ok so I guess at this point being that we did actually go through a bunch of the ones that were potentially being considered for next week the only ones outstanding on this agenda are 6(b).

Ms. Fukumitsu: And 2025-17.

Mr. Takamura: Oh yeah and Petition 2025-17 which will be added to the next agenda.

Mr. Bruno: And 19 also?

Mr. Takamura: Oh yeah 19 was continued. So we'll add those to the next agenda. And then you're ready to adjourn.

11. ADJOURNMENT (12:32 p.m.)

Ms. Fukumitsu: Ok so can I get a motion to adjourn?

Mr. Paiva: Member Paiva, motion to adjourn.

Ms. Fukumitsu: Can I get a second?

Ms. Valenzuela: Member Valenzuela. I second.

Ms. Fukumitsu: All those in favor?

All members say aye in unison

Ms. Fukumitsu: Opposed? Motion passes we are adjourned.

Motion and Vote: Board Member Paiva moved to adjourn the meeting; Board Member Valenzuela seconded; All Members voted aye; Motion Passes (1:31 p.m.)

Respectfully submitted:

Khayla-Lei, Secretary

From: [Carvalho, Emarie](#)
To: [Peiler, Khayla-Lei](#)
Cc: [Carriaga, Pualililehua](#); [Alameda, Christian \(Kimo\)](#); [Brilhante Jr, William V](#)
Subject: RE: Board of Ethics Request for Information
Date: Friday, October 31, 2025 9:02:35 AM

Hi Khayla:

Quick update, we do not have an official written policy regarding outside employment. However, we do enforce the following:

1. No outside work on County-time
2. No use of County equipment/personnel
3. Cannot work on County related matters/projects.

Mahalo,

Emarie Carvalho

Executive Secretary to
William V. Brilhante, Jr., Managing Director
Office of the Mayor
25 Aupuni Street
Hilo, HI 96720
Telephone: 961-8526
Fax: 961-6553
Emarie.Carvalho@hawaiiicounty.gov

From: Carvalho, Emarie
Sent: Wednesday, October 29, 2025 10:54 AM
To: Peiler, Khayla-Lei <Khayla-Lei.Peiler@hawaiiicounty.gov>
Cc: Carriaga, Pualililehua <Pualililehua.Carriaga@hawaiiicounty.gov>; Alameda, Christian (Kimo) <Kimo.Alameda@hawaiiicounty.gov>; Brilhante Jr, William V <William.Brilhante@hawaiiicounty.gov>
Subject: RE: Board of Ethics Request for Information

Hi Khayla:

Per our Administrative Services Assistant, the Office of the Mayor does not have internal department policies or procedures relating to outside employment.

Thank you,

Emarie Carvalho

Executive Secretary to
William V. Brilhante, Jr., Managing Director

Office of the Mayor
25 Aupuni Street
Hilo, HI 96720
Telephone: 961-8526
Fax: 961-6553

Emarie.Carvalho@hawaiicounty.gov

From: Peiler, Khayla-Lei <Khayla-Lei.Peiler@hawaiicounty.gov>
Sent: Tuesday, October 28, 2025 3:49 PM
To: Alameda, Christian (Kimo) <Kimo.Alameda@hawaiicounty.gov>; Brilhante Jr, William V <William.Brilhante@hawaiicounty.gov>
Cc: Carriaga, Pualililehua <Pualililehua.Carriaga@hawaiicounty.gov>; Carvalho, Emarie <Emarie.Carvalho@hawaiicounty.gov>
Subject: Board of Ethics Request for Information

Aloha, Mayor Alameda and Managing Director Brilhante–

On August 14, 2025 the Hawaii County Board of Ethics distributed the attached Letter to all Hawaii County Department Heads as a requests for review and response. At the time the letter was originally dispersed we did not formally request a response from the Mayor’s office. At this time the Board kindly requests a response. Please review and submit a response by

November 18, 2025.

A hardcopy version of the attached letter will be transferred to your office via Inter-Departmental mail. Please disregard the original due date of September 2, 2025.

