

HAWAI‘I COUNTY BOARD OF ETHICS

MINUTES – REGULAR SESSION

Wednesday, March 11, 2026

10:00 a.m. – 1:37 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

Paul ‘Scotty’ Paiva, Board Member

David Bruno, Board 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 10:01 a.m. Present in chambers were Lisa Fukumitsu, Rachel Short, David Bruno, Erick Allende and Paul ‘Scotty’ Paiva. Also present was Deputy Corporation Counsel Cameron Takamura and Board Secretary Khayla-Lei Peiler.

Ms. Fukumitsu: Good morning everyone. Everybody ready to start? Okay, good morning everyone. I'm your Chair Lisa Fukumitsu and this is the Board of Ethics meeting for March 11, 2026. This meeting is being held here both in person at our Hawaii County Council Chambers as well as virtually on zoom. Do we have participants on Zoom? Yes, ok. Ok, I'd like to review some protocols. For our participants if you're on zoom your camera must be turned on at all times one person speaks at a time no side conversations. Please mute your device when you're not speaking to improve audio quality for all. Zoom participants, please raise your hand and wait for recognition by the chair before speaking to ensure that we make a clean and clear record prior to speaking including our board members if we can please remember to state our name so that all parties know who's speaking. Speak slowly clearly and close to the microphone. At this time if we can all turn our cell phones on silent We could start with introductions, I'll go first, my name is Lisa Fukumitsu, Chair.

Ms. Short: Rachel Short, member.

Mr. Bruno: Member David Bruno.

Mr. Allende: Erick Allende Co-Chair.

Mr. Paiva: Scotty, member. Sorry. Yes, vice chair. I, in day.

Ms. Fukumitsu: I would also like to acknowledge the presence of our Deputy Corporation Counsel DCC Takamura as well as our board secretary, Khayla-Lei Peiler. Moving on to... Agenda item 2. Yes?

Mr. Takamura: Yeah, and just for the record, there are 5 members present so you guys have a quorum.

2. PUBLIC TESTIMONY ON AGENDA ITEMS

Ms. Fukumitsu: Oh, mahalo. Okay, so... at this time, we'll take statements from the public on agenda items. Public testifiers can testify now or prior to the agenda item they wish to testify on, do we have any public testifiers at this time?

3. APPROVAL OF THE MINUTES (10:05 a.m.)

a. Approval of the regular session minutes of January 14, 2026

Ms. Fukumitsu: Okay, moving on to agenda item 3, approval of the minutes. Has everyone had a chance to review the regular session minutes from January, 14th 2026 meeting? Yes, can I get a motion to approve?

Ms. Short: Member Short, I motion to approve the minutes from the regular session held on January 14, 2026.

Mr. Bruno: Member Bruno second.

Ms. Fukumitsu: Okay, is there any public testimony or discussion on the regular session minutes? Okay, can I get a call for the vote? Yes. All those in favor of approving the minutes, say aye.

All members say aye in unison

Ms. Fukumitsu: Opposed? None. Ok, motion passes, minutes are approved.

Motion and Vote: Board member Short moved to approve the Regular Session minutes of January 14, 2026; Board Member Bruno seconded; All Members voted aye. Motion Passes. (10:05 a.m.)

b. Approval of the executive session minutes of January 14, 2026

Ms. Fukumitsu: Okay, moving on to our executive session minutes. Has everyone had a chance to review the executive session minutes for the January, 14 2026? Is there any public testimony or discussion? Oh no, wait, sorry. Can I get a motion to approve?

Ms. Short: Member short, I motion to approve the executive session minutes from January 14, 2026.

Ms. Fukumitsu: Can I get a second?

Mr. Bruno: Member Bruno, I second.

Ms. Fukumitsu: Any public testimony or discussion on the minutes? All those in favor?

All members say aye in unison

Ms. Fukumitsu: Opposed? Ok, Executive session minutes are approved.

Motion and Vote: Board member Short moved to approve the Executive Session minutes of January 14, 2026; Board Member Bruno seconded; All Members voted aye. Motion Passes. (10:05 a.m.)

4. COMMUNICATIONS (10:06 a.m.)

a. None

Ms. Fukumitsu: Moving on to agenda item 4, communications, there are no items listed.

5. ALTERNATIVE PROCESS FOR REVIEWING CONFIDENTIAL FINANCIAL DISCLOSURES

The Board will discuss and may decide on using an alternative process for reviewing confidential financial disclosures filed pursuant to Hawai'i County Code (HCC) § 2-91.1 in a more efficient manner.

Ms. Fukumitsu: Do I read this whole thing?

Mr. Takamura: Okay, so part of your guys responsibilities is doing the financial disclosure review, but because it's been at the end of our agenda, we haven't been reaching it for the past several meetings. So I think it would be a good time for you guys to maybe discuss

alternative ways for you guys to do the review. A couple of options is you guys could use a permitted interaction, which would allow up to 2 of you to review the minutes together or you guys could come in one by one and review the minutes. Sorry not the minutes, review the financial disclosures so long as you guys don't make any kind of decision how to vote on them. And upon reviewing them you can make notations as to whether or not you think they're compliant and then when we have another meeting a regular meeting, then you guys can discuss approval. So that would allow you guys to come in and review the financial disclosures in between meetings using a permitted interaction. Another option is forming a permitted interaction group, which could be up to less than a quorum, so it'd be 3 or less of you to review it, compile a report as to whether or not you think they comply or not with the financial disclosure rule as well as the Hawaii County code and then provide a report to the remaining board as to what you think and then as a board... you guys would vote to approve or not approve the financial disclosures. So those are 2 options. If you guys can think of other options, you guys can discuss them as well.

