

BEFORE THE BOARD OF ETHICS

COUNTY OF HAWAI'I

In the Matter of the Petition by

Neil C. Erickson,

Petitioner.

PETITION NO. 2022-05

INFORMAL ADVISORY OPINION

Initial Review: April 7, 2022

INFORMAL ADVISORY OPINION

By Petition dated March 18, 2022, with the Hawai'i County Board of Ethics (hereinafter "the Board"), Petitioner Neil C. Erickson (hereinafter referred to as "Petitioner") who is employed as a Specialist V with the Office of Housing and Community Development (hereinafter "OHCD"), requested an Informal Advisory Opinion from the Board. Petitioner sought guidance as to whether Petitioner, who is also a licensed architect, could prepare drawings and submit applications with the Department of Public Works for building permits on behalf of property owners or himself while still employed by the OHCD and ensure he is not in violation of Hawai'i County Code Section 2-84 (Conflicts of Interests).

At its duly noticed meeting on April 7, 2022, the Board reviewed and considered the above-captioned Petition pursuant to Rule 4 of the *Rules and Practice and Procedure of the Board of Ethics*. Petitioner attended the meeting, provided testimony, and further expounded on his architectural business and steps he can take to avoid any potential conflicts of interest. The Board, having deliberated and considered and giving appropriate weight to the testimony and evidence submitted by the Petitioner, and having considered the arguments presented, hereby renders the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. To the extent that any of these Findings of Fact are Conclusions of Law, they are to be so construed.

A. The Petition

2. Petitioner is a Specialist V with the Office of Housing and Community Development.
3. As a Specialist V, Petitioner does only large-scale affordable housing work on behalf of the County.
4. Petitioner's architectural work for private clients would have no crossover with his Specialist V work. Petitioner has a separate email address for his architectural work.
5. Should Petitioner need to do any follow-up for his architectural plans with the Department of Public Works, he would take vacation from his Specialist V position to tend to his architectural work.

B. Board's Ruling

6. Based on the evidence and testimony presented, the Board finds that there is no conflict of interest so long as Petitioner keeps his architectural work separate from his Specialist V position and does not use County of Hawai'i paid time for his architectural work.
7. Should there ever be crossover between Petitioner's architectural work and his Specialist V position, Petitioner would need to disclose such crossover and consider whether a conflict then exists.
8. Board Member Erick Allende moved that the Board find that there is no Conflict of Interest under Section 2-84 of the Hawai'i County Code of Ethics.
9. Board Member Denise Nakanishi seconded the motion. The motion passed 5-0.

CONCLUSION OF LAW

Based upon the evidence presented and the Board's review of the Hawai'i County Code of Ethics and the Board's Rules of Practice and Procedure, the Board finds and concludes that Petitioner can perform his architectural work after hours and/or during vacation time as his Specialist V position and his architectural work would not intersect and thus would not be in violation of the Hawai'i County Code of Ethics.

ORDER

Pursuant to Board Rule 4.9, this Informal Advisory Opinion shall be filed and a copy shall be sent to the Petitioner.

Dated: Hilo, Hawai'i, May 18, 2022.

BOARD OF ETHICS, COUNTY OF HAWAI'I

By

Lawrence L. Heintz
LAWRENCE HEINTZ
Chair

APPROVED AS TO FORM
AND LEGALITY:

Dakota K. Frenz
Dakota K. Frenz
Deputy Corporation Counsel

