

HAWAI'I COUNTY BOARD OF ETHICS

MINUTES – REGULAR SESSION

January 10, 2007
Hilo Lagoon Centre
101 Aupuni Street, Suite 325
Hilo, Hawaii 96720

Present: Wayne Joseph, Chair (WJ)
Ann Lum, Vice Chair (AL)
Reeve Williams, Member (RW)
Kendall Sharpless, Member (KS)
Kerry Inouye, Member (KI)

Bobby Jean Leithead-Todd, Deputy Corporation Counsel (BLT)
Karen Delimont, Secretary (KD)

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1. CALL TO ORDER

The Chair called the meeting to order at 10:05 A.M.

2. STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

There were no members of the public present.

Chair requested a motion to amend the Agenda to include the following:

- (a) Communication 2007-04 from Lincoln Ashida dated January 4, 2007 regarding Hawai'i County Code Section 2-82;
- (b) Communication 2007-05 Memorandum from Lincoln Ashida dated January 2, 2007 regarding HRS Chapter 487R;
- (c) Financial Disclosures that were received after the posting of the Agenda.

Motion and Vote: Ms. Sharpless moved to amend the Agenda to include Communication 2007-04 and 2007-05; Mr. Williams seconded the motion; all members voted aye, motion carried.

Motion and Vote: Mr. Williams moved to defer the review of additional Financial Disclosures until the next scheduled session; Mr. Inouye seconded the motion; all members voted aye, motion carried.

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3. APPROVAL OF MINUTES.

December 13, 2006, Regular Session: Ms. Lum moved to accept and file the Regular Session minutes; Ms. Kendall seconded the motion; all members voted aye, motion carried.

December 13, 2006, Executive Session: Ms. Lum moved to accept and file the Executive Session minutes; Ms. Kendall seconded the motion; all members voted aye, motion carried.

4. COMMUNICATIONS

- (a) **Communication No. 2006-109: The High Road No. 2006-4, Hawai'i State Ethics Commission, December 2006.**

Motion and Vote: Mr. Williams moved to accept and file Communication No. 2006-109; Ms. Lum seconded the motion; all members voted aye, motion carried.

- (b) **Communication No. 2007-04: Letter from Lincoln Ashida dated January 4, 2007 regarding Hawai'i County Code Section 2-82.**

Motion and Vote: Mr. Williams made a motion to accept and file Communication 2007-04; Ms. Lum seconded the motion.

Discussion:

WJ: I wanted to allow time for Lincoln to come.

BLT: He went off to Salary Commission.

WJ: I was hoping to defer on these matters until he gave his presentation.

RW: Okay, I will retract my motion and move to defer.

AL: I will take back my second.

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WJ: ...and he (RW) moved to defer, so are you seconding? Any further discussion? Are you making a motion to defer 04 and 05?

AL: I would like to read 05 before we defer.

Motion and Vote: Mr. Williams made a motion to defer Communication 2007-04 to our next scheduled session; Ms. Lum seconded the motion; all members voted aye, motion carried.

(c) **Communication No. 2007-05: Memorandum from Lincoln Ashida dated January 2, 2007 regarding HRS Chapter 487R.**

AL: I didn't know we had a committee on the destruction of records.

WJ: I wasn't familiar with that either.

RW: Is that like an ad hoc committee?

BLT: It's an internal county committee. The intent is to try and have as much uniformity between the departments in terms of how long you keep a record and when can you destroy records, and what types of records need to be kept for what periods. Like, you've got financial records, in terms of expenditures of funds received, but you might have personnel records, and the question is at what point you destroy the documents that you have. Also, what documents are important never to destroy and keep a permanent record of. Part of the problem was that in the past when you have paper records after a while if you.... The county has been around for 100 years. It is not only destruction of records; it is just maintaining the records that become problematic. One of the things they are starting to look at is if you keep or start providing electronic copy, can you destroy the paper copy? Some of that has to be worked out in the state, because obviously being able to store them electronically removes some of the reasons for destroying. It becomes very cumbersome to keep physical paper copies of everything for a long time. Like, we periodically get notices that our email boxes are overloading the email server, so please discard and purge.