Mr. Allende: I was just curious, can we have some of these sent over to the Civic Center? So we can review it over there.

Mr. Takamura: Either way, if you guys prefer to review it in Kona and I can drive over with the documents and then you guys can review it at my office's Kona office.

Mr. Allende: Is that the one right in front of the civic center?

Mr. Takamura: So I'm not sure if it's called this... What's the West Hawaii? Yeah. So it's the West Hawaii Civic Center. I believe it's in building C. Building B. Sorry.

Ms. Fukumitsu: Chair Fukumitsu, so if we were to... following up on that, if we were to have them reviewed in Kona then we all need to be in Kona?

Mr. Takamura: No, so it'd be a permitted interaction so you can do up to 2 by 2 but no more than that.

Ms. Fukumitsu: They cannot be one person.

Mr. Takamura: Well you can be one person.

Ms. Fukumitsu: Oh you can be one person?

Mr. Takamura: Anything less than 2 if you're gonna use that permitted interaction. So there's a permitted interaction which allows you guys to be 2 or less people and discuss board business but you guys cannot make any decisions how to vote... And then the other option was to create a permitted interaction group. Which is another 3 step process. So we wouldn't be able to actually form it at this meeting. But that would allow 3 or less. And then that would also require the 3 people to come up with a report. Remember like how you did for the rule making?

Mr. Allende: Can we just do... Vice Chair Allende. I was just saying if we can just do the 2 or less, and that way we can each go in our own convenience as long as we get it done before the next meeting or something.

Mr. Takamura: Yep, so if that's how you guys wanna do it, you guys can do a vote and then me and Khayla can arrange times for you guys to come in.

Ms. Fukumitsu: Do I need a motion?

Mr. Takamura: Yeah, it'd be best to do it by motion.

Mr. Paiva: I have one question first. What's the difference between the less than 2 or less than 3? Sounds same to me.

Mr. Takamura: So the requirements are different. So if we do the 2 people per minute interaction, you guys don't have to do 3 additional meetings. So you guys can go in. Take notes. You guys just can't decide how to vote. But if you guys do the permit interaction group, which is the 3 or less, we have to schedule at the next meeting. We have to put on the agenda for next meeting that you guys are forming the per minute interaction group. Then once that's formed, then you guys can meet, then we need to schedule a second meeting in which you guys provide the report of what you did. And then only at a 3rd meeting can you guys then vote on anything related to that report. So whether or not to approve. So the processes are just a little bit different. The easiest would be using the 2 or less, permitted interaction.

Mr. Bruno: So, member Bruno, further question on that. You started off by saying reviewing them independently. So the independently is different from the 2 or fewer?

Mr. Takamura: Oh no, so the 2 are fewer or you could go one by one as long as it's...

Mr. Bruno: So it's either we commit to do it one by one so everybody has to go in and at some point come by or get the pay review them leave our notes or kind of put a check mark by it and then we would come back here and all vote on them. The 2 or fewer would be...

Mr. Takamura: Nope, that would be under the 2 or fewer. So you can either you could come in in two's or you guys could come in one by one under that permitted interaction.

Mr. Bruno: Okay, but at that point everybody has to do it.

Mr. Takamura: Yeah.

Mr. Bruno: Okay, so it's not... I was thinking that the quasi pig was that we could do 2 or few people that are designated doing it. It's just no more than 2 can do it at a time. So if you came to Kona with the papers that maybe Erick and I can meet and then at the same time that would then still leave Scotty and Lisa would need to come by here or meet you and do their own.

Mr. Takamura: Yeah. Cause you guys would all have to review it to vote as the Board.

Mr. Bruno: Gotcha.

Ms. Fukumitsu: But the alternative... Chair, Fukumitsu. The alternative with the 3 or less would be an actual group and the 3 do review it and provide a report and then the board... So that doesn't require everybody's review, right?

Mr. Takamura: Well, yeah, so the pig would bring back a report for everybody to review. So either way you guys will all end up having sort of reviewed it. The pig just takes 3 meetings.

Mr. Bruno: Member Bruno, I mean, I guess I would make a motion. That we individually review it with 2 or fewer as opposed to a pig. And then we could coordinate the logistics, but... I'll just stop with that motion. We can leave it to the discussion.

Ms. Fukumitsu: Can I get a second?

Mr. Paiva: Member Paiva, I second.

Ms. Fukumitsu: Do I have... Is there any public testimony or discussion on the motion?

Mr. Bruno: So the discussion I have I just made the motion with the assumption because taking member Allende's comments of meeting in Kona that would work convenient for me conveniently for me but obviously, Scotty and Chair, I don't know, I'm not trying to speak for you, whether it's convenient for you to help me out.

Mr. Takamura: Yeah, so I can bring it to wherever. We'll arrange.

Ms. Fukumitsu: But I can come to your office?

Mr. Takamura: Yeah.

