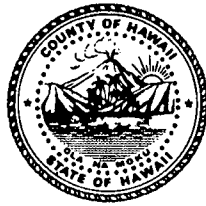


Harry Kim
Mayor



Lincoln S.T. Ashida
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COUNTY OF HAWAII
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February 28, 2007

Sent via email; no hard copy will follow

Corporation Counsel Numbered Memorandum 2007-01

Memorandum

TO: OFFICE OF THE MAYOR
HAWAII COUNTY COUNCIL
OFFICE OF THE CLERK
ALL COUNTY DEPARTMENTS AND AGENCIES
ALL COUNTY BOARDS AND COMMISSIONS

FROM: LINCOLN S. T. ASHIDA 
Corporation Counsel

RE: **New Procedures for Use and Reproduction of the County Seal**

Article 28, Section 2-155, Hawaii County Code 1983 (2005 ed.) (hereinafter "Code") governs the use and reproduction of the seal of the County of Hawaii. That section provides in pertinent part as follows:

Section 2-155. Unauthorized use of seal and penalties.

* * * * *

(b) Whoever, except when authorized in writing by the County council for official use of the County, knowingly manufactures, reproduces, sells, or purchases for resale, either separately or appended to any article manufactured or sold, any facsimile of the seal of the County, or any substantial part thereof, shall be guilty of a misdemeanor.

The word "sell" shall be broadly construed to include transactions involving cash donations to the seller and/or the seller's agent or representative.

County departments/agencies often design and print clothing and other items that bear the County seal. These items are often purchased by County employees, and are sometimes given as gifts or sold to members of the public.

In discussion with the County Clerk, a legitimate concern was raised regarding the above-cited section of our Code. In sum, we wish to encourage our County departments/agencies to continue to proudly display our County seal, but protect them from any public criticism or other repercussion concerning compliance with existing law.

The above cited Code provision requires proper authorization from the Hawai'i County Council "in writing" prior to anyone reproducing the County seal. Although this section arguably may not apply to County officers and employees, the Code section appears to favor broad construction of its terms and requirements.

The following suggested procedure adequately deals with this issue, and ensures compliance with Section 2-155 of the Code. We ask all County departments/agencies to forthwith comply with the following:

1. Departments/agencies wishing to reproduce the County seal on clothing or other items, whether for distribution or sale to County employees or members of the public shall send a short written description of what is proposed to the County Clerk.
2. The Clerk will forward this written communication to the Chair of the County Council.
3. In the event the Council Chair has any concerns regarding what is proposed, discussion will ensue with the County department/agency. If there are no concerns, the requirements of Code Section 2-155 are satisfied, and the department/agency may proceed.

We trust compliance with this procedure will allow our County departments/agencies to continue their present practice of proudly displaying our County seal, while complying with our existing laws.

Please contact County Clerk Casey Jarman or me if you have any questions or concerns.

c: Honorable Casey Jarman, County Clerk

S: Departments/Corporation Counsel/Numbered Memorandum 2007-1 2-28-07/LSAmr