



# BOARD OF ETHICS, County of Hawai'i

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

## A G E N D A

Wednesday, February 13, 2008 – 10:00 a.m.  
333 Kilauea Avenue, 2<sup>nd</sup> Floor  
(Council Chambers)  
Hilo, Hawai'i 96720

**1. CALL TO ORDER**

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

**3. APPROVAL OF MINUTES**

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

**4. COMMUNICATIONS**

- a. Communication No. 2008-11: The Board's *Informal Advisory Concerning Use of County Funds for Mail-Outs Within Six Months of an Election for Public Office*.
- b. Communication No. 2008-9: January 24, 2008, email from Charles Totto, ethics director and legal counsel for the Honolulu Ethics Commission, regarding 2008 legislative bills affecting county ethics agencies, including House Bill 660, Senate Bill 2612, and Senate Bill 2937.
- c. Communication Nos. 2008-14 and 2008-18: January 30, 2008, email from Charles Totto, ethics director and legal counsel for the Honolulu Ethics Commission, regarding Senate Bill 2937, which is about ethics procedures for civil fines, and his February 4, 2008, testimony before the Senate Committee on Intergovernmental and Military Affairs on the matter.

**5. NEW BUSINESS**

Investigation/inquiry pursuant to a resolution by the Board into whether or not it is a violation of the Code of Ethics (by constituting an unfair advantage) for incumbent elected County officials to use County funds to pay for newspaper advertisements in which their photograph is included, and prospective issuance of an advisory opinion.

- 6.** Proposal to amend County Code Section 2-91.1(a)(4), which defines "regulatory" employees, to include supervisors of inspectors and inspectors employed by the Department of Environmental Management.

**7. UNFINISHED BUSINESS**

- a. Report on status of *Ethics Guide for Hawai'i County Officers and Employees* booklet.
- b. Report on status of Board's request for a time limit for incumbents who are seeking reelection in an election year on sending campaign literature using County funds.
- c. Report on status of Council Bill 209, relating to the imposition of administrative fines for violations of the County Code of Ethics.
- d. Ongoing discussion on the Sunshine Law.

**8. EXECUTIVE SESSION (closed to the public)**

- a. Discussion on Communication No. 2008-12: Privileged and confidential letter from Lincoln Ashida to Emily Nae'ole dated January 9, 2008, regarding payment for newspaper advertisements.
- b. Discussion on Communication No. 2008-17: Privileged and confidential letter from Lincoln Ashida to the Board of Ethics regarding its inquiry and possible investigation/hearing regarding whether it is a violation of the Code of Ethics for Council members to use County funds to pay for newspaper advertisements.
- c. 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:

	<b>Name</b>	<b>Position</b>	<b>Board, Commission, or Department</b>
1	Agasa, Ioana Detor	Commissioner	Liquor Commission
2	Aila, Melvyn	Member	Fire Board of Appeals
3	Ayap, Dori Ann	Real Property Appraiser I	Finance Department
4	Benevides, Gilbert	Purchasing Agent	Finance Department
5	Cohen, Joel	Member	Merit Appeals Board
6	Cutler, Mark	Real Property Appraiser IV	Finance Department
7	D'Amico, Michael	Real Property Appraiser V	Finance Department
8	Dill, John	Member	Board of Ethics
9	Ferguson, Jack	Member	Liquor Adjudication Board
10	Goya, Thomas	Chair	Water Board
11	Harai, George	Member	Water Board
12	Hart, Rudolph	Member	Fire Board of Appeals
13	Hultman-Salfen, Elizabeth	Commissioner	Transportation Commission
14	Inouye, Newton	Commissioner	Salary Commission
15	Kaoiwi, Louis	Commissioner	Police Commission
16	Kim, Millicent	Member	Water Board
17	Konanui, Bernard	Member	Water Board

	<b>Name</b>	<b>Position</b>	<b>Board, Commission, or Department</b>
18	Kuailani, Francis Sr.	Member	Water Board
19	Lum, Ann	Member	Board of Ethics
20	Malanka, Tricia	Member	Board of Ethics
21	McCall, Michael	Real Property Appraiser VI	Finance Department
22	McGuire, Iris	Commissioner	Liquor Commission
23	Miller, Diana	Commissioner	Environmental Management Commission
24	Morimoto, Melvin	Commissioner	Police Commission
25	Mukai, Dwayne	Member	Water Board
26	Nicholson, Marilyn	Member	Board of Ethics
27	Niimi, Caroline	Real Property Appraiser	Finance Department
28	Ombac, Edgar	Member	Fire Board of Appeals
29	Omura, David ( <i>re-review</i> )	Member	Pension Board
30	Ono, Wayne	Real Property Appraiser	Finance Department
31	Ouye, Francis	Real Property Appraiser V	Finance Department
32	Perkins, Gerald	Commissioner	Salary Commission
33	Provalenko, Patricia	Commissioner	Salary Commission
34	Shikuma, Lori	Buyer III	Finance Department
35	Sitko, Stanley	Assistant Real Property Tax Administrator	Finance Department
36	Smith, Riley	Vice Chair	Water Board
37	Sousa, Emma Yoshiko ( <i>re-review</i> )	Member	Pension Board
38	Suenishi, Lawrence	Buyer I	Finance Department
39	Sumja, Michael ( <i>re-review</i> )	Commissioner	Police Commission
40	Tanaka, Lloyd	Real Property Appraiser IV	Finance Department
41	Todd-Waller, Mary Ann	Real Property Appraiser IV	Finance Department
42	Tokunaga, Margaret	Commissioner	Salary Commission
43	Totten, John	Valuation Analyst III	Finance Department
44	Wallace, Terry	Member	Fire Board of Appeals
45	Ward, Guy	Real Property Appraiser	Finance Department
46	Wilhelm, Steve	Procurement & Specifications Specialist	Finance Department
47	Woodward, Rell	Commissioner	Planning Commission
48	Yokoyama, Jan Kimi	Commissioner	Liquor Commission

## 9. ANNOUNCEMENT

The next monthly meeting of the Board of Ethics is scheduled for March 12, 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., 2<sup>nd</sup> Floor, Hilo, Hawai'i 96720.