Ms. Fukumitsu: Because it can be one right? With this motion, right? Scotty can go on his own or if I'm in Kona, I can meet you. Right?

Mr. Takamura: Yeah so if you guys vote to go this route, Khayla can organize the logistics of it and then I'll transport the documents wherever.

Ms. Fukumitsu: And the option is that we can also come to the Corporation Council Office to review?

Mr. Takamura: Yeah, either over here or in Kona.

Ms. Fukumitsu: Okay. Good?

Mr. Bruno: Yeah, I mean, I think it's the way to go just getting it done because it has been backlogged and it keeps getting pushed because we've got so much to do.

Ms. Fukumitsu: Yeah, agreed. Ready to vote? Okay, all those in favor?

All members say aye in unison

Ms. Fukumitsu: So that motion passes.

Mr. Paiva: And thank you Khayla for arranging and coordinating this.

Motion and Vote: Board member Bruno moved to use a permitted interaction process moving forward to review financial disclosure forms; Board Member Paiva seconded; All Members voted aye. Motion Passes. (10:15 a.m.)

Ms. Fukumitsu: Okay, so we're moving on to agenda item 6, open proceedings relating to informal advisory opinions 6 (a) new and continued

review of petitions. We're calling petition 2026-04. Kaycie Saiki, Administrative Services Assistant I in the Office of the Mayor, petition for informal advisory opinion as to whether her outside employment of operating a food product business would violate the code of ethics. Is the petitioner here? Oh, Aloha.

Mr. Takamura: I also provided you guys a petition analysis if you have any legal questions I would ask that we go into executive session but otherwise. This is an open session proceeding. You guys wanna take maybe 5 min to review? Okay. Okay, Ms. Saiki sit tight. They're gonna review your petition. And then, they'll ask questions if anything.

Ms. Fukumitsu: So after reading the petition and the analysis, do we have questions for our DCC that we would need to go into executive to get some legal advice? Do we need to go into executive session?

Mr. Allende: I think I'm good.

Ms. Fukumitsu: Do we have any questions for the petitioner?

Mr. Allende: Yeah, hi. If you want to just introduce yourself.

Ms. Saiki: Good morning, Chair and members. Thank you for the opportunity to meet with me today. My name is Kaycie Saiki. I've been employed with the County of Hawaii for over 21 years in the mayor's office. I currently handle the budget, the HR and accounts for the office. Outside, outside of my county employment, I occasionally prepare small batches of shelf stable food products under the name of Kaycie's Kitchen and which sometimes I sell at community events or fairs. This is a very small home based activity. It was a hobby that turned into just me doing it for therapeutic purposes even, you know, and it's just, I like doing it. I don't solicit business. I don't sell during county hours or use county resources. So I'm just here... my intention today is to ensure that if... I have submitted a vendor form for in the future if there is interest you know that I could be on the vendor list and it was suggested that I come before the board of ethics to insure that you know that I'm not doing anything or just transparency for sure and also that I want to comply with any of the code of ethics for the county and get any recommendations from you all to make sure that everything is transparent. So if there is an invoice that is processed, now, I do process invoices for my office, but I do have another person in the office that let's say if there were a Kaycie's Kitchen invoice that ever came up, I would not be the person that processes it. It would be another person in the office. So that would

be the only thing that I've already even with the vendor form. I did not submit that, I had someone else submit it for me. So I understand you know that that I just my county employment means everything to me. This is my priority. The business, the side business, that's for fun. And that's just to keep myself occupied because I'm a empty nester now. So, you know, it's just. That's it. Yeah. So I'm here to just ask for guidance from you all and if you guys have any recommendations or concerns.

Mr. Allende: And then just so, you're not worried about the side business and the aspect of still running the side business. It's more if you become a vendor for the county.

Ms. Saiki: Correct. It's just to be proactive.

Mr. Allende: Right. And you don't work for any of the department of health or anything like that.

Ms. Saiki: No.

Ms. Short: My question would be. Thanks for being here today. I know the county a lot of times does things where they do hire food vendors, right? If you were to apply to be a county vendor for a food truck thing or whatever like they do Is there going to be some sort of process in place just to ensure that You aren't chosen over someone else because of your relationship with the county. That would I guess be my one question.

Mr. Takamura: So I can answer that. So if, Ms. Saiki through Kaycie's Kitchen were to bid for a county contract she would first have to comply with HCC 2-83 (c) as well as HCC 2-85 which governs contracting with the county as a county employees.

Ms. Short: Perfect. That answered my question. Thank you.

Mr. Bruno: Member Bruno, one question just to clarify for me when you speak of submitting a vendor form. So it's to get in the County's process and list of you know, so a department is looking for something that they need that your, your business might come up to say, you provide small custom goods.

Ms. Saiki: It's just pretty much like shelf items like seasoning. Or I make this Lilikoi Honey. It's very small. Just those kind of things. More or less if anybody would wanna purchase it, it would be for omiyage, or visitors or gift baskets or sometimes those are created.

Mr. Bruno: Okay. Thank you.

Ms. Fukumitsu: Any other questions for the petitioner? Do we have a motion?

Mr. Allende: Vice Chair Allende, can make a motion to find that there's no conflict of interest or problem as applies to HCC 2-86 subsection C. And or BOE rule 4.1 Section C. And that to be available to continue running her business and follow through with the vendor application.