KS: For the sake of discussion I would support any attempt to have universal policies and procedures to apply to all the departments. Currently, the standard to have a policy or procedure for monitoring how well you are complying with your own policy just adds on another layer of bureaucracy and time. If it is uniform, that job can be made as efficient and as less time consuming as possible. The other issue, in terms of mechanical storage, is space. Both those things relate to cost of government because if you have to have a whole new building to keep your records in, that is a cost. So I totally support the idea of having a comprehensive department.

WJ: It makes good sense.

AL: We should defer this until Lincoln comes to talk to us about this.

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RW: Do we need to talk about this with Lincoln?

WJ: Yeah, well I think he wanted to come in to comment on both of them.

RW: Then I will second this.

KS: We can't talk about this anymore?

WJ: Yeah, we can. It is just that before we accept and file I think we should wait until he comes.

BLT: One of the things that I don't believe this board has adopted, or reviewed is how long its records are maintained.

KS: I couldn't find anything.

BLT: Because, it just says that the Office of the Corporation Counsel maintains your records. It triggers two thoughts. You don't publish opinions except when they are public, in the sense that someone does not ask for a closed hearing as in the case of the hearing on Gary Safarik. That is public because he didn't ask for a closed hearing. But there are dozens of confidential informal advisory opinions that have been given out over the year and there is no policy on when those are to be destroyed.

There is also no publication system. The State, even with confidential advisory opinions, publishes the opinions, deleting.... They decide which ones they will publish and they just delete the names of who sought the opinion. But it is published so that other people who might have similar questions or issues can say "Look, there is this precedent, there is an advisory opinion that says if I am an employee and I do this kind of work that I should not have similar outside employment." Like the school teacher who is teaching math cannot be paid to tutor her students in the afternoon to help them do better in her class, those kinds of decisions. On the County level we don't have a set of publications so it kind of begs the question if you don't publish them why do you need to keep them forever? Not even the board sees prior opinions because they are sitting in files. It also triggers a question in terms of our offices record keeping in terms of your files. If we had an opinion that was issued in 1970's to a particular councilmember that said don't do this, but there is no record, publicly, of that why hang on to it? The flip side to that is if the stuff is out there maybe some of that stuff should be put in some kind of formal publication so people can see that the board has previously ruled that you cannot do this, as kind of a guide.

KS: That would, a universal policy, the Mayor or whoever would have to decide whether or not they wanted to have this reference library verses not. I mean there are pros and cons to both. Having a reference library going back years and years of every advisory opinion is one more thing to take care of. But, that is neither here nor there in terms of the fact that there has to be a policy on it. If it is a universal policy it would answer that. I think the other thing is that either administrative or Corporation Counsel are the people most likely to keep up with what

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the current standard is, what the current laws are and changes in the law. So for every department head or every manager to have to chase that is burdensome.

BLT: Maybe Lincoln can, since he sits on the committee, give us some information in terms of what the committee is looking at in terms of records management. Our office has been moving more and more towards digital. Not even creating some of the documents in paper. Obviously, in a digital format, it is much easier to keep stuff so the problem we have had is that in the meantime under certain county rules or policies as well as state rules and regulations, we still have to keep the paper copy even though we have redundancy in the digital format.

KS: I'm looking at our other business about our rules of practice and procedure. I don't know what I am reading here, and what it really means.

AL: But I thought there was someplace in here that talks about.

BLT: Well on page three of the rules it talks about the maintenance and custody of files and records, but says nothing about how long you have to keep them.

AL: Or what ones should be kept.

KS: Okay, but then go look at Item 1.13, Availability of Board Documents, Item (d).

BLT: It does say that they are available.

AL: Yeah, I knew it was there.

BLT: Confidential, and we have not been doing that.

KS: So, to me if they can come out with a universal policy, we could defer work on this for a while.

BLT: I thought I had seen this somewhere, it just means that there is some work that Karen and I are going to be doing.

KS: If you look at the State rule one, and there is one available on the County website, I think it is Planning, I'm not sure. They are all different. The language is different in terms of some of the references they make in terms of either Hawai'i Revised Statutes or their own county codes and stuff. It is very difficult. What does that really mean to me?

BLT: We need to put that under long-term projects.

KS: Yeah.

AL: As we go along we can do it from this point on, to go back....

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BLT: I don't know how far back is sensible, because we have been putting stuff in storage.

KD: The financial disclosures we have all here.

