

HAWAI‘I COUNTY BOARD OF ETHICS

MINUTES – REGULAR SESSION

Wednesday, May 9, 2007 – 10:00 a.m.
Corporation Counsel Conference Room
101 Aupuni St., Suite 325
Hilo, Hawai‘i 96720

Present: Wayne Joseph, Chair (WJ)
Ann Lum, Vice Chair (AL)
John Dill, Member (JD)
Kendall Sharpless, Member (KS)

Also Present: Bobby Jean Leithead-Todd, Deputy Corporation Counsel (BT)
Karen Delimont, Secretary (KD)
Amy G. Self, Deputy Corporation Counsel (AS)
Jerome Warren, Petitioner (JW)

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1. CALL TO ORDER

The Chair called the meeting to order at 10:08 a.m.

2. STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

Petitioner, Jerome Warren introduced himself to the Board.

3. APPROVAL OF MINUTES

Minutes of the April 11, 2007, Regular Session: Ms. Lum moved to accept and file the Regular Session minutes; Mr. Dill seconded the motion. All members voted aye. Motion carried.

Minutes of the April 11, 2007, Closed Session: Ms. Lum moved to accept and file the Closed Session minutes; Mr. Dill seconded the motion. All members voted aye. Motion carried.

Minutes of the April 11, 2007, Executive Session: Ms. Lum moved to accept and file the Executive Session minutes; Mr. Dill seconded the motion. All members voted aye. Motion carried.

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4. COMMUNICATIONS

Communication 2007-27: Letter of resignation from the Board of Ethics by Kerry Inouye to Mayor Harry Kim dated April 4, 2007.

Motion and Vote: Ms. Lum moved to accept and file Communication 2007-27 and send him a letter of appreciation; Mr. Dill seconded the motion. All members voted aye. Motion carried.

Communication 2007-28: Letter of acceptance of resignation to Kerry Inouye from Mayor Harry Kim dated April 9, 2007.

Motion and Vote: Ms. Lum moved to accept and file Communication 2007-28; Mr. Dill seconded the motion. All members voted aye. Motion carried.

5. NEW BUSINESS

Petition 2007-03 Jerome Warren: Whether Christopher Yuen and Bob Jacobson violated Sections 2-84(c) and 2-84(d) of the Code of Ethics by supporting a sidewalk variance for Big Isle Ventures.

WJ: Mr. Warren, would you like to come and take a chair here. We received your petition and in your petition you cited two sections; Sections 2-84(c) and 2-84(d). So for the members of the Board I would like to direct your attention to letters (c) and (d) and I think the most significant part of letters (c) and (d) is that your petition is going to show that someone within the county accepted compensation in exchange for a favor, is that correct? Do you have evidence that shows that?

JW: The evidence I have is only what I've read in the Ka'ū Calendar, that's kind of our local paper, and in there the paper states that money was donated by the applicant for this particular Bill 62 to the Honu'apo Fund, and I know that my councilman has been very active in that and if you kind of connect the dots you can see where Chris Manfredi is applying for rezoning and then if you go back through back issues, through this Ka'ū Calendar, you can see where he has been kind of promoted as a benefactor to the community. That's the tie-in that I see.

WJ: I'm still trying to see the connection here. Did you make copies of that, by the way, to share with the Board?

JW: No. I was informed that this would be more of a pre-hearing and that we are just here to discuss whether or not there is an issue and then perhaps if that does become an issue then I have everything with me. I could copy it and annotate it if indeed that is an issue here. That is just my introduction to this was just watching the council meeting one evening and seeing a rezoning. Seeing the applicant not present, seeing the consultant not present, seeing Chris Yuen representing them, and seeing my councilman, Bob, kind of also representing them with these platitudes.

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WJ: But you do understand now that you are making allegations that Bob Jacobson and Chris Yuen did something and in return was compensated in some way for what they did, and you will have to make that tie-in, and I don't think reading a newspaper article makes the tie-in.