Mr. Takamura: So those provisions are only as to the filing requirements. So the substantive provisions would likely be HCC 2-83, 2-84 and 2-85.

Mr. Allende: Okay, I'll revise the motion to apply to 2-83(a)(1), 2-83(b), 2-84(a) and 2-91.6. Is that right?

Mr. Takamura: Okay, I would also recommend that you also include a safeguard that if she does intend to contract with the county that she also comply with HCC 2-83 C and 2-85 which would require her to get an opinion first from the BOE that there's no conflict and also the contract has to be awarded by competitive means.

Mr. Allende: Okay, Vice Chair Allende, can I just strike everything from before and then we'll redo it?

Mr. Takamura: Yeah you can.

Mr. Allende: And you said 2-86 right?

Mr. Takamura: No.

Mr. Allende: So we're gonna make a motion that 2-83(a) section 1, 2-83(b), 2-84(a), 2-91.6, 2-83(c) and HCC 2-85(a) would apply to Ms. Kaycie if there's ever a chance that you may apply to be a vendor with the county. So like our Legal counsel said so in the case that you ever apply for it you would have to come back for an opinion right that it doesn't conflict with that particular application that you're going for. And then go from there.

Ms. Saiki: Okay, so the vendor form that was submitted what happens with that?

Mr. Takamura: So to clarify, when you mean vendor form, does that mean to participate at a county like a market?

Ms. Saiki: No, no.

Mr. Takamura: To actually contract with the county?

Ms. Saiki: No, not a contract or anything like that. It would just be to be listed on the vendor list.

Mr. Allende: So she can sell things with the County.

Mr. Bruno: To the County.

Ms. Saiki: The Lilikoi Honey, let's say.

Mr. Takamura: So are you selling it to the county?

Ms. Saiki: If someone like that department were to purchase.

Mr. Takamura: Okay, so if you're intending to sell to the county that would be a contract with the county so you have to first comply with HCC 2-83(c) and request a board opinion to find that there's no conflict with you selling to the county and then you would have to be selected by competitive means so it could not go through small purchase. It would have to be competitive sealed bidding or a request for proposals.

Mr. Bruno: Member Bruno. I have a question or comment because that was my question. If the petition was the vendor list and I don't know, maybe we need to speak, maybe to seek guidance or understanding what the vendor list is. But my takeaway was that if you apply to be on a vendor list it's somewhere it's available in the county departments and if they're looking for using the petitioner's example where they need to... they want to get some, you know, buy some gifts for an event that they have a list of people that the county is you know have applied for and they could the department could go and say hey we need to buy a case of this and it would just be a one time purchase which is separate from what I understood you were talking about for contracting was if they were she was going to have a booth. Is that one in the same?

Mr. Takamura: So if you, it depends whether or not I guess she would be selling to the county, right? So if she's merely just a vendor at a county event, that's one thing. But if she's directly selling to the county, that would trigger the requirements for board approval as well as competitive procurement.

Mr. Bruno: And then maybe this where I would think maybe we need to seek guidance and understanding what the vendor list is because to me and I'm taking it from some of the looks of my colleagues... both

of us who've been here longer that. There's this vendor list out there and if this has not come before this board it would seem like this vendor list has some application as I've described it, but I'm just making a theoretical description. So if we can get some clarification on what that vendor list does and what...

Mr. Takamura: So that would probably be a better question for the purchasing division in the Department of Finance. If you would like I can submit a request for information from them for you guys.

Ms. Short: I agree with what he's saying, cause it's like if there is well and also what you're saying, right? Cause it is a contract with the county if you are selling directly to the county. The vendor list, how is that applied for? Does each individual vendor come before us? How do we know? Like, I guess what does it take to be a County of Hawai'i vendor would be my question. What is the process in place? Is everyone on that list? Have they gone through this process that she's being, you know, kind enough to go through herself... And ensuring that there isn't this conflict of interest where I don't know, it sounds like there's multiple contracts with the county that maybe we should.

Mr. Bruno: I just, and again, sort of extrapolating prior experience, but it's difference in going out and making a purchase and saying, oh, these are people we can reach out to that have been vetted and as opposed to. Entering into a contract. So one time purchase versus entering into a contract because I can't imagine that to have to go out for bids...

Mr. Takamura: Well I think the understanding of the contract it doesn't necessarily mean our written contract. So a transaction where you exchange money for a good would still technically be a contract.

Mr. Bruno: But with that, and I'm just, I guess I was going to the next step of, or that it would require 3 bid. I mean, you know, that you'd have to get 3 independent. I have to reach out to, you know, if I were doing this, I'd have to reach out to 3 different people to get quotes. That's the reason I think you I was asking if we get clarification if it's different ...

Mr. Takamura: Yeah, so I can send out a request for information from to the purchasing department on your guys behalf if you'd like and you guys can vote to continue this petition to the next meeting.

Mr. Bruno: I think this is would give better clarification because if we're if it seems to me it's a 2 step that we're saying hey generally based on

your presentation it doesn't as vice chair made the motion that it wouldn't violate, probably not that be a violation of ethics. Unless the second thing was there's a full vendor but if we're a full contract but if they're one of the same it's this 1st petition is sort of null if she has to actually submit a contract. So I think we just need to get that clarification.