BLT: No, no, it is the opinions which are all in storage. We would have to go looking into the bowels of the earth.

AL: But do we need to do that?

BLT: We should do it prospectively.

AL: Just start.

BLT: Just the ones we are doing now and as we have time. The new ones are being scanned, but what I am seeing here is that I will have to do separate copy with stuff deleted out, then have a public folder that is available. So I will make a public folder.

AL: And then if we had some way that people, beyond us, would have an index to look back on opinions.

BLT: I will talk to the web.

AL: Not all the way back in storage, but starting now. It does seem that if each board has an opinion, but five years from now they've got to hear the same thing, then five years later the same thing.

KS: But society changes, and times change and this little thing about the rules of evidence. Well, I am not a lawyer so I don't know what the rules are, but it is a two-sentence thing, page three. We are not bound by any strict rules of evidence so in terms of keeping records back and going back to look back at your precedence what does that mean. The other thing it says any evidence which is....

BLT: Well the rules of evidence are talking about criminal matters. There is something called "*fruit of the poisoned tree.*" If I got material without a search warrant then I go to court and they said you didn't have a search warrant and even though it is a signed confession it is inadmissible. Well, Board of Ethics, if there is a signed confession out there, or there is a letter that somebody wrote, some evidence, it doesn't matter how someone obtained it. Someone rummaged through the trash and comes to the Board and says "Look I have this letter" you can look at it because it is not a criminal proceeding. You are not bound by those rules. And then the other rules are like "Well, I heard her say that he said" kind of thing. You are allowed to hear that and you can decide whether that second-hand statement has any value. It may just be something that leads you towards information. In court that would be inadmissible the fact that, I come in and say "Bob told me that Wayne went to that dinner" I wouldn't be allowed to say that. I would have to get Bob in here to say that Wayne said that. Where as in here I could say

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that and you could ask Wayne “Is that true, did you go to that dinner?” But in court there would be objections flying, inadmissible, hearsay.

KS: I think the issue of precedent, precedent has a place. It has been codified in legal court room things. The use of precedent is something lawyers use everyday.

WJ: And we are not lawyers.

KS: We are not and I don’t want to be bound.

WJ: We are not.

RW: By some advisory opinion from previous years....

WJ: Perhaps we should be looking at a time limit to dispose of them.

BLT: Even the State Ethics Commission has changed their position on issues, because so many years ago they said you can’t do this. Twenty years went by and they said we are going to revisit that issue. In light of the changes in this, this, and this, we don’t think that earlier decision should govern anymore, and hereby reject the earlier opinion and are issuing a new one. I have seen the State Ethics Commission do that. That is because something is initially, it has gone both ways. Once, where there was something that they thought was permissible, and then years later they said you know what, on second thought that really does open up a can of worms so we are going to say no, you shouldn’t do that. There was one, I think it was real property tax appraisers and what they had to do, and they changed position in terms of what they could do outside employment. When they started looking at it they said we think that maybe we were too strict. Or because there are all these other procedural safeguards and now it is okay. Times have changed, I’ve seen ethic opinions change.

AL: So maybe we should think about how long some of this stuff needs to be kept and do we have the authority to say....

WJ: I think we should wait to listen to what Lincoln has to say, and there is a motion to defer.

AL: Oh, did we make a motion to defer?

RW: I make a motion to defer.

WJ: I thought you already did.

RW: Alright.

WJ: So is there a call for the question?

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RW: I call for the question.

WJ: Good. Shall we defer? All in favor say aye.

Motion and Vote: Ms. Lum made a motion to defer Communication 2007-05 to the next scheduled session to allow Lincoln Ashida time to comment on the issue; Mr. Williams seconded the motion; all members voted aye, motion carried.

WJ: It's been deferred let's move on to new business.

5. NEW BUSINESS

Review rules of practice and procedure of the Board of Ethics.

KS: I tried to make some sort of grid, a matrix. I like boxes, but, impossible. While ours looks kind of old, the State rules are actually older than ours. At least according to this date, I think.

AL: Ours looks old because of the typewriter.

KS: Yeah, but if it is typed and not computerized that is something that is serious, because to revise it, you have to be able to scan it or something. To me, just going through like purpose, I get confused about the legalize, if there is one word different. There are some real subtle differences throughout; our index is different, our collection of definitions is different. The State Board footnoting system is beyond me, I don't understand it at all. We don't have very many references cited, like if it came out of the code or the HRS or something like that which is fine with me, because I don't understand this at all.