JW: I'm just a citizen and I don't have, all I have is me, and all I see is what is out there and so

WJ: There might be different venues in which you can take, and this venue, we just follow the Code of Ethics, and what you cited specifically was that these two people with the county received some--some sort of compensation for favor and unless you can show a direct link to that I don't think your position has any foundation.

JW: I realize that and when I first saw this I was taken aback . Then I tried every avenue I could to rectify the situation, or to expose it, or to get some feedback, and I realize that I am clutching at straws, but this is the only avenue where they said they were listening to me. Everybody else just shined me on, brushed me off. This was the avenue where I thought I would perhaps have a venue.

WJ: Yes.

KS: May I ask a question? What other avenues are you talking about?

JW: Ah, calling my councilman directly. No, never heard anything back. I'm calling the Office of Information Practices, that's--they always seem to be the knight-in-shining armor--and then I thought this was an OIP matter, and they said well its an ethics matter, and I think that . . . and I'm sure, like I don't remember the direct route how I got here, but that was part of the steppingstones that led me to this venue.

AL: The variance was—the person did not have to build a sidewalk? I mean to put it in plain words?

JW: Yes, ma'am.

AL: And they received the variance?

JW: They would have received it had I not intervened. They were ready to get it and Chris Yuen and Bob Jacobson were ready to give it to them.

AL: So, now it's being—what is the status?

JW: The status now, it is—this is ironic—these are the March the 8th minutes and I only got them yesterday in my mailbox after work. So, the . . . now

AL: Minutes of the council meeting?

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JW: . . . of the council meeting, yes ma'am. Then, now had I not gone to April 4th, I believe the April 18th, it would have just been rubber stamped and it would have been approved already. I did make a diligent effort, and then I was able to have the thing postponed in favor of a public hearing. So, that is the only reason this thing hasn't been rubber stamped.

AL: So, there will be a public hearing now?

JW: Yes ma'am, on May 22 in Naalehu, I believe.

JD: I just want to try and clarify exactly the players. This Chris

AL: Yuen.

JD: No, not Yuen.

JW: Chris Manfredi.

JD: Okay, so he is the CEO or manager of Ventures, Big Island Ventures?

JW: That's the hard thing. If you read the literature you would think so. But, between then and now I have been doing more and more research and he is—I even went to talk to the guy, 'cause I live just up the street from him and not the friendliest person I have ever met—just went to talk to him, man-to-man, and cause I would use that sidewalk to go to the stores by-and-by. I just walked up his driveway and said "Hi, are you Chris Manfredi?" I have seen him before in other public meetings, and he was very defensive. Long story short, he told me that he's not a developer, he is a car mechanic. When I looked in the application, indeed he is not even the applicant.

JD: Okay, sorry to interrupt, but I want to try and get a bird's-eye view on this. So, whether or not he is with Big Island Ventures or not, Big Island Ventures applied for this variance, right? Okay, then what you are claiming is that Bob Jacobson and Chris Yuen were ready to rubber stamp this variance, or proposed variance, and the conflict that you see is that . . . I am still confused about this Honu'apo Fund and how that becomes involved with Bob Jacobson.

JW: Yes sir. When we've been led to believe that Chris Manfredi and his partners have purchased, *purchased* six-thousand acres along the—be somewhere—this thing you would see when you drive down the highway, you know, on either side of the highway. It's, I don't even know if they own it. I went to look for the tax records. I don't see them. I still see C. Brewer as owning it.

JD: Well, I am still trying to get to where you see the conflict. Who donated money to the Big Island Ventures?

JW: Well, according to this paper, Chris Manfredi has donated . . . it's like so many thousand dollars to the Honu'apo Fund and that has endeared him to the community, and it has endeared him with my councilman, because this is a feather in his cap, this whole . . . I'm glad that

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somebody has saved Honu‘apo, I have no problem with that. It is just to me that should not affect his further dealings with the county.

JD: Well, I think Wayne is right. You can't really depend on newspaper articles as concrete evidence.

AL: But, also it is not fitting into--it really is not fitting into what we

JD: The section of the

AL: Yeah, what we have in conflicts. It's like another step or two removed.

