

BOARD OF ETHICS

COUNTY OF HAWAI'I

In the Matter of the Petition by

Patti Pinto,

Petitioner.

PETITION NO. 2025-20

INFORMAL ADVISORY OPINION

INFORMAL ADVISORY OPINION

The County of Hawai'i Board of Ethics (Board), having reviewed the petition for an informal advisory opinion dated September 19, 2025, from Patti Pinto (Petitioner) and having obtained all the information deemed necessary by the Board to make a proper determination regarding the subject petition, the Board renders this informal advisory opinion pursuant to the Charter of the County of Hawai'i (CCH) § 14-5(b), Hawai'i County Code (HCC) § 2-86, and Rule 4 of the Rules of Practice and Procedure of the Board of Ethics (BOE Rules).

I. FACTS

Petitioner is employed by the County of Hawai'i (County) Planning Department's Disaster Recovery Division as a Recovery and Redevelopment Assistant. Her job duties include managing the Kilauea Recovery Grant Program and the Voluntary Housing Buyout Program. Petitioner is also the Vice President of Puna Maukukau, a non-profit organization that has applied for contingency relief funds¹ to improve and enlarge its community emergency response center and community service activities. Petitioner stated that in her capacity as Vice President of Puna Makaukau she is unpaid and may represent Puna Makaukau on its contingency relief

¹ As used herein, "contingency relief funds" refers to council district contingency relief funds awarded pursuant to HCC § 2-139(a)(2).

fund application. Petitioner represented that the contingency relief funds that Puna Maukukau has applied for have no connection to the funds disbursed by the Kilauea Recovery Grant Program or the Voluntary Housing Buyout Program, and that her position as a Recovery and Redevelopment Assistant has no influence over the awarding of the contingency relief funds.

Petitioner filed the Petition requesting an informal advisory opinion to ensure that the prospective conduct she presented above does not violate the Code of Ethics, particularly HCC § 2-83(c).² Petitioner elected to have the Petition heard in open session pursuant to Hawai‘i Revised Statutes (HRS) § 92-5(a)(2), HCC § 2-86(a), and BOE Rule 4.13(b). The Board, therefore, decided on the Petition in open session at its October 15, 2025, meeting, where Petitioner was in attendance and provided the Board with additional information.

II. OPINION

The Petitioner is an “employee”³ subject to CCH Article XIV and HCC Chapter 2, Article 15 (collectively, the County Code of Ethics).⁴ The Petition is a petition for an informal advisory opinion concerning Petitioner’s own conduct pursuant to HCC § 2-86(a) and BOE Rule

² HCC § 2-83(c) provides:

- (c) An officer or employee of the County, or a business in which an officer or employee or the officer or employee’s immediate family member has a controlling interest, may contract for goods or services with any County agency provided that:
 - (1) The nature of the relationship between the officer or employee and the County is provided in full disclosure to the agency seeking goods or services as part of the bid for a contract or response to a request for proposals; and
 - (2) The officer or employee has obtained an opinion from the board that there is no conflict of interest resulting from the officer or employee’s position with the County. A board opinion shall continue to satisfy this requirement until a change occurs in the financial interest or role of the County officer, employee, or the officer or employee’s affected immediate family member in the business or undertaking with which the contract is concerned. In the event an opinion by the board was not obtained in advance of submitting a bid, the officer or employee shall instead submit a copy of a letter or petition requesting review by the board.

A contract shall be void if an officer or employee fails to comply with these disclosure requirements or if the board finds there is a conflict of interest or any preferential treatment involved.

³ “‘Employee’ means any person, except an officer, employed by the County or any agency thereof but the term shall not include an independent contractor.” HCC § 2-82.

⁴ See CCH §§ 14-2 to 14-4; HCC §§ 2-81, 2-82.

4.1(a) and substantially complies with the filing requirements of HCC § 2-86(c) and BOE Rule 4.1(c).

Although Petitioner identified HCC § 2-83(c) as the provision applicable to the Petition, the Board finds that HCC § 2-83(c) does not apply in this instance. HCC § 2-83(c) governs the contracting for goods or services with a County agency by a County officer or employee, or by a business in which they or an immediate family have a controlling interest. The awards for contingency relief funds are grants, not contracts for goods or services.⁵ Therefore, the Board instead reviews the Petition under HCC §§ 2-83(b),⁶ 2-84(a)(1), 2-84(a)(2), and 2-84(c),⁷.

⁵ See HCC § 2-136 (defining a “grant” as an appropriation of County funds pursuant to Chapter 2, Article 25, HCC); see generally 2-139(a)(2) (describing district contingency relief funds as grants); cf. HRS § 103D-104 (“Grant” means the furnishing of assistance, whether financial or otherwise, to any person to support a program authorized by law. The term does not include an award whose primary purpose is to procure an end product, whether in the form of goods, services, or construction; a contract resulting from such an award is not a grant but a procurement contract.”).

⁶ HCC § 2-83(b) provides, in relevant part, “[n]o officer or employee shall use or attempt to use the officer’s or employee’s official position to secure or grant unwarranted privileges, exemptions, advantages, contracts, or treatment, for oneself or others[.]”

⁷ HCC § 2-84 provides, in relevant part:

- (a) No officer or employee shall take any official action directly affecting a business or other private undertaking in which the officer or employee:
 - (1) Has a substantial financial interest;
 - (2) Is engaged as a legal counsel, advisor, consultant, or representative, or other agency capacity; or

[. . .]