- Mr. Takamura: Okay, yeah, so I can request from purchasing to see what this vendor list actually is.
- Ms. Saiki: I'm willing to come back. Because they're the ones that recommended me to the Board of Ethics.
- Mr. Takamura: Purchasing recommended?
- Ms. Saiki: Accounts. Accounts and purchasing.
- Mr. Takamura: Okay.
- Ms. Saiki: So there is a vendor list out there and you know in my experience anyone who wants to do visit or you know do a transaction with the county we give them this vendor form, it's called a V8 Form and they fill it in, we turn it into accounts, they get a vendor number and then they can send an invoice to get... especially if it's under a small purchase. I can't remember. I think it's a thousand now. But if it's under a thousand, then you don't have to go up to bidding.
- Mr. Takamura: Okay, I think it's getting conflated. That's the procurement law, but under ethics there's a separate obligation that if you are going to engage with procurement with the you have to get separate authorizations and it has to be competitive. So I can get clarification and then we can come back and then we can discuss the application of those county code provisions to the situation.
- Ms. Fukumitsu: Okay, so sorry, Chair, Fukumitsu. We had a motion on the floor. We had a discussion. Where are we at now?
- Mr. Takamura: So up to you guys if you guys want to seek further information. It would be to withdraw the motion. And then redo the motion.
- Mr. Allende: I withdraw the motion.
- Ms. Fukumitsu: Okay, and do we have a new motion on the floor?

Ms. Short: Okay, so member short I motion to continue Petition 2026-04. To our next meeting so Corporation Counsel can get in touch with purchasing department and get the requested vendor list and other information.

Mr. Bruno: Member Bruno I Second.

Ms. Fukumitsu: Okay. Any I asked for discussion again yes? Any public testimony or discussion on motion? All those in favor?

All members say aye in unison

Ms. Fukumitsu: Opposed? Ok, so motion passed and we are going to continue your petition Ms. Saiki to our next meeting for our DCC to get additional information for us to consider and then our board secretary will be in contact regarding the next meeting. Okay, Mahalo, thank you.

Mr. Paiva: Board member Paiva. I get a little bit more questions. Could we have someone from that department come in on that day besides just having that written?

Mr. Takamura: I can request... I can request... purchasing is extremely busy so I'm not sure if they'd be able to physically come down.

Mr. Paiva: I would prefer someone here so I can.

Mr. Takamura: Okay.

Motion and Vote: Board member Short moved to continue Petition 2026-04 to the next meeting to request information from the Department of Finance; Board Member Allende seconded; All Members voted aye. Motion Passes. (10:15 a.m.)

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: Okay, so moving on to agenda item 6(b) consideration of draft informal advisory opinion, no items here for open proceedings. Yes?

6. EXECUTIVE SESSION

Ms. Fukumitsu: And so that takes us to agenda item 7 which is moving us to executive session, to discuss... Do I just read all of those things?

Mr. Takamura: You don't have to read it all, but if you are gonna do a motion and you guys would like to enter into executive session for all of them at one time, I would request that you read each of them into the motion.

Mr. Allende: Vice Chair Allende... it's just reading the petition numbers, right?

Mr. Takamura: So you have to read the actually advisory before because you have to announce in public the purpose for the executive session and the statutory authority therefore.

Ms. Fukumitsu: So, we're being asked at this time to decide if we're going into executive session to review all or if we want to go into executive session in out one by one. Do I need a motion to decide that?

Mr. Takamura: Yeah. In the motion, it would have to read all of that.

Ms. Short: To move into executive session for the purpose of considering. Oh wait, for the purpose of discussing confidential, legal and financial things with the board's attorney and petitions 20... strike that. I motion that we move into executive session for the following petitions pursuant to HRS 92-4 and 92-5(a)(2) to consider changes brought against the county officer or employer as specified below and to consider matters affecting the individual's privacy and pursuant to HRS 92-5(a)(4) to consult with the board's attorney on the powers duties and liabilities in regards to petition 2026-06, 2026-07, 2026-03.

Mr. Takamura: Sorry. 2026-03 has slightly different purposes so you'd also have to read that purpose.

Ms. Short: Okay, so in addition to petitions 2026-06 and 2026-07 we also need to go 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 the individuals privacy and

pursuant to HRS 92-5(a)4 to consult with the board's attorney on the board's powers, duties and liabilities in regards to petition 2026-03, 2026-05 and to consider the draft informal advisory opinions under 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 a disciplinary action and to consider matters affecting that individual's privacy pursuant to HRS 92-5(a)(4) to consult with the board's attorney on the board's powers duties and liabilities in regards to petition 2025-17, 2025-21, 2025-25, 2026-01, and 2026-02.

Ms. Fukumitsu: Wow! Good job.

Ms. Short: Thank you. Going out with the bang guys.

Ms. Fukumitsu: Wow, can I get a second?

Mr. Allende: Vice Chair Allende I second.

Ms. Fukumitsu: Oh, is there any public testimony or discussion on the motion on the floor? Oh, sorry. Oh, oh yes, hi aloha.

Mr. Matagi: Aloha, how is everyone?

Ms. Fukumitsu: Good.