Mahalo,

Khayla-Lei Peiler

Secretary to the Board of Ethics
Office of the Corporation Counsel
101 Aupuni St. Suite 325
Hilo, HI 96720
Phone: (808) 961-8251
Email: boardofethics@hawaiicounty.gov
khayla-lei.peiler@hawaiicounty.gov

From: [Evangelista, Jeremie](#)
To: [Peiler, Khayla-Lei](#)
Cc: [Mahuna, Reed](#)
Subject: FW: Board of Ethics Request for Information
Date: Wednesday, October 29, 2025 12:10:45 PM
Attachments: [Board of Ethics - Letter to Department and Agency Heads.pdf](#)
[GO-405-Outside-Employment Public Version.pdf](#)

Aloha Ms. Peiler,

Please find attached the Hawai'i Police Department's General Order 405 Outside Employment public version. I've compared it to the internal version, and no redactions were made to the public version so they're the same.

Respectfully,

Jeremie Evangelista
Acting Assistant Chief – Administrative Services Division
Hawaii Police Department
349 Kapiolani Street
Hilo, HI 96720
808-961-2262 (desk)
808-345-8105 (mobile)
jeremie.evangelista@hawaiipolice.gov

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From: Peiler, Khayla-Lei <Khayla-Lei.Peiler@hawaiicounty.gov>
Sent: Wednesday, October 29, 2025 11:45 AM
To: Akau, Andrea <andrea.akau@hawaiipolice.gov>
Subject: FW: Board of Ethics Request for Information

Hi Lani,

Please see email below.

Thank you,

Khayla

From: Peiler, Khayla-Lei
Sent: Tuesday, October 28, 2025 3:13 PM
To: Mahuna, Reed <Reed.Mahuna@hawaiicounty.gov>
Subject: Board of Ethics Request for Information

Aloha, County of Hawaii Department Heads –

On August 14, 2025 the Hawaii County Board of Ethics distributed the attached Letter as a requests for review and response. Our records indicate that your Department has either not received the letter or has not yet responded. The Board kindly ask for your department to review and submit your responses by **November 18, 2025**.

A hardcopy version of the attached letter will be transferred to your Department via Inter-Departmental mail. Please disregard the original due date of September 2, 2025.

Thank you,

Khayla-Lei Peiler

Secretary to the Board of Ethics
Office of the Corporation Counsel
101 Aupuni St. Suite 325
Hilo, HI 96720
Phone: (808) 961-8251
Email: boardofethics@hawaiicounty.gov
khayla-lei.peiler@hawaiicounty.gov

OUTSIDE EMPLOYMENT	Document Number	GO 405
	Effective Date	11-16-2011
	Revision Date	10-07-2013
	Revisions	Underlined
	Page Number	1 of 6
	Approval:	HSK

1. PURPOSE

The purpose of this policy is to set forth the limitations for outside employment of all members of the Hawai'i Police Department.

2. PERSONS AFFECTED

All department personnel.

3. POLICY

It shall be the policy of the Hawai'i Police Department that all members shall be limited only to approved types of employment outside of their primary duties as members of the department.

4. DEFINITIONS

Outside Employment – the participation in any other calling or engaging in any other business for emolument or compensation and the acceptance, either directly or indirectly, of any kind of payment for any service performed, either directly or indirectly, from any person, firm, company or corporation other than the Hawai'i County Police Department. "Outside Employment" shall not be confused with Special Off-Duty Employment as defined in General Order 413.

5. RESPONSIBILITIES

- 5.1. Police Chief – The Police Chief shall be the sole authority to which a request for outside employment is either granted or denied by a requesting member.
- 5.2. All members who desire to engage in outside or off-duty employment must recognize that their primary duty, obligation and responsibility at all times are to the police department.
- 5.3. Members must also recognize that employment or activity shall be within propriety and the employee and/or the department will not be compromised, nor will the employee's efficiency or the efficiency of his unit or division be affected.

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- 5.4. Members are subject to call at any time for emergencies, special assignments or overtime duty, and no outside or off-duty employment may infringe on this obligation.
- 5.5. Members who are directed to report for duty on their days off or who are required to work overtime will do so.
- 5.6. Police officers while engaged in outside or off-duty employment shall, at all times, take proper police action on any offense or condition which would normally require police attention.
- 5.7. In any situation involving labor controversy of any kind which in any way affects the secondary employment, members have a responsibility to contact the Police Chief to seek his advice. Such advice will be acted upon as given.
- 5.8. Members shall be guided by Article XIV, Code of Ethics, of the Hawai'i County Charter as amended, Outside Employment Policy of the Hawai'i County Police Commission, and any or all applicable Civil Service Rules and Regulations, County Ordinances or State Statutes. In the event of questionable employment or activity, the Police Chief may request an advisory opinion from the Office of the Corporation Counsel and/or the County Board of Ethics.

