

HAWAI‘I COUNTY BOARD OF ETHICS

MINUTES – REGULAR SESSION

Wednesday, December 10, 2025

10:03 a.m. – 2:09 p.m.

County Council Chambers

Hawai‘i County Building

25 Aupuni Street

Hilo, Hawai‘i 96720

Members and Staff Present:

Rachel Short, Chair

Lisa Fukumitsu, Vice Chair

Paul “Scotty” Paiva, Member

David Bruno, Member

Erick Allende, Member

Cameron Takamura, Deputy Corporation Counsel

Khayla-Lei Peiler, Secretary

1. CALL TO ORDER (10:03 a.m.)

Ms. Short called the meeting to order at 10:03 a.m. Present in chambers were Rachel Short, Lisa Fukumitsu, David Bruno, Erick Allende and Paul “Scotty” Paiva. Also present was Deputy Corporation Counsel Cameron Takamura and Board Secretary Khayla-Lei Peiler.

Ms. Short: Good morning everyone I am your Chair Rachel Short and this is the Board of Ethics meeting I am calling for December 10, 2025 being held here at the Hawaii County Building and also 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. And at this time if everyone would please mute their cellphone devices and limit distractions. As a general reminder for all BOE members please state your name before speaking throughout our hearing today. I’d like to now do introductions for our Board of Ethics I’ll start with myself I am your Chair Rachel Short.

Ms. Fukumitsu: Good morning Vice Chair Fukumitsu.

Mr. Bruno: Good morning member, David Bruno.

Mr. Paiva: Board member, Scotty Paiva.

Mr. Allende: And board member Erick Allende.

Ms. Short: Thank you so much. For the record also present are Deputy Corporation Counsel Cameron Takamura, the Boards attorney, and Board of Ethics Secretary Khayla-Lei Peiler and Noah is here I believe? Noah's not here. No one else. That's it. We're going to call a few items out of order just for sake of time. So at this time we are going to move agenda item 6a i6 and 6a i8 to the top of our meeting and we will be moving 6a i2 to the end for my board members. So at this time we can move to agenda item 6a i6 calling Petition 2025-23.

6. EXECUTIVE SESSION

Mr. Takamura: Chair, for these they are executive session items so I'll read the purpose of the executive session and if the Board can vote on whether to enter.

Ms. Short: Thank you.

Mr. Takamura: So the Board will be entering into executive session for item 6a i6 on Petition 2025-23, the purpose of the executive session is pursuant to HRS 92-4, 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 actions and to consider matters that individuals privacy and pursuant to HRS section 92-5(a)(4) to consult with the Boards attorney on the Boards powers, duties, and liabilities. The Board is also going to enter into executive session for item 6(a)(i)(8) which is Petition 2025-26 and the purpose of this executive session is pursuant to HRS 92-4, 92-5(a)(2) to consider the hiring of a County employee and to consider matters affecting that individuals privacy and pursuant to HRS section 92-5(a)(4) to consult with the Boards attorney on the Boards powers, duties, and liabilities as they pertain to this item and HRS 92-5(a)(6) to consider sensitive matters relating to public safety or security. So if you guys could do a motion to enter into executive session for the purposes and agenda items that I just recited. You could just say that.

Ms. Fukumitsu: Vice Chair Fukumitsu I move that we move into executive session to review the items as recently disclosed by DCC Takamura. And for the executive session purposes that were read.

Ms. Short: Perfect can I get a second to that motion?

Mr. Allende: Erick Allende. Second.

Ms. Short: Awesome. Any discussion to be had? Hearing and seeing none. I'll call for a vote. All in favor please say aye.

All members say aye in unison

Ms. Short: Any opposition please say nay. Hearing and seeing none the motion so passes we'll give a few moments at 10:07am for the Board to move into executive session.

Motion and Vote: Board member Fukumitsu moved to go into Executive Session for agenda item 6(a)(i)(6) pursuant to HRS Sections 92-4, 92-5a(2), and 92-5(a)(4) and for agenda item 6(a)(1)(8) pursuant to HRS 92-4, 92-5a(2), 92-5(a)(4) and 92-5a(6); Board Member Allende seconded; All Members voted aye. Motion Passes. (10:07 a.m.)