Mr. Matagi: Thank you so much. I believe because there was no title put on this I do believe this is the item I am here for my name is John Matagi and I did send an email last night and the only reason I'm bringing it up is because I requested a UIPA, a public disclosure in regards to the information of this complaint. The public disclosure was provided to me at approximately 7:22 PM last night. Prior to this hearing, it would be 7:22PM my time. I am in Washington. And I immediately put the information together from that public disclosure, which has information supporting my complaint. And sent it to your board so that you could have it for today's executive session. I understand that the rules state they need to be there by noon yesterday, but that would have been impossible giving my public disclosure request was filled and it was on its final minute for disclosure. They had pushed it out. They had not disclosed the information to me on my original request, asked for an extension, and that extension led right up to yesterday afternoon. After the deadline to send information to this meeting had passed. So I want to bring that to the board's attention and hope I wrote it as short and concise as I possibly could that it can be considered as you go into your meeting.

Mr. Bruno: Board Member Bruno, I believe that what the commenter is referencing is a petition that is not we're not addressing these in this executive session?

Ms. Fukumitsu: It is. This, this is an agenda item that's going to be discussed in executive session.

Ms. Short: We'll consider that when we come to your petition right now we're just actually trying to move into executive session so that we can hear your petition in a closed legal space. That's all we're doing.

Mr. Matagi: Understood just trying to abide by the instructions that were sent to me that allowed me to have extra information considered during this executive session if I turned it in by noon yesterday.

Ms. Short: When we get to your petition, we can look into those specifics.

Mr. Matagi: Thank you.

Ms. Short: Thank you.

Mr. Bruno: Apologies, I wasn't aware of the Petition number associated with this comment.

Mr. Takamura: Okay, no worries. It is on there. So now if there's no further public testimony you guys can continue with the vote.

Ms. Fukumitsu: Okay, mahalo so we were at all those in favor?

All members say aye in unison

Ms. Fukumitsu: Opposed? Okay, so motion passes and we are going to move into executive session at 10:42.

Mr. Takamura: And then for Mr. Matagi. If the Board has any additional questions for you, we will call you, into the executive session but until then, we're gonna put you in the lobby. And also for the anybody in here, we're gonna go into executive session so you'd have to exit and then we'll call you back when your item is called. Thank you.

Motion and Vote: Board member Short moved to go into Executive Session for agenda item 7(a)(i) 1 and 2 pursuant to HRS Sections 92-4, 92-5a(2), and 92-5(a)(4); Board Member Allende seconded; All Members voted aye. Motion Passes. (10:42 a.m.)

Board enters Executive Session (10:42 a.m.)

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

Ms. Fukumitsu: Okay, so sorry it is 1:20 we're officially in open session and I would like DCC Takamura to provide the executive session report.

Mr. Takamura: Okay, so this is the executive session report pursuant to HRS 92-4 b so the commission entered into executive session to review petition 2026-06. It was held in executive session pursuant to HRS 92-4, 92-5a2 and 92-5a4. The discussion of the board is not subject to this closure as disclosure would frustrate the purpose of the executive session. The board voted to continue the petition, continue review and discussion to next meeting. For our petition 2026-07, the board entered into executive session to review pursuant to HRS 92-4, 92-5a2 and 92-5a4. The discussion is not subject to disclosure as it would tend to frustrate the purpose of the executive session. The board voted to decline receipt of the petition and to issue an order declining receipt of the petition and transmit that to the petitioner. For petition 2026-03 the board entered into executive session to review it pursuant to HRS 92-4, 92-5a2 and 92-5a4. The discussion held there and is not subject to disclosure as disclosure attempt to frustrate the purpose of the executive session. The board did continue voted to continue in order for it to reach out to 2 agencies and receive additional information. For petition 2026-05 the board entered into executive session and personnel to HRS 92-4, 92-5a2 and 92-5a4. The discussion is not subject to disclosure as disclosure would tend to frustrate the purpose of the executive session. The board voted to find a probable violation pursuant to HCC 2-91.7 and to issue an informal advisory opinion and transmit to the petitioner. For the informal advisory opinion for petition 2025-17, the board reviewed in executive session pursuant to HRS 92-4, 92-5a2 and 92-5a4. There was no discussion and the board voted to approve and it will be transmitted to the petitioner. For petition 2025-21. It was held in executive session and pursuant to the same executive session provisions. There was no discussion and the board voted to approve and transmit to petitioner. For informal advisory opinion for petition 2025-25 it was held for the same reason stated previously for previous petition. There was no discussion by the board and it was approved and will be transmitted to the petitioner. For petition 2026-01 it was held in executive session pursuant to the same statutes previously cited for the previous informal advisor opinion. There was no discussion and the board voted to approve. For informal advisory opinion for petition 2026-02 it was held in executive session pursuant to the same statutes just read for the previous petition. There was no discussion and the board voted to

approve as written and that's the end of the executive session report.

Ms. Fukumitsu: Mahalo DCC Takamura. Chair Fukumitsu moving on to agenda item 9, consideration of revising the rules of practice and procedure of the board of ethics. Do we have any questions, comments, discussion, motions?

Mr. Allende: Vice Chair Allende. I make a motion we hold off until we have more members on the board so we can better accurately make a decision.