6. SANCTION TO ENGAGE IN OUTSIDE EMPLOYMENT

- 6.1. Members are expressly prohibited from following any other calling or engaging in any other business, employment, or service at any time for compensation or any kind of payment except as provided herein.
- 6.2. Members are permitted to engage in outside employment after duty hours, during furlough or leave periods or when under disciplinary suspension provided such employment is not inconsistent or incompatible with, or does not interfere with, the proper discharge of their duties, or in any way reduce their effectiveness as members of the police department.
- 6.3. Members engaged in outside employment shall not be entitled to claim for injury leave from the police department in the event of injury sustained while being employed by any private individual, organization or concern.

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6.4. Members engaged in outside employment shall provide a certified copy of their attendance record, upon request by a commanding officer.

7. REQUEST FOR OUTSIDE EMPLOYMENT

7.1. Members who wish to engage in outside or off-duty employment shall submit a *Request for Outside Employment form* to the Police Chief via his commanding officer.

7.2. The completed form, with the required signatures, shall be submitted at least seven (7) scheduled working days prior to the date the member wishes the employment to become effective.

7.3. Police officers shall be required to notify outside employers in writing that they are police officers. A copy of the written notification shall be attached to the *Request for Outside Employment form* upon submittal for approval.

7.4. On approval of the application, the original shall be placed in the personnel file; a copy shall be returned to the applicant; and a copy shall be forwarded to the unit commander.

7.5. All unit copies shall be kept in the unit files in the order of their date of approval for a period of twelve (12) months, after which they shall be reviewed to determine the member's outside employment status.

7.6. Upon a satisfactory review by the unit commander, the member's permit to engage in outside employment may be validated for an additional twelve (12) month period, should the member wish to continue his outside employment status.

7.7. It shall be the member's responsibility to inform the unit commander of any revisions, changes or terminations to the member's outside employment status.

7.8. The unit commander upon receipt of information which revises or changes the member's outside employment status may require the member to submit a new *Request for Outside Employment form* for approval.

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- 7.9. On completion or termination of the employment, the member's permit shall be returned to the Chief's Office via the unit commander with the termination date noted thereon.
- 7.10. Unit commanders will review the outside employment file on a monthly basis to insure that members are not engaging in outside employment beyond the conditions and limitations of their approved requests.
- 7.11. Commanding officers will continuously review the performance of members who engage in outside employment and will recommend its termination if the member does not meet his departmental responsibilities to the fullest extent.
- 7.12. An approved request for outside employment may be cancelled at any time by the Police Chief.

8. RESTRICTIONS ON OUTSIDE EMPLOYMENT

Members shall not engage in any outside employment where:

- 8.1. The outside employment or the place where it is performed is such as to bring either the department or the member into disrespect or disfavor, or involve the member in violations of the rules and regulations or general orders.
- 8.2. The outside employment or the place where it is performed is such as to impair the member's efficiency or capabilities as a member of the department, or interfere with his response to emergency calls.
- 8.3. The outside employment would require the member to appear in the police uniform, or conduct investigations or avail himself of official police equipment, records, documents, files or police services, or involve service of civil process.
- 8.4. The outside employment would involve the collection of bills or accounts or require the use of police power for private purposes of a civil nature.
- 8.5. The outside employment would involve the sale, mixing, or serving of intoxicating liquors in open containers, or work as a doorman or bouncer. The Police Chief may grant exceptions to non-sworn personnel.

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- 8.6. The outside employment would involve the operation of a tavern, bar or other establishment where the principal business is the sale of intoxicating liquors for consumption on the premises. The Police Chief may grant exceptions to non-sworn personnel.
- 8.7. The outside employment would involve operation or control of any taxicab or is connected with the towing of vehicles.
- 8.8. The outside employment would involve the use of the member's name in any type of advertising.