Board enters Executive Session (10:07 a.m.)

Board enters Open Session (11:24 a.m.)

Ms. Short: At 11:34 a.m. on December 10th 2025 I am your Chair Rachel Short calling the Hawaii County Board of Ethics meeting. At this time we are going to continue to call just a few items out of order just due to people being present. If I could get a motion to move us into executive session to hear agenda items 6(a)(i)(7) 2025-24 and 6(a)(i)(3) 2025-25.

Mr. Takamura: And I can read the purposes and the agenda items for you guys and whoever makes the motion can just say they move as I provided. Ok so the Board will be moving into executive session for item 6(a)(i)(3) pursuant to HRS §§ 92-4 and 92-5(a)(2), to consider charges brought against a County officer or employee, as specified in that item 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. The Board is also entering into executive session for item 6(a)(i)(7) for Petition 2025-24 the purpose of the executive session is pursuant 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.

Mr. Bruno: Member Bruno I make a motion we enter executive session to consider item 6(a)(i)(3) and 6(a)(i)(7) for the purposes that were previously stated by DCC Takamura.

Ms. Short: Can I get a second to that motion?

Mr. Allende: Board member Allende I second.

Mr. Takamura: Before you vote can we ask for public testimony or note for the record that there is no one from the public present.

Ms. Short: Is there any public testimony at this time. Hearing and seeing none we'll note that there is no public testimony on the record present. Any discussion to be had? Hearing and seeing none I'll call for the vote. All in favor please say aye.

All members say aye in unison

Ms. Short: Any opposition please say nay. Hearing and seeing none the motion passes we'll give a few moments at 11:36 am and move 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 92-5(a)(4); Board Member Allende seconded; All Members voted aye. Motion Passes. (11:36 a.m.)

Board enters Executive Session (11:36 a.m.)

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

Ms. Short: It is 12:45 p.m. on Wednesday, December 10, 2025. Reconvening the Hawaii County Board of Ethics meeting. Let it show that all Board members are present as well as our secretary and Corporation Counsel. At this time we will move back to our agenda items we were on agenda item 3(a). Approval of the minutes. Regular session minutes of the October 15, 2025 meeting.

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

a. Approval of the regular session minutes of October 15, 2025

Ms. Short: Can I get a motion regarding the regular session minutes of the October 15, 2025 meeting.

Mr. Bruno: Member Bruno I make a motion to accept the regular session minutes from October 15, 2025 meeting.

Ms. Short: Can I get a second to that motion?

Mr. Paiva: Member Paiva, second.

Ms. Short: Any discussion to be had? Hearing and seeing none I'll call for...

Mr. Takamura: Sorry I had an edit to the regular session minutes on page 22 paragraph 5. It says that I as Deputy Corporation Counsel said, "I mean even if you did find no current probably violation and you set guardrails I mean you still could express your concern regarding HCC 2-83(b) regarding what you're eluding to the use of unofficial positions for unwarranted privileges, exemptions, advantages, contracts or treatment." The term unofficial positions should be read as "an official position".

Ms. Short: Ok, so let the record show we will make that change to our minutes given that is there any discussion to be had? Hering and seeing none I'll call for a vote all in favor please say aye.

All members say aye in unison

Ms. Short: Any opposition please say nay. Hearing and seeing none...oh do we have any public testimony at this time? Regarding the minutes? Seeing none I'll call for a vote. All in favor please say aye.

All members say aye in unison

Ms. Short: Any opposition please say nay. Hearing and seeing none the motion so passes.

Motion and Vote: Board member Bruno moved to approve the Regular Session minutes of October 15, 2025; Board Member Paiva seconded; All Members voted aye. Motion Passes. (12:48 p.m.)

3. APPROVAL OF THE EXECUTIVE SESSION MINUTES (12:48 p.m.)

b. Approval of the executive session minutes of October 15, 2025

Ms. Short: Moving right along to the approval of the minutes of agenda item 3(b). Executive session minutes of the October 15, 2025 meeting. Would someone like to make a motion regarding those?