AL: Do you think it sort of cites it in general under 1.1 Purpose, kind of gives us a big lump where it all comes from and then....

KS: I'm sorry I don't understand the question.

AL: Rather than citing each section as you go along, it just says it comes from Article 14 of the Charter, 1980 and then the Code 15-....

KS: Well, I don't even know if we need to do that. To make ethics user friendly, this kind of thing, like on the State Ethics they have a parenthesis it says EFF parenthesis, then there is another parenthesis, brackets.... Like what? See like here.

BLT: That is the effective date of that.

KS: Oh, well fine, but do we need to do that? I don't think so. So if we are trying to make this a user friendly document, making clear wording like in the Rules of Evidence

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“...effect shall be given to the rules of privilege recognized by law.”

What does that mean?

BLT: It means that confidential documents, like doctor and patient or advice an attorney may have given his client. That stuff is recognized as privileged and you are not going to take that into evidence without the knowledge and consent of the person who holds the privilege.

KS: Okay, so this sentence here, I don't understand it.

BLT: So, you would like to make it more understandable?

KS: I'm wondering if it can be, if the wording can be written in more common language. I think that this is going to have to be gone through line-by-line, and we are going to have to say that is old, that went out in the Middle Ages.

BLT: So this is going to be a long-term project.

KS: This is not something that I can put together and say “Here is this, here is this.”

AL: I do think that we will have to start on this and maybe do purpose and authority, but then go through it bit-by-bit. I don't think it is very bad in general. I think there are some areas that are a little difficult to understand.

KS: I am concerned that on page 4 you might find something; then again on page 28 does it really jibe? That's what I have been finding and it brings questions.

AL: And for me, part of it too was what we dealt with this past year on the Board of Ethics, like the informal advisory opinion. I was a lot clearer about what all that meant but the ones that I haven't had anything to do with I had a lot more trouble trying to understand. Formal hearings, investigations, and investigatory hearings, because I haven't had any experience with it.

KS: The other thing is, if the county and this would make our job really neat. If there was only one other rules of practice that I could find on the County website for one department. If Lincoln, or Mr. Ashida, is thinking about having a universal law about records disposal and maintenance, wouldn't it be nice if the County had a universal, at least table of contents that these are the items that every board and commission have to cover, because they are different. So, I like standardization throughout. I'm sure he has that on his top burner and he is going to do this. If we could look, or find out within the county if there are other departments that have more current, perhaps we could pattern ours.

RW: The thing is that do you think there is anyone more vanguard than us?

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AL: Sometimes I begin to wonder.

KS: I know. These kinds of things when you are trying to empty the swamp, they can't do it.

(Laughter)

BLT: Empty the swamp is such a great image in my mind. County employees mired in the mud.

RW: You might want to soften that a little bit.

KS: I was thinking about the National Democratic, Nancy Pelosi's 100 days or hours or whatever it is. Anyway, we are going to have to a lot to do.

BLT: I think this will have to be a process. These things weren't written overnight, or within a month, and there was a lot of plagiarisms of other people's boards and rules.

KS: Every department has one of these, right?

BLT: Not all departments have adopted rules of practice and procedure. It depends on (1) Whether by statute they have one rule making authority; and (2) What types of rule they make might be tailored specifically to what they do. The Planning Department has rules on variances, subdivisions, and processing documents. Planning Commission has a set of rules, Board of Appeals, and some of their rules apply more to who can appeal, when can you appeal, when can you file, how many days do you have to make your decision. Some things are uniform, you will see very similar, and other things are more subject specific. What I can do is gather what rules there are for other boards and commission and maybe check with Maui, and City and County of Honolulu.

KS: Then the question is, do we need to compare ourselves to the Planning Commission of Maui or should we just be looking at practices for the Board of Ethics?

BLT: I think the most likely is the Board of Ethics.

AL: Because we are very specific.

BLT: You are very specific and so are the State rules, and if we can find City and County, I'm sure it has to have something.

KS: Okay, that should be easy.

RW: Do Oahu and Maui both have Boards of Ethics similar to ours? Bobby, do you know?

