

BEFORE THE BOARD OF ETHICS

COUNTY OF HAWAII

In the Matter of the Petition by

ELIZABETH DUNN,

Petitioner.

PETITION NO. 2023-02

ORDER DISMISSING PETITION

Initial Review: April 14, 2023
and May 10, 2023

ORDER DISMISSING PETITION

By Petition dated February 10, 2023, with the Hawaii County Board of Ethics (hereinafter “the Board”), Petitioner Elizabeth Dunn (hereinafter “Petitioner”) alleged violations of Hawaii County Code Section 2-83(a)(3) of Fair Treatment by Respondent Michael Vitousek (hereinafter “Respondent”) at the May 5, 2022 Windward Planning Commission meeting.

At its duly noticed meeting of April 14, 2023, the Board reviewed and considered the above-captioned Petition pursuant to Rule 4 of the *Rules of Practice and Procedure of the Board of Ethics*. The Board heard public testimony regarding the Petition and the November 17, 2022, Leeward Planning Commission meeting. Petitioner appeared by videoconferencing via Zoom and provided her testimony before the Board. The Board received and reviewed evidence submitted by the Petitioner. The Respondent appeared by videoconferencing via Zoom and provided his testimony before the Board. The Board asked questions of the parties. The Board continued the matter in order to review the video recording of the November 17, 2022, Leeward Planning Commission meeting.

On May 10, 2023, the Board having examined and weighed the record and files in this case and the evidence submitted by the Petitioner and Respondent, including the video recording

of the November 17, 2022, Leeward Planning Commission meeting in question, Board Member Denise Nakanishi moved to dismiss Petition 2023-02 due to the record not supporting a violation of Hawaii County's Code of Ethics, Fair Treatment, Section 2-83. The motion was seconded by Board Member Sarah Gibbon. The Board unanimously approved the motion to dismiss Petition 2023-02 by a vote of 6-0.

ORDER

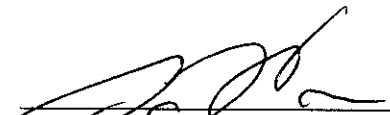
Based upon the foregoing, the Hawai'i County Board of Ethics orders that Petition No. 2023-02 is hereby dismissed. Pursuant to Board Rule 4.9, the Order Dismissing the Petition shall be filed, and a copy shall be sent to the Petitioner and Respondent.

Dated: Hilo, Hawai'i, JUN 14 2023

BOARD OF ETHICS, COUNTY OF HAWAI'I

By 
RACHEL SHORT
Chair

APPROVED AS TO FORM
AND LEGALITY:


SYLVIA WAN
Deputy Corporation Counsel