JW: There is no smoking gun. Right, I realize that and I do admit that I am clutching at straws.

AL: But now you have, by your interest, brought it to public hearing, public, not public hearing, but public meeting, to have it discussed in public meeting, right? You said that instead of being improved it is now going, there is going to be a public—what do you call it?

JW: I think it is a public hearing.

AL: Okay, a public hearing on it.

JW: Yeah.

AL: So the community will have input.

JW: Yes, ma'am.

BT: Board has the authority to accept the petition or to reject a petition if they feel the petition does not fall within the purview of the Code of Ethics.

KS: Earlier you said I think--and I need you to tell me yes or no on this--you said that Mr. Yuen represented somebody?

JW: Yes, ma'am.

KS: How does he represent . . . he's the planning director. Who are you alleging that he represented?

JW: Ah, traditionally, if I can backtrack to March the 8th. Traditionally, when you see a bill come forward for rezoning you will see the applicant at the table, and you will see the applicant's consultant at the table. Then if you follow all this, you would be led to believe that the applicant is Chris Manfredi and the consultant is Steven Lim. On March the 8th

KS: Who's Steven Lim?

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JW: He works for Carlsmith.

BT: Mr. Lim is an attorney with Carlsmith.

JW: Yeah, Carlsmith, excuse me, Carlsmith and Ball, he is the attorney, and he would be the consultant for this rezoning. Every time I've seen one of these rezonings you always see the applicant and the consultant, or maybe there will be one, or the other, or both. I've never seen one where neither party was there, yet the planning director was speaking in their behalf.

KS: I don't . . . you're alleging that the planning director was speaking on their behalf, there is no proof of that.

JW: I have that in my notes here.

AL: Is it possible that once, I don't know, I have never been to a meeting, but is it possible that they give him all the things and he accepts it and then he says something, but he is not representing them

KS: No, I don't see how . . . unless we have these documents before us, I don't see how Mr. Yuen could possibly represent Mr. Lim and Mr. Manfredi. I don't see how . . . and that relates to Section (d) as representing, and I don't see anything that I can understand, or see, or evaluate in terms of either Mr. Jacobson or Mr. Yuen being a representative of these people.

JW: Well, I just, again been trying to get the minutes for a long time and they only came in the mail yesterday. Then the crux of it would start on page 13, and then goes to page 14, where Mr. Jacobson says "I know the applicants, he's very sincere about this . . ." Umm, then a discussion with him as to whether he officially approves of this--keeping it--I guess I am not reading it right. Okay, I'm sorry. Page 14, Mr. Jacobson, "I just wanted to thank Chris for his hard work and the members of the Planning Commission for this and the applicant for being open and accepting of the community. He lives up there and he really does care a great deal for the community. He's been able to work with us on a number of issues and I am grateful for his open-mindedness and that of our Planning Director." The applicant is Philip Kenner. Philip Kenner lives in Scottsdale, Arizona. The people are led to believe it is Chris Manfredi, he's there sometimes, but he's not a member of the community, you know.

KS: Chris Manfredi . . . I mean that . . . I just can't see any substantial evidence. I mean these are phrases you are reading out of context, which I appreciate because you only got them yesterday and whatnot, but thanking somebody for community involvement in my mind is not equal representation on any level.

JW: Well, if . . . it's political, it is very political.

AL: It's political, he's a political-being thanking somebody in his community—Bob Jacobson, right? It's his constituents.

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JW: Yeah, and I don't even know if Chris Manfredi is registered to vote. I doubt it.

AL: I think where we are hung up is that our Code of Ethics that we are charged to

JW: Right.

AL: . . . deal with, has both of these things, compensate, compensation and transaction, capacity . . . you know, acting in a representative capacity for a fee or other compensation to secure passage of a . . . it's pretty definite that there has to be some benefit, compensation rather than kind words and hearts and flowers. We are really bound by this. I'm leaning toward the fact that your public hearing is going to be your best shot. If you have an objection, gather up some people to make sure the views of the community are representative of that, and get them to listen to that, because I am not seeing that we're going to be able to act.