- (c) No officer or employee shall represent private interests in any legal action or proceeding against the County or appear on behalf of private interests before any agency, except as otherwise provided by law; provided:
 - (1) This prohibition shall not apply to a County employee or officer who is an architect, landscape architect, surveyor, or engineer registered as such under the provisions of chapter 464, Hawai‘i Revised Statutes, with respect to the affixing by such registered professional of such person’s registered stamp to any plans, specifications, drawings, etc., to be submitted to the County for permits for such person’s principal residence or that of such person’s immediate family member; provided, that the stamp is accompanied by a signed statement that the work was prepared by the person stamping the document or under such person’s supervision; and provided further, that the registered professional may not, in the capacity of a County employee or officer, review, approve or otherwise act upon the plans, specifications, drawings, etc., such person has stamped; and
 - (2) No officer or employee shall be denied the right to appear before any agency to petition for redress of grievances caused by any official act or action affecting such person’s personal rights, privileges, or property, including real property.

Based on its review of the record before it, including the Petition, the Petitioner's statements, the relevant provisions of the HCC, and the County Code of Ethics, the Board finds that the prospective conduct presented would not constitute probable violations of HCC §§ 2-83(b), 2-84(a)(1), 2-84(a)(2), or 2-84(c), provided that Petitioner does not represent Puna Maukukau or use her County position to assist Puna Maukukau in connection with its application for contingency relief funds, as discussed below.

With respect to HCC §§ 2-84(a)(1) and 2-84(a)(2), the Board finds that the risk of Petitioner taking official action⁸ that would directly affect Puna Maukukau's application for contingency relief funds is minimal, based on the separation between Petitioner's County position and the contingency relief funds grant process⁹ – provided that the County Council does not identify the Planning Department as the administrator of such funds,¹⁰. Nonetheless, the Board advises Petitioner that, to avoid violations of HCC § 2-83(b), she should not use or attempt to use her official County position to secure or grant any unwarranted privileges, exemptions, advantages, contracts, or treatment for Puna Maukukau.

At its October 15, 2025, meeting, the Board expressed concern that Petitioner's proposal to represent Puna Makaukau in its application for contingency relief funds would constitute a probable violation of HCC § 2-84(c). HCC § 2-84(c) provides, in relevant part, that “[n]o officer or employee shall [. . .] appear on behalf of private interests before any agency, except as

⁸ “‘Official act’ or ‘official action’ means a decision, recommendation, approval, disapproval, or other action, including inaction, which involves the use of discretionary authority.” HCC § 2-82.

⁹ Petitioner works in the Planning Department, whereas the determination of eligibility for, and the appropriation of, contingency relief funds lie within the purview of the County Council. See HCC §§ 2-139(a)(2)(A) (“The council shall determine whether requests meet the eligibility and award conditions of this article.”), 2-139(a)(2)(C) (“Appropriations from the district contingency relief account shall be approved by resolution[.]”).

¹⁰ See HCC § 2-139(a)(2)(B), (C) (providing that prior to introducing a resolution for a contingency relief grant, a council member shall identify a department to administer the contingency grant. Once the appropriations from the district contingency relief account are approved by resolution, they are then transferred to the identified department for administration).

otherwise provided by law” or one of the two exceptions enumerated in HCC § 2-84(c)¹¹.

Applications for contingency relief funds are submitted to the County Council pursuant to HCC § 2-139(a)(2),¹² and the County Council is an “agency” under HCC § 2-82,¹³. None of the exceptions in HCC § 2-84(c) apply here, and the Board is unaware of any other law that would exempt Petitioner from this prohibition. Accordingly, the Board advised Petitioner that she may not appear before the County Council on behalf of Puna Maukukau, including in connection with contingency relief funds. In response to the Board’s concerns, Petitioner asserted that the President of Puna Maukukau would instead represent the organization in its application for contingency relief funds, which the Board agreed would not constitute a probable violation of HCC § 2-84(c). The Board advises Petitioner that, to avoid violations future violations of HCC § 2-84(c), she should not appear before the County Council, or any other County agency, on behalf of Puna Maukukau, and should instead allow other members of the organization to undertake those efforts.

¹¹ The two enumerated exceptions in HCC § 2-84(c) provide:

- (1) This prohibition shall not apply to a County employee or officer who is an architect, landscape architect, surveyor, or engineer registered as such under the provisions of chapter 464, Hawai‘i Revised Statutes, with respect to the affixing by such registered professional of such person’s registered stamp to any plans, specifications, drawings, etc., to be submitted to the County for permits for such person’s principal residence or that of such person’s immediate family member; provided, that the stamp is accompanied by a signed statement that the work was prepared by the person stamping the document or under such person’s supervision; and provided further, that the registered professional may not, in the capacity of a County employee or officer, review, approve or otherwise act upon the plans, specifications, drawings, etc., such person has stamped; and
- (2) No officer or employee shall be denied the right to appear before any agency to petition for redress of grievances caused by any official act or action affecting such person’s personal rights, privileges, or property, including real property.

¹² See HCC § 2-139(a)(2)(A) (“Requests for district contingency relief grants shall be made directly to council members on a form prescribed by the council. The council shall determine whether requests meet the eligibility and award conditions of this article.”).

¹³ “‘Agency’ means the County of Hawai‘i and any other governmental unit of the County.” HCC § 2-82.

Adopted by the Board on Dec. 10th, 2025.

BOARD OF ETHICS, COUNTY OF HAWAII

By 
RACHEL SHORT, Chairperson