Ms. Fukumitsu: Chair Fukumitsu, mahalo, vice chair. And I should have, for the record, this is, a discussion, regarding us potentially forming another permitted interaction group to continue the work of the FIG. I should have read that.

Mr. Takamura: Or deciding how to proceed. So yeah, the motion is to defer until...

Ms. Fukumitsu: The board is full?

Mr. Takamura: Or at least there's more members.

Ms. Fukumitsu: Yeah.

Mr. Bruno: Member Bruno, I second that motion.

Ms. Fukumitsu: Okay, any, comments, questions, discussions?

Mr. Paiva: We don't know when that going be though? Could be never?

Ms. Fukumitsu: Yeah and you know, the thing is, I guess we're in discussion, sorry. So I guess, you know, for me, right, Scotty, when we were doing this and then you couldn't then Chris was pau and so I would feel more comfortable that we have a full board that we have folks that we can get it done and you know because if we lose one person or can't make a meeting we don't have quorum and we can't move forward on the rules.

Mr. Paiva: So another thought I had was a while ago, the state ethics commissions ruling rules were disseminated and part of that was they were recommending that the county ethic boards adopt their rules so I was just gonna think out loud that maybe we should just adopt their rules.

- Mr. Takamura: Sorry, I think to clarify what they sent out was a resolution to structure their board of ethics similar to the state where the state has like a an executive director of the Board of Ethics and staff to be able to pursue investigations and such so I think that might be what you're referring to maybe? Yeah, so restructuring the Board of Ethics at the county level would probably require a charter amendment.
- Mr. Paiva: So not restructuring, but adopting their rules to meet our makeup.
- Mr. Takamura: I'm not sure if they did amend the rules, but yeah, that's something you guys can look at compare the state statutes against the county rules.
- Mr. Allende: I think we should just make sure the amendment that or the motion I have isn't so that our board is full but just so we have maybe you know 2 or one or members more so that way we have like what Chair Fukumitsu said is that way if one person isn't here, that way we're still able to make and decide and vote on amendments that we make with the rules.
- Ms. Fukumitsu: Question Chair Fukumitsu, the permitted interaction group. It requires. 3, yes?
- Mr., Takamura: Yes, so like we talked about with the previous item there's different ways that you could do this. You could do 2 people or you could do one person and that would be a permitted interaction. It's different than a permitted action group. But all that work would fall on that one or two people and it would be hard because they cannot do any discussion regarding how to vote. If you guys did a PIG, it would take at least 3 meetings because you have to have one meeting to form the pig, a second meeting to report and then the 3rd meeting to vote.
- Mr. Bruno: Board member Bruno, question with the work of the previous permitted interest group. Could you refresh when we discussed that, were the details of the work that had been done. Was that also disseminated? Or was at that time that we should have it and I just need to find it.
- Ms. Fukumitsu: Yeah, my report from the, oh, sorry, Chair Fukumitsu, my report from the permitted interaction group was on the last agenda of the year. Would it be in November or December? But is my report in the binder?

Mr. Takamura: So that would be the report, but I don't think it contained your actual...

Ms. Fukumitsu: Oh, what we were doing? What we were looking at? Okay, DCC could you explain to the board the new board members like what we were doing or you cannot?

Mr. Takamura: I can't remember because it was under Sylvia.

Ms. Fukumitsu: Oh okay if... I'll do my best then to explain, so under our previous DCC and previous DCC the board was tasked with revising the rules of how things are structured, how petitions are received. Our procedural rules.

Mr. Bruno: Which is currently, sorry, member Bruno, this is currently the 1/12/90 version?

Mr. Takamura: Yeah, from 1990.

Mr. Bruno: Okay.

Ms. Fukumitsu: Yes, so that's what the previous permitted interaction group was like working on but a lot of the work was done by the previous DCC and so and then we lost quorum for the permitted interaction group and we could only talk about the edits and changes and revisions that were made as we had quorum in the groups and then we lost board members. So it is I think a big lift and with a new DCC I don't know what your perceived role is like would you ask the board to take a, you know, a bigger role in rewriting this because like your previous your predecessor did most of the work?

Mr. Takamura: Yeah, we still have, I think those, Ramsay are formatted stuff that she did do. I mean you guys can even continue from where the original PIG left off.

Mr. Bruno: And so is procedure that we have to form that group or make a decision on how we're going to proceed before that information is then shared and provided to be worked on?

Mr. Takamura: Not necessarily. You guys could see that information because the PIG has already presented that to... it's already transmitted that to the board and dissolved.

Mr. Bruno: So to the extent I guess my opinion for what it's worth is that if we could have that information shared with us and then give us the opportunity to consider that in addition to the other homework we

have and then at the next meeting we will have a better idea of timing of maybe having a new member or you know at least having one more member and then proceeding from there.

Ms. Fukumitsu: I agree with member Bruno, Chair Fukumitsu. I like, board member Bruno's idea of at least sharing the document that we have with the current board if that's okay? Nothing violates, right?

Mr. Takamura: Uh well, you guys can't do anything with it.

Ms. Fukumitsu: But you can review it?

Mr. Takamura: Yeah.

Mr. Bruno: I mean it gives us an opportunity to say, okay, what's there? And then as we move forward and we want to create this group. Decide if we want to be involved or not.

