

HAWAI‘I COUNTY BOARD OF ETHICS

MINUTES – REGULAR SESSION

Wednesday, January 14, 2026

10:01 a.m. – 1:36 p.m.

County Council Chambers

Hawai‘i County Building

25 Aupuni Street

Hilo, Hawai‘i 96720

Members and Staff Present:

Lisa Fukumitsu, Chair

Erick Allende, Vice Chair

Rachel Short, Board Member

David Bruno, Board Member

Kelly Valenzuela, Board Member

Cameron Takamura, Deputy Corporation Counsel

Khayla-Lei Peiler, Secretary

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

Ms. Short called the meeting to order at 10:01 a.m. Present in chambers were Rachel Short, Lisa Fukumitsu, David Bruno, Erick Allende and Kelly Valenzuela. 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 January 14, 2026. This meeting is being held here both in person here at our 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 your 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 myself before speaking to ensure we make a clean and clear record. Prior to speaking for Board members as well 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 limit distractions by turning off mobile phones and other devices. 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 if we can go down the line and state our names. I'll go first I am your Chair Rachel Short.

Ms. Fukumitsu: Good morning Vice Chair Fukumitsu.

Mr. Bruno: Good morning member, David Bruno.

Ms. Valenzuela: Good morning member Kelly Valenzuela.

Mr. Allende: And I'm Erick Allende, member.

Ms. Short: Thank you so much. And let's also reflect the presence of Deputy Corporation Counsel, as well as the attorney's Secretary Khayla-Lei.

2. PUBLIC TESTIMONY ON AGENDA ITEMS

Ms. Short: At this time we'll take statements from the public on agenda items. Public testifiers can testify now or just prior to the agenda item that they wish to testify on. Cam or Khayla do we have any public testifiers at this time? Ok no public testifiers at this time.

3. ELECTION OF CHAIR AND VICE CHAIR FOR 2026

Ms. Short: Moving right along to agenda item number 3. The nomination and election of the Chair and Vice Chair for 2026. For our Hawaii County Board of Ethics. Would anyone like to make a nomination for Chair or Vice Chair?

Mr. Takamura: Or if anybody would like to volunteer themselves to be nominated?

Mr. Bruno: Member Bruno, I would like to nominate Lisa Fukumitsu for Chair.

Ms. Short: I'll second that nomination. Is that enough to have a motion and vote?

Mr. Takamura: Yeah. Any discussion?

Ms. Short: Any discussion to be had? Let's take a vote...

Mr. Takamura: If you could just repeat the motion, the motion would be to elect Lisa.

Mr. Bruno: Member Bruno, my motion is to elect Lisa Fukumitsu for Chair of the Board of Ethics.

Ms. Short: And I will second that motion. Any discussion to be had? Hearing and seeing none. I'll call for my final vote as Chair. All in favor of Lisa being Chair please say aye.

All members say aye in unison

Ms. Short: Any opposition please say nay. Hearing and seeing none. Lisa is the Chair of the Hawaii County Board of Ethics for 2026.

Motion and Vote: Board member Bruno moved to elect Lisa Fukumitsu as the 2026 Board of Ethics Chair; Board Member Short seconded; All Members voted aye. Motion Passes. (10:05 a.m.)

Ms. Short: Do we have a nomination for Vice Chair for 2026?

Mr. Allende: I'll nominate myself.

Ms. Fukumitsu: Vice Chair Fukumitsu, I second.

Ms. Short: Any discussion to be had?

Ms. Fukumitsu: Board member Fukumitsu I move to elect Board Member Allende as Vice Chair of the County of Hawaii Board of Ethics.

Ms. Short: I will second that motion. 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. Erick Allende is your Vice Chair of the Hawaii County Board of Ethics.

Motion and Vote: Chair Fukumitsu moved to elect Erick Allende as the 2026 Board of Ethics Vice Chair; Board Member Short seconded; All Members voted aye. Motion Passes. (10:06 a.m.)

4. APPROVAL OF THE MINUTES (10:06 a.m.)

a. Approval of the regular session minutes of December 10, 2025

Ms. Fukumitsu: Moving on to agenda item number 4 approval of the minutes. Has everyone had a chance to review the regular session minutes of the December 10, 2025 Meeting?

Ms. Short: Yes.

Ms. Fukumitsu: Ok so can I get a motion to approve the regular session minutes for the December 10, 2025 meeting?

Mr. Bruno: Member Bruno I make a motion to accept the minutes from the regular session minutes from the December 10 meeting.

Ms. Fukumitsu: Can I get a second?

Ms. Valenzuela: Kelly Valenzuela. I second.

Ms. Fukumitsu: Any discussion? Oh yes, sorry is there any public testimony regarding the regular session minutes for the December 10, 2025 meeting? Ok all those in favor...