Ms. Fukumitsu: Board member Fukumitsu I move to approve the executive session minutes of the October 15, 2025 meeting.

Ms. Short: Is there a second to that motion?

Mr. Allende: Board member Erick Allende I second it.

Ms. Short: Is there any public testimony on that motion? I see none. Any discussion to be had on that motion? Hearing and seeing none I'll call for a vote. All in favor please say aye.

All members say aye in unison

Ms. Short: Any opposition please say nay. Hearing and seeing none the motion so passes.

Motion and Vote: Board member Fukumitsu moved to approve the Executive Session minutes of October 15, 2025; Board Member Allende seconded; All Members voted aye. Motion Passes. (12:49 p.m.)

4. COMMUNICATIONS (12:49 p.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. Short: Moving along to agenda item 4 Communications. An 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. Khayla, please?

Ms. Peiler: The Board received the last of the Department's information from the Mayor's office, Prosecuting Attorney's office, the Police Department and The Office of the Corporation Counsel. Those are in your binders.

Ms. Short: Do we have to have a discussion about this or is this just for the record? Is there any public testimony regarding agenda item 4 a. Hearing and seeing none I'll move along to agenda item 5. Open proceedings related to informal advisory opinion petitions. Agenda item 5(a)(i) is new and continued review of petitions. Let the record show there are none for open proceedings.

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

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. Short: Moving along to agenda item 5(b) the consideration of draft informal advisory opinions. We'll move on to agenda item 5(b)(i) 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. I will give everyone on the Board a minute to review this petition.

Mr. Takamura: Sorry Chair this is the draft opinion.

Ms. Short: Oh the draft opinion, excuse me. Did everyone receive this draft advisory opinion? I'll give everyone a moment to find this and review.

****Board reviews draft opinion****

Ms. Short: Are we ready for a vote or a motion regarding this? Does someone want to make a motion regarding Petition 2025-18?

Ms. Fukumitsu: Vice Chair Fukumitsu. I move to approve the draft informal advisory opinion for petition 2025-18.

Ms. Short: Is there a second to that?

Mr. Allende: Board member Erick Allende. Second.

Ms. Short: Any discussion to be had? Hearing and seeing none I'll call for a vote...oh any public testimony regarding this item? Hearing and seeing none I'll call for a vote all in favor please say aye.

All members say aye in unison

Ms. Short: Any opposition please say nay. Hearing and seeing none the motion passes I will sign and give to Corporation Counsel. Ivory I just want to let you know that I have signed your informal advisory opinion and you will be getting a copy of it.

Ms. Quintal: Ok, thank you.

Motion and Vote: Board member Fukumitsu moved to approve the draft informal advisory opinion for Petition 2025-18; Board Member Allende seconded; All Members voted aye. Motion Passes. (12:53 p.m.)

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 Maukukau would violate the Code of Ethics.

Ms. Short: Moving right along to agenda item 5(b)(ii) 2025-20 Patti Pinto recovery & redevelopment assistant, petition for informal advisory opinion as to whether her position as a volunteer officer on the Puna Maukukau would violate the Code of Ethics. I'll give everyone a moment to find and review this informal advisory opinion. Would someone like to make a motion regarding Petition 2025-20?

Ms. Fukumitsu: Vice Chair Fukumitsu I move to accept the draft informal advisory opinion for Petition 2025-20.

Ms. Short: Can I get a second to that motion?

Mr. Paiva: Member Paiva second.

Ms. Short: Any discussion to be had? Let the record show we have no one from the public for testimony. Seeing no discussion I'll call for a vote. All in favor please say aye.

All members say aye in unison

Ms. Short: Any opposition please say nay. Hearing and seeing none the motion passes I will sign at this time.

Motion and Vote: Board member Fukumitsu moved to approve the draft informal advisory opinion for Petition 2025-20; Board Member Paiva seconded; All Members voted aye. Motion Passes. (12:55 p.m.)

