



BOARD OF ETHICS, County of Hawai'i

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

A G E N D A

Wednesday, August 12, 2009 – 10:00 a.m.
101 Aupuni Street, Suite 230
(Department of Liquor Control Conference Room)
Hilo, Hawai'i 96720

1. **CALL TO ORDER**

2. **STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS**

3. **APPROVAL OF MINUTES**

Minutes of the July 8, 2009, Regular Session.

4. **COMMUNICATIONS**

- a. Communication No. 2009-041: Memo dated 7/2/09 to the Office of Information Practices and the Board of Ethics re "Violations of Hawai'i's Sunshine Laws, Filing of Civil Action against the Members of the Hawai'i County Board of Ethics, and the County of Hawai'i, *et al.*, in the 9th U.S. Court of Appeals for violations of 42 U.S.C. §1986, 42 U.S.C. §1983, 42 U.S.C. §1985."
- b. Communication No. 2009-042: Memo dated 7/7/09 to the Board of Ethics and the FBI re "Violations by the Hawai'i County Board of Ethics, of Hawai'i County Board of Ethics RULE 4.13 Confidentiality, in violation of 18 U.S.C. §3 Accessory after the fact, to RICO Act violations of 18 U.S.C. §1512 Tampering with a witness, Victim, or an informant."
- c. Communication No. 2009-046: Letter from Charles Totto of the City and County of Honolulu Ethics Commission dated 7/10/09 to the Hawai'i County, Maui County, and Kauai County Board of Ethics, regarding "State Legislation to Clarify County Ethics Agencies' Power to Impose Civil Fines, S.B. No. 531 (and 128) and H.B. No. 626.

5. **UNFINISHED BUSINESS**

- a. Further discussion on clarifying lobbyist registration requirements, including Communication No. 2009-045 (memo to Renee Schoen from Kenneth Goodenow dated 7/9/09, regarding clarification of the County's lobbyist registration

2009 AUG 5 PM 2 38
COUNTY CLERK
COUNTY OF HAWAII
RECEIVED

requirements and enclosing recommended changes to the Lobbyist Registration Form by the Office of the County Clerk).

- b. Further discussion on the requirements and purpose of gift disclosure statements, and further review of the *Gift Disclosure Statements* received from Councilmembers Brenda Ford, Peter Hoffmann, Donald Ikeda, Emily Naeole, and Dennis Onishi.

6. EXECUTIVE SESSION

With reference to the agenda items listed below, one or more executive meetings are anticipated. In particular, the Board of Ethics anticipates it will consider the evaluation, dismissal, or disciplining of an officer or employee of the County of Hawai'i, where considerations of matters affecting privacy will be involved. The Board may also consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities. Therefore, pursuant to Hawai'i Revised Statutes ("HRS") Sections 92-5(a)(2) and (4), the following items may be considered in Executive Session. The Board may also convene in Adjudicatory Session pursuant to HRS Section 92-6.

- a. Approval of July 8, 2009, Executive Session minutes.
- 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 and designated County employees, where personal matters will be reviewed:

| | Name | Position | Board, Commission, or Department |
|---|---------------------------------|--------------|----------------------------------|
| 1 | Wayne Iokepa | Commissioner | Planning Commission |
| 2 | Louis Kaoiwi | Commissioner | Fire Commission |
| 3 | Zendo Kern (<i>re-review</i>) | Commissioner | Planning Commission |

- c. Communication No. 2009-044: Letter from the Office of Information Practices dated 7/9/09 to the Board of Ethics, requesting a detailed explanation setting forth the Board's position on the memo dated 7/2/09 (Comm. No. 2009-041).
- d. Communication No. 2009-050: Letter from Deputy Corporation Counsel Renee Schoen to the Office of Information Practices dated 7/23/09, regarding the memo dated 7/2/09 (Comm. No. 2009-041).

7. ANNOUNCEMENTS

The next monthly meeting of the Board of Ethics is scheduled for September 9, 2009, at 10:00 a.m. at the Department of Liquor Control in Hilo at 101 Aupuni Street, Suite 230.

8. 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.