

BOARD OF ETHICS

COUNTY OF HAWAI'I

In the Matter of the Petition by

DAVID HOLBROOK,

Petitioner.

PETITION NO. 2025-14

INFORMAL ADVISORY OPINION

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The County of Hawai'i Board of Ethics (Board), having reviewed the petition for an informal advisory opinion dated April 22, 2025 (Petition) from David Holbrook (Petitioner) and having obtained all the information deemed necessary by the Board to make a proper determination regarding the subject petition, the Board renders this informal advisory opinion pursuant to the Charter of the County of Hawai'i (CCH) § 14-5(b), Hawai'i County Code (HCC) § 2-86, and Rule 4 of the Rules of Practice and Procedure of the Board of Ethics (BOE Rules).

I. FACTS

Petitioner is employed by the County of Hawai'i Department of Public Works (DPW) as a Building Inspector. Petitioner filed the Petition dated April 22, 2025, requesting an informal advisory opinion as to whether preparing architectural plans for compensation outside of his County of Hawai'i (County) employment would violate HCC § 2-84 (Conflicts of Interest).

Petitioner elected to have the Petition heard in open session pursuant to Hawai'i Revised Statutes § 92-5(a)(2), HCC § 2-86(a), and BOE Rule 4.13(b). The Board, therefore, considered

the Petition in open session with Petitioner in attendance at its May 14, 2025, June 12, 2025, July 16, 2025, and August 13, 2025, meetings.

In the Petition and his several open session testimonies referenced herein, Petitioner stated that as a County Building Inspector, he is assigned to inspect those projects subject to a building permit in the areas with tax map key numbers starting with 1-5 and part of the areas starting with 1-6, which includes Hawaiian Paradise Park and part of Orchidland. Petitioner further clarified the building permit process by explaining that building permits are first reviewed by DPW building clerks, the County Department of Planning, the DPW engineering division, the Hawai'i State Department of Health, and then DPW plans examiners, and that Petitioner is not in a position where he would be approving his own architectural drawings. Petitioner also explained that prior to becoming a County Building Inspector, he operated a drafting business and would like to be able to prepare architectural plans again if and to the extent deemed appropriate by the Board. Petitioner declared that if an inspection of a building based on plans that he drew came up in his assigned areas, he would inform his supervisor, and another building inspector could inspect the project. As an example, Petitioner stated that he followed that process when a project he worked on prior to his County employment recently came up for inspection.

At the Board's May 14, 2025, meeting, the Board received testimony from Petitioner and voted to continue the Petition to the next Board meeting to request information from DPW as to whether it has any internal conflict of interest policies or procedures applicable to building inspectors who desire to/have performed work outside of their County employment, and whether DPW had other input.

At its June 12, 2025, meeting, the Board observed that its request for information to DPW contained the wrong petitioner's name and voted to re-issue the request with appropriate corrections and clarifications, and to continue the Petition until the Board's next meeting.

At its July 12, 2025, meeting, the Board received and reviewed DPW's response to its request for information and received additional testimony from Petitioner. DPW's response stated, amongst other things, that it does not currently have a formal written policy regarding outside employment and that its position is that given the nature of building inspectors' responsibilities, especially for supervisory staff – including code enforcement, inspection, and impartial decision-making that affects public safety and private development – outside employment presents an unacceptable risk of actual or perceived conflicts of interest. DPW further provided that it expects all employees to adhere to strict ethical standards, including: avoiding conflicts of interest at all times; not reviewing or inspecting any work in which they have a personal or financial stake; not using County resources, authority, or work hours for private business activities; and not taking any official action that could benefit themselves, their family, or private clients. The Board voted to continue the Petition to the next Board meeting to consider additional information.

At its August 13, 2025, meeting, received additional testimony from Petitioner and decided on the Petition as set forth below.

II. OPINION

The Petitioner is an "employee" subject to CCH Article XIV and HCC Chapter 2, Article 15 (collectively, the County Code of Ethics). See CCH §§ 14-2 to 14-4; HCC §§ 2-81, 2-82. The Petition is a petition for an informal advisory opinion concerning Petitioner's own

conduct pursuant to HCC § 2-86(a) and BOE Rule 4.1(a) and substantially complies with the filing requirements of HCC § 2-86(c) and BOE Rule 4.1(c).

Based on the Petition, the Petitioner's testimony, and the Board's review of the County Code of Ethics, and having also considered DPW's response, the Board determines that the Petitioner's drafting of architectural plans for compensation outside of his County employment does not constitute a probable violation of the County Code of Ethics, to the extent that Petitioner does not inspect any projects, buildings, or structures to which he had a part in drafting the plans, and does not use any County resources, equipment, or time in relation to his outside drafting services.

Adopted by the Board on **OCT 15 2025**, 2025.

BOARD OF ETHICS, COUNTY OF HAWAII

By 
LISA FUKUMITSU, Vice Chair