



# BOARD OF ETHICS, County of Hawai'i

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

## A G E N D A\*

Wednesday, July 8, 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 June 10, 2009, Regular Session.

Minutes of the June 10, 2009, Executive Session.

**4. COMMUNICATIONS**

- a. Communication No. 2009-33: *The High Road* publication of the Hawai'i State Ethics Commission, June 2009 issue.
- b. Communication No. 2009-34: Letter of complaint dated 6/18/09 regarding a County officer or employee's actions at the 6/16/09 Council meeting; and Communication No. 2009-37: response letter to the complaining party from the Board's secretary dated 6/30/09.
- c. Draft *Informal Advisory Opinion* regarding Petition No. 2009-2 (petition was heard at the Board's 6/10/09 meeting and was regarding the allegation that a County officer or employee violated Section 2-83 of the Ethics Code (fair treatment) by stating to a newspaper reporter that the petitioner was "whacky.")
- d. Draft *Informal Advisory Opinion* regarding Petition No. 2009-3 (petition was heard at the Board's 6/10/09 meeting and was regarding the allegation that a County officer or employee violated Section 2-84 of the Ethics Code (conflicts of interest) by rendering a legal opinion to the Police Department to take no action on a criminal complaint filed against him.)
- e. Draft *Informal Advisory Opinion* regarding Petition No. 2009-4 (petition was heard at the Board's 6/10/09 meeting and was regarding the allegation that a County officer or employee violated Section 2-84 of the Ethics Code (conflicts of interest) by rendering legal opinions to the Board of Ethics on April 8, 2009.)

- f. Communication No. 2009-36: Letter to the Board and the Office of Information Practices dated 6/24/09 from Dan A. Cole, requesting various government records related to the Board's June 10, 2009, meeting.
- g. Communication No. 2009-38: Letter from Sabriena M. Gibbs requesting records regarding a 2003 Board of Ethics petition involving Kama'aina Pumping.
- h. Communication No. 2009-39: Memo to the Board from the County Clerk dated 6/30/09, requesting clarification of the County's lobbyist registration requirements.

**5. NEW BUSINESS**

- a. Review of *Gift Disclosure Statements* received from Councilmembers Brenda Ford, Peter Hoffmann, Donald Ikeda, Emily Naeole, and Dennis Onishi.

**6. UNFINISHED BUSINESS**

- a. Ongoing discussion on the Sunshine Law.

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

- a. 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:

	<b>Name</b>	<b>Position</b>	<b>Board, Commission, or Department</b>
1	Brian DeLima	Member	Merit Appeals Board
2	Jack Ferguson	Commissioner	Liquor Commission
3	Jamae Kawauchi ( <i>re-review</i> )	Commissioner	Charter Commission
4	Zendo Kern	Commissioner	Planning Commission
5	Shelly Ogata	Commissioner	Planning Commission
6	Dana Okano ( <i>re-review</i> )	Planner	Planning Department

**8. ANNOUNCEMENTS**

The next monthly meeting of the Board of Ethics is scheduled for August 12, 2009, at 10:00 a.m. at the Department of Liquor Control in Hilo at 101 Aupuni Street, Suite 230.

## 9. ADJOURNMENT

**\*Executive Session may be called if Board members need to consult with their attorney on questions and issues pertaining to the Board’s powers, duties, privileges, immunities and liabilities, or to convene in adjudicatory session pursuant to Hawai‘i Revised Statutes Sections 92-5 and 92-6.**



***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.