Ms. Short: At this time if I could please get a motion from a Board member so we could move into executive session...oh can we get an out of order vote to table agenda item 6(b) the confidential financial disclosures to our next meeting because people will have to leave and we will lose quorum.

Ms. Fukumitsu: Vice Chair Fukumitsu. I move to move agenda item 6(b) to the next Board of Ethics meeting, January 14, 2026 in order for all members to be able to be present for review?

Mr. Takamura: Yeah or just in favor of time since you guys have to leave.

Ms. Fukumitsu: Oh ok because of time constraints today. Ok.

Mr. Bruno: Member Bruno. Second.

Ms. Short: Any discussion to be had? Hearing and seeing none I'll call for a vote all in favor please say aye.

All members say aye in unison

Ms. Short: Any opposition please say nay. Hearing and seeing none let the record show that we will table agenda item 6(b) confidential financial disclosures to our next meeting.

Motion and Vote: Board member Fukumitsu moved to table agenda item 6(b) Confidential Financial Disclosures to the next meeting; Board Member Bruno seconded; All Members voted aye. Motion Passes. (12:56 p.m.)

Ms. Short: At this time could I please get a motion from someone to move us into executive session for our next agenda items?

Mr. Takamura: Ok, I can read the purposes. So the Board will be moving into executive session for items 6(a)(i) 1 and 2 pursuant to 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 in those agenda items 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. For item 6(a)(i)4 the Board is going into executive session 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. And I would also like to note for the record that Petition 2025-22 and agenda item 6(a)(i)(5) has been withdrawn by the petitioner. So if you could get a motion to enter executive session for those items and the purposes stated.

Mr. Allende: Board Member Erick Allende. I move that we move into an executive session based off of our Deputy Corporation Counsel's reasons said on record.

Mr. Takamura: And for the agenda items that were read.

Mr. Paiva: I'm sorry which number is that?

Mr. Takamura: Which one?

Mr. Paiva: Petition number.

Mr. Takamura: The one that was withdrawn?

Ms. Short: Can I get a second to that motion?

Mr. Bruno: Member Bruno I second.

Ms. Short: Any discussion to be had? Hearing and seeing none I'll call for a vote...any public testimony regarding? Noting there's no one here for public testimony. All in favor please say aye?

All members say aye in unison

Ms. Short: Any opposition please say nay. Hearing and seeing none let the record show that the Board of Ethics will move into executive session at 12:59 p.m. We'll give a moment for that to happen.

Motion and Vote: Board member Allende moved to enter executive session; Board Member Bruno seconded; All Members voted aye. Motion Passes. (12:59 p.m.)

Board enters Executive Session (12:59 p.m.)

Board enters Open Session (2:00 p.m.)

Ms. Short: For time can we just say we're in open session and adjourn?

Mr. Takamura: Before you guys adjourn I have to do the executive session report. You can leave.

Ms. Fukumitsu: You can leave, we'll still have quorum. And we didn't vote on our...

Mr. Takamura: So whoever gets elected in January, you're off to a quick start.

Ms. Short: Just for the record Chair Short. I'm leaving at 2pm. I will see you all next month. Thank you so much.

Ms. Fukumitsu: And then does the mean Vice Chair Fukumitsu I just continue to finish out the agenda? Ok, Mahalo. Ready? Ok, good afternoon Vice Chair Fukumitsu taking over for Chair Rachel Short. For the record we still have four members present which means we have quorum. We're in open session at 2:03 and I'd like to call agenda item 7 the executive session report by the Board's attorney pursuant to HRS 92-4(b).

Mr. Takamura: Ok so as to item 6a(i) 1 through 3 the Board entered into executive session pursuant to HRS §§ 92-4, 92-5(a)(2) and 92-5(a)(4) as to 6a(i)(1) the Board continued that item due to lack of time so there was no discussion and no final action. As to a(i)(2) regarding Petition 2025-19 the Board had a discussion and had testimony from the Petitioner which are not subject to disclosure as it would tend to defeat the purpose of the executive session item pursuant to 92-5(a)(2) and 92-5(a)(4). It would tend to frustrate that purpose. The Board also moved to continue it to the next meeting. As to 6(a)(i)(3) the discussion held therein are not subject to disclosure as it would tend to frustrate the purpose of HRS 92-5(a)(2) and 92-5(a)(4). The Board voted to stay the Petition pending additional submission of information by the petitioner. For item 6(a)(i) 4 through 7 the Board held the executive session pursuant to HRS 92-4, 92-5(a)(2) and 92-5(a)(4). Number 4 Petition 2025-21 was continued due to lack of time, there was no discussion or decision making for that item. Number 5 Petition 2025-22 was withdrawn