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- BLT: I believe they do. I think every county has had to do something.
- AL: I think in Maui, I looked into something in Maui.
- KS: It was part of the last task. We had Maui, Kauai, we had all of them.
- RW: Executive board....
- AL: It was the Financial Disclosures.
- BLT: We are just going to get the rules from them.
- AL: So, who is going to track those down?
- BLT: I will track those down.
- AL: Thank you.
- KD: Do we need to motion or act on this?
- WJ: I thought we were just going to bring in additional information for the next meeting.
- BLT: So it is continued until the next meeting as Unfinished Business.

6. UNFINISHED BUSINESS

Review draft of Hawaii County Board of Ethics Handout for new employees, board and commission members, and elected officials.

- WJ: Okay, number six, does everyone have their copy?
- BLT: Just like this is going to take a while. I have the Ethics Guide; I have significantly changed the format. I thought we would try looking at the format that the State has used in their guide. I also changed the font to make it a little smaller so I could get more stuff on one page. Also, at Kendall's suggestion, I have double-checked a couple references. I have tried to track the language of the code a little more closely with specific reference to the section of the code that comes from. I forgot to take the examples and put them in italics. You suggested that the stuff that is not strictly code, kind of explanatory, should be italics. Basically, looking at the first page, there is big blank section because I didn't know if you wanted to do a cartoon. Like the State has something kind of funny. We could have a swamp that we are trying to flush out, or Hercules trying to clean out the stables. Then I changed it by going to a smaller font and going to a two-column thing. I thought it would be easier to follow.
- KS: It is great for notes.

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AL: You can kind of scan through it to find the part that you are looking for.

BLT: I am looking at that.

AL: I don't think the examples need to be in a different typeface, but I think examples of practice. If you get too many, because we have bold and all these paragraphs and two columns and if you add another face it makes it kind of chop suey. So by having, it is so definite, examples of prohibited exceptions.

BLT: This is the area where it is different from the State Ethics Guide. The State Ethics Guide does not have a section where it shows examples.

AL: I think it is important to have examples.

BLT: The examples are taken from ethics opinions where there have been incidents over selling tickets on government property or using government computer, that kind of thing. Feel free to question things. On the last page, where it talks about the last section, financial disclosures, I started looking at it and this is a little bit different from what the State Ethics Guide and that is because we have these different sets of disclosures. I am still toying with the employees. If that should be stretched out with bullets to make it easier for someone to note if they are a Liquor Commissioner or a Building Inspector, that they are supposed to file. I did not get to the last section on when you are supposed to file the disclosure; where do you get the forms, what is an informal advisory opinion, what is a formal advisory opinion, and what are enforcement penalties. I am still working on that section. It made sense to include that in the guide. Then, the last two pages I have not really changed, except I changed it to two columns, and that is the check list. I don't know if the two columns work on the check list, or leave it the way it was.

RW: This is better than flipping page after page. I like it the way you have it.

BLT: Okay, so anyway, it is work in progress.

AL: It is coming along.

BLT: I think being able to initially give it to new employees, but not just employees. Once finalized everyone on the list that is supposed to file, supervisors, planners, etc., they should all get a copy of it because they are the people that are most impacted by the ethics code. They are the ones that are positions in which they can get into trouble. If you go to the Mauna Lanai to inspect a building and they say "Let's play a round of golf" or "Hey, would you like to spend the night?" I am just throwing that out. Those are the types of positions that actually go out and deal with members of the public away from the office where the greatest potential for influence can occur. It is things like tickets to golf tournaments. I can remember one gift when I was on the County Council that someone had sent me. Two nights at a hotel, \$100.00 gift certificate for food, and one more thing that came with it. I remember looking at it and thinking

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they don't have any business before the County Council. There is no rezoning or anything like that. But, I think this is troublesome because I want to use it. If someone brings something edible, you give it to the staff, but here was something that had value to me because I happened to like the hotel. That is when the bell went off. I should not accept this gift. I didn't want to offend the person so I called and asked if they would mind if I give it to the Police Department for their Christmas dinner as a door prize. I used to be given tickets for golf tournaments. I never did anything with them. Then, one year in the paper, to my great shock, I read that they were worth \$1,400.00 and I just about died. Especially because they were of no value to me and I didn't go to the tournament. There it was in the newspaper that I had a \$1,400.00 ticket. After that I would turn it over to junior golf, or golf teams at the high schools because they were interested in watching professional golfers. I can't imagine how boring it would be for me. There are these occasions when people bring you gifts.

