

BOARD OF ETHICS

COUNTY OF HAWAI'I

In the Matter of the Petition by

████████████████████

Petitioner.

PETITION NO. 2025-16

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 July 7, 2025 (Petition) from ██████████ (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 ██████████ as a ██████████ where ██████ reviews and interprets ██████████ zones. Petitioner filed the Petition dated July 7, 2025, requesting an informal advisory opinion as to whether ██████ operation of a septic system design business outside of ██████ County of Hawai'i (County) employment would violate HCC §§ 2-83 (Fair Treatment) and 2-84 (Conflicts of Interest). In the Petition, Petitioner states that ██████ work for ██████ septic system design business is regulated by the Hawai'i State Department of Health (DOH) and not the County, as the County's practice is to defer regulation, permitting, and compliance for on-site wastewater

systems to DOH. Petitioner further declared that [REDACTED] does not review, accept, or process any [REDACTED] permits or development plans where [REDACTED] has or will do septic system design work, [REDACTED] will not accept new private projects in areas proposed for [REDACTED] and [REDACTED] will not be involved in DOH's use of updated [REDACTED] maps for regulatory purposes. Also included in or attached to the Petition were recitations of HCC § 27-19 (Standards for Utilities), Table II from Hawai'i Administrative Rules § 11-62 Appendix D (pertaining to Wastewater Systems), and HCC §§ 2-83 and 2-84.

Petitioner elected to have the Petition heard in executive session pursuant to Hawai'i Revised Statutes § 92-5(a)(2), HCC § 2-86(a), and BOE Rule 4.13(b). The Board, therefore, considered the Petition in executive session with Petitioner in attendance at its August 13, 2025, meeting.

II. OPINION

The Petitioner is an "employee" subject to CCH Article XIV and HCC Chapter 2, Article 15 (collectively, the County Code of Ethics). See CCH §§ 14-2 to 14-4; HCC §§ 2-81, 2-82. The Petition is a petition for an informal advisory opinion concerning Petitioner's own conduct pursuant to HCC § 2-86(a) and BOE Rule 4.1(a) and substantially complies with the filing requirements of HCC § 2-86(c) and BOE Rule 4.1(c). Based on the Petition, the Petitioner's testimony, and the Board's review of the County Code of Ethics, the Board determines that the Petitioner's operation of a septic system design business outside of [REDACTED] County employment does not constitute a probable violation of the County Code of Ethics, to the extent that Petitioner continues not to review, accept, or process any [REDACTED] permits or development plans in [REDACTED] capacity as a County employee where [REDACTED] has or will do septic system

design work, and does not do septic system design work within areas with [REDACTED]
[REDACTED]

Adopted by the Board on 10-15-25, 2025.

BOARD OF ETHICS, COUNTY OF HAWAI'I

By 
LISA FUKUMITSU, Vice Chair