Mr. Takamura: Ok sorry I have an amendment. I'm going to propose an amendment to the regular session minutes, so on page 3 for the motion and vote section or part which is in bold... they should've been separated so item 6a(i)(6) and 6a(i)(8) had slightly different basis for why you guys went into executive session so I would propose editing it to reflect that the motion and vote to go into executive session for item 6a(i)(6) was pursuant to HRS 92-4, 92-5a(2), and 92-5(a)(4). While item 6a(i)(8) was pursuant to HRS 92-4, 92-5a(2), 92-5a(4) and 92-5a(6). And then the second proposed edit would be on page 12 on line 3 it says section 2-5a(2) but instead should say 92-5a(2). SO if you guys are ok with those edits I would ask that somebody make a motion to instead approve the minutes as amended.

Ms. Fukumitsu: Ok so I'm calling for a motion to approve the regular session minutes as amended.

Mr. Takamura: Yup, if you guys are ok with the proposed amendments.

Ms. Short: Member Rachel Short. I will make a motion to approve the minutes as amended.

Ms. Valenzuela: Kelly Valenzuela I seconded it.

Ms. Fukumitsu: Any discussion? Or public testimony regarding the regular session minutes? Ok, calling for the vote. All those in favor of approving the regular session minutes for the December 10, 2025 meeting as amended please say aye.

All members say aye in unison

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

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

b. Approval of the executive session minutes of December 10, 2025

Ms. Fukumitsu: Continuing on to the executive session minutes, has everyone had a chance to review the executive session minutes for the December 10 meeting? Ok, can I get a motion to approve the executive session minutes for the December 10, 2025 meeting?

Ms. Short: Member Short. I make a motion to approve the executive session minutes from December 10, 2025.

Mr. Bruno: Member Bruno. I second.

Ms. Fukumitsu: Ok, is there any discussion or public testimony regarding the executive session minutes? All those in favor?

All members say aye in unison

Ms. Fukumitsu: Any opposed? Ok, may the record reflect that the executive session minutes have been approved.

Motion and Vote: Board member Short moved to approve the Executive Session minutes of December 10, 2025; Board Member Bruno seconded; All Members voted aye. Motion Passes. (10:11 a.m.)

5. COMMUNICATIONS (10:11 a.m.)

a. None

Ms. Fukumitsu: We are moving on to agenda item 5. Agenda item 5 there is no items under communications so moving on to agenda item 6.

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

a. New and Continued Review of Petitions:

None for open proceedings.

b. Consideration of Draft Informal Advisory Opinions:

None for open proceedings.

Ms. Fukumitsu: Moving on to agenda item 6, Open proceedings relating to informal advisory opinions. So there's no New and Continuing review of petitions. No items. And also none for consideration of draft informal advisory opinions.

6. EXECUTIVE SESSION

Ms. Fukumitsu: Ok agenda item 7a(i) 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 individuals privacy and pursuant to HRS section 92-5(a)(4) to consult with the Boards attorney on the Boards powers, duties, and liabilities. Petition 2025-17 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. Petition 2025-19 County employee petition for informal advisory opinion alleging that a County officer violated the Code of Ethics and other laws. Petition 2025-25 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. Do I read this whole thing?

Mr. Takamura: No so this is your guys first item so it would be a motion to enter into executive for item 7(a)(i) 1-3 for the purposes stated by Chair Fukumitsu. So if you could call for a motion reciting that.

Ms. Fukumitsu: Can I get a motion to move into executive session to review Petition 2025-17, 19 and 25 for the purposes as stated.

Mr. Bruno: Member Bruno. I make a motion to go into executive session to address the petitions under 7a(i) 1,2, and 3 for the purposes previously stated.

Mr. Allende: Second it.

Ms. Fukumitsu: Any discussion on the motion? And is there any public testimony? All those in favor of going into executive session please say aye.

All members say aye in unison

Ms. Fukumitsu: Any opposed? So motion passes and we are now in executive session at 10:15am.

Motion and Vote: Board member Bruno moved to go into Executive Session for agenda item 6(a)(i) 1, 2, and 3 pursuant to HRS Sections 92-4, 92-5a(2), and 92-5(a)(4); Board Member Allende seconded; All Members voted aye. Motion Passes. (10:15 a.m.)

Board enters Executive Session (10:15 a.m.)

Board enters Open Session (12:24 p.m.)

Ms. Fukumitsu: Ok good afternoon Chair Fukumitsu it is 12:38 and we are in open session, continuing with agenda item 7a 4, 5, and 6. The Board anticipates going into executive session for the following petitions, pursuant to HRS 92-4 and 92-5 a2 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 individuals privacy and pursuant to HRS 92-5 a4 to consult with the board's attorney on the Boards powers, duties, and liabilities. That would be petition 2025-21, 2026-01, and 2026-02. And then can I get a motion...

