



BOARD OF ETHICS, County of Hawai'i

101 Aupuni Street, Suite 325, Hilo, Hawai'i 96720

A G E N D A

Wednesday, June 25, 2008 – 10:30 a.m.
333 Kilauea Avenue, 2nd Floor
(County Council Chambers)
Hilo, Hawai'i 96720

1. **CALL TO ORDER**
2. **STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS**
3. **ELECTION OF OFFICER (CHAIR)**
4. **APPROVAL OF MINUTES**

Minutes of the April 9, 2008, Regular Session.
Minutes of the April 9, 2008, Executive Session.

5. **COMMUNICATIONS**

- a. Communication No. 2008-43: Anonymous letter to the Board dated 3/28/08 regarding false claiming of mileage reimbursement.
- b. Communication No. 2008-46: Lincoln Ashida memo dated 4/3/08 re updated checklist for Board and Commission Application and Nomination Process.
- c. Communication No. 2008-50: Tricia Malanka letter dated 5/6/08, resigning from the Board for personal reasons.
- d. Communication No. 2008-53: Lincoln Ashida letter dated 5/27/08 to Stanley Roehrig responding to Mr. Roehrig's 5/23/08 letter re Councilwoman Emily Nae'ole, in which he requests discoverable materials relating to the Board's inquiry regarding public officials using their photographs in newspaper ads. (Note: this Communication requires a response by the Board.)

6. **NEW BUSINESS**

- a. Petition No. 2008-5: Petition from Councilmember Bob Jacobson, requesting an opinion on the use of his photograph on his Council stationery letterhead.
- b. Petition No. 2008-6: Petition regarding Finance Director William Takaba and former Real Property Tax Administrator Wesley Takai on whether they benefited unfairly or had a conflict of interest regarding Ordinance No. 07-107, relating to the Affordable Rental Housing Classification for properties in the affordable rental housing class as of 1/1/08.

7. UNFINISHED BUSINESS

- a. Report from counsel on the status of the Board’s request for a time limit for incumbents who are seeking reelection in an election year on sending mail-outs using County funds.
- b. Report from counsel on the status of Council Bill 209, relating to the imposition of administrative fines for violations of the County Code of Ethics (includes Communication 2008-42, an email from Lincoln Ashida, Corporation Counsel).
- c. Report from counsel on the possible pursuit of an amendment to Section 2-85(b) of the Hawai‘i County Code regarding the prohibition of contracting with former employees and retirees.
- d. Ongoing discussion on the Sunshine Law.

8. EXECUTIVE SESSION (closed to the public). The Board anticipates convening an executive meeting regarding the following, pursuant to Sections 92-5(a)(4) and 92-5(a)(5), Hawai‘i Revised Statutes, as amended, for the purpose of consulting with the Corporation Counsel and/or its attorney on questions and issues pertaining to the Board’s powers, duties, privileges, immunities and liabilities.

- a. Discussion on whether the Board should release Communication Nos. 2008-3, 2008-17, and various emails between the Corporation Counsel, the Board, and Wayne Joseph, former chair, to attorney Stanley Roehrig pursuant to his 5/23/08 letter (*see agenda item 5d, above*). These communications deal with the Board’s earlier inquiry and investigation to determine prospectively whether it is a violation of the Code of Ethics for elected and incumbent County officers to utilize their pictures in official County advertisements paid for with County funds.
- b. Review of *Confidential Financial Disclosure Forms* filed pursuant to Section 2-91.1(d), Hawai‘i County Code, by County board and commission members, where personal matters will be reviewed:

	Name	Position	Board, Commission, or Department
1	Donovan Akau*	Building Inspector	Public Works Department
2	Richard Behenna	Member	Police Commission
3	Maija Cottle	Planner III	Planning Department
4	Bruce Emond	Plumbing Inspector	Public Works Department
5	Susan Gagorik*	Planner VI	Planning Department
6	Michael Gleason	Vice Chair	Workforce Investment Board
7	Jonathan Holmes*	Planner III	Planning Department
8	Burton Hunter, Jr.	Investigator Trainee	Liquor Control Department
9	Mark Jacobsen*	Building Inspector	Public Works Department
10	Kelvin Kelii*	Electrical Inspector	Public Works Department

	Name	Position	Board, Commission, or Department
11	Howard Kelly	Commissioner	Liquor Commission
12	Bernard Konanui*	Member	Water Board
13	Francis Kuailani, Sr.*	Member	Water Board
14	Randall Kurohara	Director	Workforce Investment Board
15	Karen Maedo*	Member	Board of Appeals
16	Kehaunani Masaki	Supervising Building Inspector	Public Works Department
17	Robert Meierdiercks*	Member	Water Board
18	James Morton	Plumbing Inspector	Public Works Department
19	Thomas Murray*	Assistant Building Inspector	Public Works Department
20	Joseph Nakao*	Supervising Plumbing Inspector	Public Works Department
21	Sara Narimatsu*	Member	Workforce Investment Board
22	Merton Ogata*	Superintendent	Environmental Management Department
23	Shelly Ogata*	Commissioner	Planning Commission
24	Dana Okano*	Planner IV	Planning Department
25	Steven Okoji	Commissioner	Environmental Management Commission
26	Henry Silva	Member	Merit Appeals Board
27	Hugh Willocks	Member	Workforce Investment Board
	<i>*These are for re-review</i>		

9. ANNOUNCEMENTS

The next monthly meeting of the Board of Ethics is scheduled for July 9, 2008, at 10:00 a.m. at the Department of Liquor Control's conference room at 101 Aupuni Street, Suite 230, Hilo.

10. ADJOURNMENT



NOTE: *If you require an accommodation or auxiliary aid and/or services to participate in this meeting (i.e., sign language, interpreter, large print), please call 961-8304, ext. 101).*

NOTICE TO LOBBYISTS

If you are a lobbyist, you must register with the Hawai'i County Clerk within five days of becoming a lobbyist (Article 15, Section 2-91.3(b), Hawai'i County Code).

A lobbyist means "any individual engaged for pay or other consideration who spends more than five hours in any month or \$275 in any six-month period for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials." (Article 15, Section 2-91.3(a)(6), Hawai'i County Code.)

Registration forms and expenditure report documents are available at the Office of the County Clerk-Council, Ben Franklin Building, 333 Kilauea Ave., 2nd Floor, Hilo, Hawai'i 96720.