AL: It is difficult because in our local culture the gifting is such, you just do it all your life.

BLT: So they have made distinctions at the state and other agencies that said, generally, things that spoil, disappear, food and leis and flowers, those things are no problem because they don't last. But things like golf clubs, computers, accepting trips to go visit places; those are the things that you need to be more cautious of. Some things they totally ruled out. You cannot get that expensive set of golf clubs. If you paid to go to the golf tournament, then fine. But if you were invited as a government official and you didn't pay to participate in the golf tournament, then you can't take that set of golf clubs.

KS: I have a question. Cars. Fleet rate cars. You go to a dealer "Oh, you're a County employee, no problem, you get this rate."

RW: Really?

KS: If all the County Police are buying their cars, if there is a fleet of cars for the County or State department, like Dodge has the fleet cars for department of transportation.

WJ: They take those things out to bid, and they buy with certain specifications, and there is a bidding procedure.

KS: Yeah but if you walk in and say "I work for the Department of Transportation, I'd like a Dodge."

BLT: I don't know if that occurs. That would be an issue of whether there was some kind of ethical violation. Frankly, with vehicles, there is so much profit that there is a lot of room to negotiate. It might be blue smoke and mirrors when they tell you that they have a great government rate for you. I'm unaware. The police cars here that are individually owned. The police department has certain specs as to the amount of horsepower and I think the size, because maybe they don't want you driving around in a Miata with room for one person, and nothing on top. There are specs, but beyond that they are free to buy their own vehicle and there is an

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added cost because there are certain things that have be added to the vehicle, but that is on the.... It is entirely possible that the car dealer will want to give one officer a good deal, because he might get business from the other guys. They have a profit in there. It is just business on their part to try and get other people to come in. It would be a problem if the Police Officer went in and said "I am a Police Officer what kind of deal can you give me?" because that is using your position to try and get yourself.... Police Officer stops you and you say "I am a county employee, don't give me a ticket." That is a different issue, that is an ethical violation.

AL: I'm wondering if in the ethics guide for Hawai'i County officers and employees, do we need to go into your projected amount of detail on your advisory opinions. I don't know if we just need to define that there are these things?

BLT: This is how you apply to get an informal, and you can request that it be confidential. The formal is when you haven't listened to us. I thought it was important to say there are these penalties. Theoretically, all the way up to getting fired from your job.

AL: This is serious business. I can see, because we say if you are in question or in doubt, check, check, check and this is how to check.

KS: This also empowers employees. When I first came on there was that case about a truck driver who failed a test who had been mentored by the testers. The guy kept saying something was wrong, and in his own way he went through this process.

AL: Yeah, that was a hard break on that one.

BLT: That was before I was here.

AL: That was before. I bet the guy, he was just so, he had such a developed sense of fairness. Almost a childlike sense of fairness and it felt so unfair to him. Frankly in my opinion it was unfair, but it didn't violate anything. He said "I know I failed the test but if things had been different, maybe I would have been chosen for the job." I think that there was a whole thing in the union process that once you fail it you don't get to take it again. What kind of deal is that?

I actually admired that man because he put a lot on the line to check the ethics of something. I was drawn to his sense of fairness, his sense of ethics.

BLT: We have to make tough calls sometimes.

RW: So where are we in this process?

BLT: The question I have is whether you like this format.

RW: I like it.

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BLT: Okay, so you like the direction I am going in. What I need to do is flesh out the last section to discuss what is, and how do file, and where do you get the forms. The thought was that you would actually attach the actual code to this. It is going to be a handout.

KS: At the time of employment.

AL: One little, little point of design of readability. This is a beautiful Ariel, sans-serif font. In other words clear. Did you know, that as far as reading, a sans-serif font for lists and numbers is clearer, but if you have a lot to read a serif font is easier to read because those little things that hang down, Times New Roman, that people use. It is a visual thing. On a serif font, these little things connect. We read by shapes and those little serifs lead your eye, it is easier to follow.

BLT: I have learned something new today. I had no idea there was a difference between sans- serif and serif, I just thought those were the names.

AL: No, serifs are those little thingies. This is an italicized print. This is probably Ariel.

KS: I hate Times New Roman.