9. EMPLOYMENT OF OFFICERS IN SALES AND SECURITY

9.1. General Limitations

- a. In accordance with the provisions of the union contract, officers may seek approval for employment in sales or security as long as the criteria set forth in this General Order is met.
- b. Officers shall not use their police status, either directly or indirectly, to influence the outcome of any business transaction.
- c. Officers shall terminate any outside employment if the employer or employer's parent firm comes under investigation or official scrutiny for unlawful, unethical, or deceptive practices, and shall provide such information as may be required to assist in the investigation or scrutiny.
- d. Violation of any of the above requirements may result in withdrawal of approval for an officer's outside employment and/or disciplinary action.

9.2. Limitations on Sales Equipment – Prohibited When:

- a. Sales or distribution of police equipment, personal protection safety devices, or security devices: i.e. locks, safes, alarms.
- b. Sale of any service or commodity to county or state agencies, except those presently permitted by special duty.

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- c. Sale or distribution of obscene or pornographic materials or any other product or service that appeals to prurient interest.
- d. Sale or distribution of gambling devices or gambling paraphernalia.
- e. Sale of drugs, narcotics, or any narcotic paraphernalia.

9.3. Limitations on Security Employment

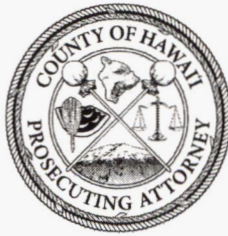
- a. Officers may be employed by firms offering security services. However, they shall not own, operate, or have any financial interest in such a firm, nor shall they donate their time or services to one.
- b. Officers employed in security work may not carry or use firearms except when:
 - It is legally required that a firearm be carried in the performance of duty, or;
 - The employer has current written authorization from the Police Chief.
 - In either case, the employer shall furnish the firearms.
- c. Officers employed in security work shall not provide bodyguard service.

10. RESERVE OFFICERS

- 10.1. The restrictions on outside employment as outlined in sections 8 and 9 of this General Order will also apply to Reserve Officers. Reserve Officers are exempt from filling out a *Request for Outside Employment* form as outlined in section 7.1 of this General Order.
- 10.2. All Reserve Officers shall submit a memorandum via their Commander to the Police Chief, listing each type of employment they are involved in. This memorandum shall be updated upon a Reserve Officer ending employment, or beginning new employment.

KELDEN B. A. WALTJEN
PROSECUTING ATTORNEY

SHANNON M. KAGAWA
FIRST DEPUTY
PROSECUTING ATTORNEY



655 KILAUEA AVENUE
HILO, HAWAII 96720
PH: (808) 961-0466
FAX: (808) 961-8908

74-675 KEALAKEHE PARKWAY
KAILUA-KONA, HAWAII 96740
PH: (808) 322-2552
FAX: (808) 322-6584

64-1067 MAMALAHOA HIGHWAY, C-3
KAMUELA, HAWAII 96743
PH: (808) 887-3017
FAX: (808) 887-3016

OFFICE OF THE PROSECUTING ATTORNEY

October 30, 2025

Board of Ethics
101 Aupuni Street, Suite 325
Hilo, Hawaii 96720
Attn: Lisa Fukumitsu

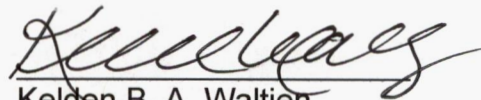
Aloha Ms. Fukumitsu,

This is in response to your August 13, 2025, letter requesting information regarding internal department policies and/or procedures on outside employment.

Please be advised that our office currently does not have a policy or procedure in place pertaining to outside employment.

Should you have any further questions, please do not hesitate to contact us.

Sincerely,


Kelden B. A. Waltjen
Prosecuting Attorney



Petition No. _____

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: Niles Huey

Date: 10-30-2025

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:

[Redacted] treated me unfairly and caused Hardship through Duress

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):

Section 2-83 A & B
Fair treatment

3. Provide a complete statement of the facts:

Used his power as county inspector to demand what is a homeowner's own.

4. Provide a statement of your position or contention

I believe County should drop frivolous Violation Letter

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 forgoing requirements may be rejected. In addition, the Board may, for good cause, reject any petition. Hawai'i County Code Section 2-86.