



# BOARD OF ETHICS, County of Hawai'i

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

## A G E N D A

Wednesday, March 12, 2008 – 10:00 a.m.

101 Aupuni Street, Suite 230

(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 February 12, 2008, Regular Session.

Minutes of the February 12, 2008, Executive Session.

**4. COMMUNICATIONS**

a. Communication No. 2008-21: *The High Road* publication of the Hawai'i State Ethics Commission, Issue No. 2008-1.

b. Communication No. 2008-22: Diane Noda 2/7/08 email to Lincoln Ashida regarding the *Ethics Guide*, p. 3, Fair Treatment.

c. Communication Nos. 2008-26 and 2008-27: Email strings from Charles Totto, ethics director and legal counsel for the Honolulu Ethics Commission, regarding Senate Bill 2937 and House Bill 3012 (proposing administrative fines for ethics violations) and House Bill 660 (on impeachment proceedings).

d. Informal Advisory Opinion, John Dill's Concurring Opinion, and Chair Joseph's Dissenting Opinion pursuant to the Board's 2/13/08 inquiry and discussion on 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.

**5. NEW BUSINESS**

a. Petition Nos. 2008-1 and 2008-2: From Elizabeth Hultman-Salfen, regarding: (1) whether there is any ethics violation if she is both a Council Aide for Council Member Bob Jacobson and a member of the County's Transportation Commission; and (2) whether there is any ethics violation if she is both a Council Aide for Council Member Bob Jacobson and under contract with the Hawai'i County Resource Center as a Community Liaison, providing facilitation services for community meetings.

- b. Petition No. 2008-3: From Barbara Lively, regarding whether there is any ethics violation if she is both a Legislative Assistant for Council Member Bob Jacobson as well as a board member of the Grassroots Community Development Group’s Kupukupu Program, which provides tutoring and drug-free activities for Kea’au youths. (Mr. Jacobson would like to appropriate District 6 contingency funds for the Prosecutor’s Office to support the Kupukupu Summer Program.)
- c. Public hearing pursuant to Section 91-3 of the Hawai‘i Revised Statutes regarding proposed changes to the Board’s Rules of Practice and Procedure, relating to (1) Rule 1.1 (*citations of Hawai‘i County Code and Hawai‘i County Charter*), (2) Rule 1.4a(6) (*definition of “officer”*), (3) Rule 8.1a(3) (*advisory boards and commissions and financial disclosure requirements*), and (4) Rule 8.3b (*public disclosure forms and confidential disclosure forms*).

**6. UNFINISHED BUSINESS**

- a. Report on status of Board’s request for a time limit for incumbents who are seeking reelection in an election year on sending mail-outs using County funds. Includes Communication No. 2008-29, Lincoln Ashida’s 2/27/08 memo to elected County officials enclosing the Board’s informal advisory opinion on the matter, and Communication No. 2008-30, Levi Hookano’s 2/27/08 email on the related proposed bill.
- b. Report on status of Council Bill 209, relating to the imposition of administrative fines for violations of the County Code of Ethics. Includes Communication No. 2008-28, Lincoln Ashida’s 2/29/08 update to the Board on Senate Bill 2937.
- c. 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, where personal matters will be reviewed:

	<b>Name</b>	<b>Position</b>	<b>Board, Commission, or Department</b>
1	Christian Alameda	First Vice Chair	Planning Commission
2	Harold Bugado	Board member	Workforce Investment Board
3	Mark Fujimoto	Commissioner	Liquor Commission
4	Wayne Higaki	Board member	Workforce Investment Board
5	Dwayne Inouye	Supervisory Building Inspector	Public Works Department, Building Division
6	Harris Iwaoka	Plumbing Inspector	Public Works Department, Building Division
7	Bernard Konanui	Board member	Water Board
8	Francis Kuailani, Sr. ( <i>re-review</i> )	Board member	Water Board

9	Kelly Kurakazu	Board member	Liquor Adjudication Board
10	Carla Kurokawa	Youth Council Chair, Board member	Workforce Investment Board
11	Alison Lee	Board member	Workforce Investment Board
12	George Martin	Board member	Workforce Investment Board
13	Edgar Ombac ( <i>re- review</i> )	Board member	Fire Board of Appeals
14	June Rabago	Board member	Workforce Investment Board
15	Ann Lum ( <i>held over from last meeting</i> )	Board member	Board of Ethics
16	Marilyn Nicholson ( <i>held over from last meeting</i> )	Board member	Board of Ethics
17	Claude Onizuka	Commissioner	Liquor Commission
18	Bert Saito	Wastewater Division Chief	Environmental Management Department
19	Rene Siracusa	Commissioner	Planning Commission
20	Everette Souza	Commissioner	Liquor Commission
21	Lawrence Suenishi ( <i>re- review</i> )	Buyer I	Finance Department
22	Lloyd Tanaka ( <i>re- review</i> )	Appraiser IV	Finance Department
23	Fred Yamashiro	Commissioner	Liquor Commission

## 8. ANNOUNCEMENT

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

## 9. 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.