so the Chair cancelled that item. As to 6 Petition 2025-23 the discussion are not subject to disclosure as it would tend to frustrate the purpose of the executive session under 2-5(a)(2) and 92-5(a)(4). The Board voted to reject the Petition based on HCC 2-86c and BOE Rule 4.1c and requested that the Petitioner refile with the additional required information. For 7, the discussion are not subject to disclosure as it would tend to frustrate the purpose of the executive session under 92-5(a)(2) and 92-5(a)(4). The Board voted to reject the Petition based on HCC 2-86c and BOE Rule 4.1c and requested that the petitioner resubmit their petition with the additional required info. As to item 6(a)(i)(8), Petition 2025-26 it was held in executive session pursuant to HRS 92-4, 92-5(a)(2), 92-5(a)(4) and 92-5(a)(6). The discussions are not subject to disclosure as it would tend to frustrate the purpose of these executive sessions as I just read. The Board voted to issue a written decision which will be forthcoming and will be public after it is served. As to item 6(b) the Board continued that until the next meeting. And that is it for the executive session report. So now you can move to adjourn since everything else was continued.

Ms. Fukumitsu: And do we have that on record but it was in executive session that we moved the agenda items? Or do we move the agenda items in open session?

Mr. Takamura: Yeah if you guys could re-vote I guess in open to do it.

Ms. Fukumitsu: We need to call out each individual agenda item that's going to be moved?

Mr. Takamura: Or you could just state that all the agenda item's that were not discussed are continued.

Ms. Fukumitsu: Gotcha, ok do I have a motion?

Mr. Bruno: Member Bruno I make a motion that all of the agenda item that we did not yet complete are held over for the January meeting.

Ms. Fukumitsu: Can I get a second?

Mr. Allende: Board member Erick Allende, second.

Ms. Fukumitsu: Any discussion? Ok all those in favor?

All members say aye in unison

Ms. Fukumitsu: Opposed? Oh I'm sorry?

Mr. Takamura: Just call for public testimony please.

Ms. Fukumitsu: Oh yes, just noting no one's in the chambers or on Zoom so no public testimony. All those in favor of moving agenda items to the next meeting?

All members say aye in unison

Ms. Fukumitsu: Any opposed? Ok so we all agree to move all agenda items to our January 14th meeting and the items will be re-agendized.

Motion and Vote: Board member Bruno moved to continue all other agenda items to January 14, 2025 meeting; Board Member Allende seconded; All Members voted aye. Motion Passes. (2:07 p.m.)

10. ANNOUNCEMENTS (2:08 p.m.)

Ms. Fukumitsu: OK so announcements, the next monthly meeting of the Board of Ethics is scheduled for Wednesday, January 14, 2026 at 10am at the Hawaii County Building Council Chambers, 25 Aupuni Street Hilo, Hawaii 96720. And

11. ADJOURNMENT (2:08 p.m.)

Ms. Fukumitsu: I need a motion can I get a motion?

Mr. Bruno: Member Bruno I make a motion to adjourn today's meeting.

Ms. Fukumitsu: Can I get a second?

Mr. Allende: Board member Erick Allende. I second.

Ms. Fukumitsu: Do I ask for comments? No. Do we have to have a discussion? No. All those in favor?

All members say aye in unison

Ms. Fukumitsu: Ok so we are adjourned it is 2:09pm. Adjourned.

Motion and Vote: Board Member Bruno moved to adjourn the meeting; Board Member Allende seconded; All Members voted aye; Motion Passes (2:09 p.m.)

Respectfully submitted:

Khayla-Lei, Secretary