Mr. Takamura: Yup if you can ask to get a motion to enter into executive session for the agenda items stated and for the purposes stated by the Chair.

Ms. Fukumitsu: Do I have a motion?

Ms. Short: Member Short, I motion to move into executive session for the reasons stated by DCC and the Chair.

Mr. Takamura: And for the items listed.
Ms. Short: And for the items listed.

Ms. Fukumitsu: Can I get a second?

Mr. Allende: Vice Chair Erick Allende. I second.

Ms. Fukumitsu: Is there any public testimony or discussion? All those in favor?

All members say aye in unison

Ms. Fukumitsu: Any opposed? Ok motion passes and we are moving into executive session at 12:40.

Motion and Vote: Board member Short 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. (12:40 p.m.)

Board enters Executive Session (12:40 p.m.)

Board enters Open Session (1:30 p.m.)

Ms. Short: Member Short, for the record I'm excusing myself at 1:30.
Member Short has to go.

Ms. Fukumitsu: We don't have quorum. So can we just do this one more thing while we open this? So I just forward the calling agenda item 7(a)(ii)(1) 2025-26. The informal advisory opinion I just need a motion.

Ms. Short: Member Short I motion to approve the informal advisory opinion for Petition 2025-26.

Mr. Allende: Vice Chair Erick Allende. Second.

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

All members say aye in unison

Ms. Fukumitsu: Opposed? Ok motion passes ok I'll sign.

Motion and Vote: Board member Short moved to approve the draft informal advisory opinion for Petition 2025-26; Board Member Allende seconded; All Members voted aye. Motion Passes. (1:31 p.m.)

- Ms. Fukumitsu: Ok for the record Board member Short needs to leave so we lost quorum.
- Mr. Takamura: Ok so we lost quorum so everything else will be continued to the next agenda.
- Ms. Fukumitsu: Ok so for the record we're going to move all the remaining agenda items to the next board meeting which is scheduled for February 11th, 2026 at the Hawaii County Building Council Chambers 25 Aupuni Street Hilo.
- Mr. Takamura: Ok so even if we lose quorum I still got to do the executive session report.
- Ms. Fukumitsu: Ok so moving on yes DCC Takamura? Moving on to the executive session report agenda item 8. Executive session report by the Boards attorney pursuant to HRS 92-4b.
- Mr. Takamura: Yeah so even though we lost quorum I still have to do the executive session report. OK so the Board entered into executive session for Agenda item 7a(i) 1, 2, and 3 pursuant to HRS 92-4, 92-5a(2) and 92-5a(4) for Petition 2025-17 the discussions held on that item are not subject to disclosures as it would tend to defeat the purpose of the executive session. The Board voted to reject the Petition without prejudice pursuant to HCC 2-86 and BOE Rule 4.5. Petition 2025-19 the discussion held therein is not subject to disclosure as disclosure would tend to defeat the purpose of the executive session. The Board received in part and dismissed in part the petition pursuant to HCC 2-86 and BOE Rule 4.5 and also directed the Board staff to send the notice to the subject employee or officer pursuant to HCC 2-86b (2). Petition 2025-25 the discussion held therein is not subject to disclosure as it would tend to defeat the purpose of the executive session. The Board voted to stay receipt of the petition pending resolution of a parallel proceeding in another entity. The Board also entered into executive session for agenda item 7a(i) 4 through 6 pursuant to HRS 92-4, 92-5a2 and 92-5 a 4, for Petition 2025-21 the discussion held therein is not subject to disclosure as disclosure would tend to defeat the purpose of the executive session. The Board voted to find no probable violation and an informal advisory opinion draft

will be presented at the next meeting. For Petition 2026-01 the discussion held therein is not subject to disclosure as disclosure would tend to defeat the purpose of the executive session. The Board found no probable violation pursuant to HCC 2-83b and 2-91.4 and issued an interim ruling and the draft of the informal advisory opinion will be provided at the next meeting. Petition 2026-02 the discussion held therein is not subject to disclosure as disclosure would tend to defeat the purpose of the executive session. The Board found no probable violation pursuant to HCC 2-83b and 2-91.4 and issued an interim ruling with the informal advisory opinion draft to be provided at the next meeting. For item 7(a)(ii) the Board did not go into executive session and instead voted in open session to approve the informal advisory opinion. And the Board did not reach the rest of the items as we lost quorum so nothing else to disclose.

Ms. Fukumitsu: Ok great so...meeting is adjourned. Mahalo!

Respectfully submitted:

Khayla-Lei, Secretary