Ms. Fukumitsu: Yes. Agreed.

Mr. Takamura: Yeah, so all of that is okay. You guys just would not be able to adopt anything until we go through official rulemaking.

Ms. Fukumitsu: Or have conversations with each other about it.

Mr. Takamura: At the meeting you can.

Ms. Fukumitsu: I mean, outside on our own. Like if I get it in an email and I called up David and be like, hey, did you look at this thing? And what do you think, right? We would, we were only for the purpose of our individual review to come to our meetings to have informative discussion. Informed discussions. Right?

Mr. Takamura: So technically you could call David is just your conversation would have to... cannot involve how you're going to vote. And he cannot then call somebody else.

Ms. Fukumitsu: But I could call David and tell him I'm not gonna volunteer for this FIG, so you can.

Mr. Takamura: Nope, you can't say that, you can't say that either, because that's, that's how you're gonna vote.

Ms. Fukumitsu: I'm not good. I don't want to be on the FIG.

Mr. Bruno: Yeah, I mean I understand the restrictions and the limitations. I think if we just have it so we have the record. And to be able to do that. So if it could be shared with us that's helpful.

Ms. Fukumitsu: Yes. I think that's good, but I do would prefer that we have more members on the board. I just, I don't, I can't make the commitment.

Mr. Bruno: Right. And I think that and it'd be easier, if we get another person, then I won't be the newest person.

Mr. Allende: So then do we all agree the motion then?

Mr. Takamura: Oh, you just need a second, I think.

Mr. Allende: No Bruno seconded.

Ms. Fukumitsu: Okay. Okay, all those in favor? Aye.

All members say aye in unison

Ms. Fukumitsu: Opposed? Okay, so, motion passes and we are going to...

Mr. Takamura: The vote was to table until more members are present.

Motion and Vote: Vice Chair Allende moved to table agenda item 9 until more board members are present to better decide how to proceed; Board Member Bruno seconded; All Members voted aye. Motion Passes. (1:33 p.m.)

Mr. Bruno: And then you're going to circulate the existing.

Mr. Takamura: Hold on that wasn't part of your motion. So I think you have to make a new motion.

Mr. Bruno: So I make a motion that we have the current version of the modified rules circulates.

Mr. Allende: Vice Chair Allende Second.

Ms. Fukumitsu: Ok all those in favor?

All members say aye in unison

Ms. Fukumitsu: Opposed? Okay, so, motion passes and DCC Takamura and the board secretary will distribute the current unfinished draft or whatever, rules to the board for review. Okay.

Motion and Vote: Board Member Bruno moved to have board staff provide the current version of the modified rules of the previous PIG; Vice Chair Allende seconded; All Members voted aye. Motion Passes. (1:34 p.m.)

- Mr. Paiva: We gotta change of acronym PIG. Give me heebie-jeebies everytime I hear we gotta create one PIG.
- Ms. Fukumitsu: Guess what guys? Ok you ready? Get ready. So agenda item 10 the next monthly announcements the next monthly meeting of the board of ethics is scheduled for Friday April 10, 2026 at 10 am and the Hawaii County Building Council Chambers 25 Aupuni Street, Hilo, Hawaii 96720.
- Mr. Takamura: And sorry, we have additional announcements. So we will not be able to use council chambers for certain dates because of the election. So we can't use it on July 15th, August 12th, October 14th and November 10th. So we're gonna need to find a new meeting venue. Khayla has found 3 options, 2 options. One is Kona.
- Mr. Allende: Sweet.
- Mr. Takamura: What is the other one? The other one is Liquor conference room at, Hilo Lagoon Center. So we're gonna send you guys out that information saying, just memorializing what we're saying that we can't meet here for 4 meetings because of the election. And then we'll ask you guys for your preference for where you would like to go. Is anybody strictly cannot make...
- Ms. Fukumitsu: You guys cannot go Kona or what?
Mr. Paiva: I think we should go back and forth.
- Ms. Fukumitsu: It's July 15th, August 12th, sorry, Chair Fukumitsu... so DCC Takamura is asking us for July 15th, August 12th, October 14th and November 10th availability do we know in advance and if anybody is restricted to Hilo or Kona for those dates?
- Ms. Fukumitsu: I'm available on those dates to travel to Kona or the Lagoon. It's fine. I'll make it work. Or is everybody okay with those dates?
- Mr. Takamura: Yeah, we can alternate or whatever.
- Ms. Fukumitsu: I'm okay.
- Mr. Paiva: Majority of our members is there.

Mr. Takamura: Ok then we'll probably do that and then we'll send you guys out a notice of whatever we could book.

Ms. Fukumitsu: Yep, sounds good. Any more announcements? Okay, can I get a motion to adjourn?

Mr. Paiva: The most important motion of the day. Yes, member Paiva I make a motion to adjourn.

Ms. Fukumitsu: Can I get a second?

Mr. Bruno: Member Bruno, second.

Ms. Fukumitsu: Discussion. All those in favor.

All members say aye in unison

Ms. Fukumitsu: Opposed. Okay, motion passed and we are adjourned. It is 1:37PM. You guys we did it.

Mr. Paiva: And I'd just like to make a comment that our staff is doing an outstanding job. Thank you very much.

Respectfully submitted:

Khayla-Lei, Secretary