BLT: We do Courier, Times New Roman or the two....

AL: Publications use Times. That is the thing, it leads your eye.

BLT: I will look at doing it in a different font.

AL: This one is a serif font. It is just a thought about reading lots of words.

KS: I will just defer to your expertise.

AL: It is just a point.

WJ: Which font would get me to comprehend better?

AL: The serifs, because it leads your eye faster and you read quicker.

BLT: I will do it with serif and we will see.

AL: What we are doing in this world now is publishing a book.

WJ: And we want to make it readable.

AL: It is going to go to a lot of people.

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BLT: It is one of the reasons why I went to a two-column approach, to make it more readable.

AL: We are asking this woman who has all this knowledge of the law to suddenly become a book designer.

RW: Do you want illustrations?

AL: She does.

BLT: On the first page I left room for something there. I might ask my husband to draw something for me, because he does comic stuff.

AL: This is good. I like the way this is going.

BLT: Okay, great.

AL: So, this is also deferred now?

BLT: Yeah.

WJ: Yes, just continued Unfinished Business.

AL: Do we need to do anything about this, except compliment her on this incredible job.

(Mr. Ashida failed to attend the Board meeting. The chair directed the board to return to Communications.)

4. COMMUNICATIONS (CONT.):

(b) Communication No. 2007-04: Letter from Lincoln Ashida dated January 4, 2007 regarding Hawai'i County Code Section 2-82.

WJ: Let's go back to Communications and ask if you want to do anything with it or do you want to just defer it and ask Lincoln to come to our next meeting and do his presentation.

RW: Yes.

WJ: Shall we just defer it to our next meeting and ask Lincoln to come and explain?

RW: If he doesn't come at that point then we can take action.

BLT: I think on the destruction of records you may want input from him (Communication 2007-05). On the other one (Communication 2007-04), that is self-explanatory.

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He is just informing you that he is going to be sending something to the County Council to make an amendment.

WJ: So there is nothing for us to act on.

BLT: Well, if you think it is a good amendment you may want to send a letter to the County Council saying that you support the amendment because it makes it consistent.

Motion and Vote: Mr. Williams moved to accept and transmit a letter of support to the Council in support of this initiative; Ms. Kendall seconded the motion; all members voted aye, motion carried.

(c) **Communication No. 2007-05: Memorandum from Lincoln Ashida dated January 2, 2007 regarding HRS Chapter 487R.**

Motion and Vote: Mr. Williams moved that the Board defer to allow Corporation Counsel to further comment; Ms. Lum seconded the motion.

Discussion:

KS: They're asking for our assistance for providing information on present policies and procedures, in our discussion on our rules of practice, we said there were some things that were conflicting, things that weren't being done, we weren't sure. We had a discussion, so a statement could be drafted according to that, unless we misinterpreted what he wants, and we want to hear what he actually wants.

RW: That is why I moved to defer to allow him the chance to make his pitch. If he doesn't show then we will just act on it.

JW: That would be a good idea to give him the opportunity to explain this. There is a motion on the floor, we did get a second. Are we done with discussion?

KS: Yes.

JW: All in favor say aye.

All members voted aye, motion carried.

7. EXECUTIVE SESSION

Motion and Vote: Mr. Williams made a motion to move into Executive Session; Mr. Inouye seconded, all members voted aye.

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The Board re-entered Regular Session at 11:35 a.m.

Motion and Vote: Mr. Williams moved to accept and file the financial disclosures of Valta A. Cook, George A. Harai, James S. Hodgkins, Jr., Claude S. Onizuka, Milton D. Pavao, Paulette Pavao, and Thomas Whittemore and return the Financial Disclosure to Robert E. Cooper and clarify the section on Income, Item 1; Ms. Lum seconded the motion; all members voted aye, motion carried.

8. ANNOUNCEMENT

The next regular monthly meeting is scheduled for Wednesday, February 14, 2007 at 10:00 a.m. at Ben Franklin Building, 2nd Floor, 333 Kilauea Ave., Hilo, Hawai'i 96720.

9. ADJOURNMENT

Motion and Vote: Mr. Williams moved to adjourn; Mr. Inouye seconded the motion; and all members voted aye, motion carried.

The meeting adjourned at 11:45 a.m.

Respectfully submitted:

Karen Delimont, Secretary