JW: And I realize that, and then again with the chronology, like my approach is the shotgun approach. When I first saw this--I just--I went everywhere and talked to everybody and I did everything. Then again, with the chronology, I did this before I got the public hearing. I do agree with you that the . . . my goal is to just get a sidewalk for our community. I am not out to persecute anybody.

AL: I appreciate sidewalks. We need more sidewalks.

JW: I wish my councilman felt the same.

AL: But, I suggest . . . I'm afraid that . . . I am not seeing that we have anything that we can accept.

JD: Can I make a suggestion? For your public hearing is to try and get any concrete evidence you can in terms of the donations to the fund by the applicant or this Manfredi guy. I think Ann is right; we are bound by the wording of the Code of Ethics. If there is no check written out directly to Bob Jacobson then our hands are tied. I think you have, I think your suspicions are well grounded, but I don't think we can do anything about it.

JW: And I understand that. I thank you for listening. I really appreciate your consideration. I really do.

WJ: I'm waiting to entertain a motion to . . . there is no foundation, so our motion should be that we have to reject it

AL: I move that we regretfully reject Mr. Warren's petition because we have no grounds in 2-84(c) and 2-84(d).

WJ: Well, I don't know about the word "regretfully."

AL: Okay, okay . . . we cannot accept it. Alright, I will withdraw the motion and re-word it.

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Motion: Ms. Lum moved that we reject the Petition of Mr. Jerome Warren finding that we have no basis in our Code of Ethics, Section 2-84(c) and 2-84(d) to act on; Ms. Sharpless seconded the motion.

Discussion:

WJ: Now we are open for discussion.

JD: What about the possibility, say for instance Mr. Warren does uncover some sort of evidence that is directly, that can be applied by these

WJ: If it fits into the code where he can show that compensation, or a substantial benefit was made to county employee, then by all means resubmit a petition and follow this. But in this particular case, this petition does not fall within the parameters we are given.

BT: I would like to say a couple of things, just about process. My understanding is that this was a bill for a rezoning, is that correct?

JW: Yes, ma'am.

BT: Bills for rezoning are initiated at the Planning Department. They are commented upon by various county officers. The Planning Department makes a recommendation on whether it should be approved or not to the Planning Commission. The Planning Commission then holds public hearings and public notices with it. The Planning Commission then either goes along with the planning director's recommendations or amends them and then sends on its recommendations to the County Council who then hears it in the Planning Committee. The Planning Committee, which consists of all nine council members, would have to approve the recommendation by a vote of at least five at a public-noticed meeting. They would then forward the rezoning ordinance to the County Council. In order for it to become law it would have to be passed at two readings, both noticed publicly, and it would require at least five members of the County Council to approve that. The reason I am stating that is that I want the record, I guess, to reflect clearly that. Neither the planning director or the council member, individually, has the authority to approve a rezoning ordinance. They can make recommendations; Council Member Jacobson can make proposed amendments. My understanding is that this came up with a recommendation from the Planning Commission?

JW: Yes I believe

BT: For the variance?

JW: No.

BT: They were both for the rezoning?

JW: If I can backtrack, it is here.

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WJ: Excuse me Bobby Jean, can we take care of this motion first. We do have a motion and a second, and members, if there is no further discussion then all in favor of rejecting this petition say aye.

Vote: All members voted aye; motion carried.

AL: But, this is really interesting.

WJ: Yeah, and we invited you to join in and take part in this discussion as well.

BT: I just wanted to address process because in the past there would usually be someone from the department. Under Chris' tenure, Chris has almost invariably attended all the Planning Committees and many of the council meetings when there is a rezoning request, to answer any questions that the county council has and to provide input on the department's recommendations. I would suspect that the record would reflect that that is how he appeared there, in his role as the planning director. My understanding, too, is that the reasons given for recommending the variance is that there is an old, stone wall and a tree that they don't want to have cut down, is that it?

JW: Yes, ma'am. That were their reasons, yes.

BT: Okay, so you have already voted and motioned, but I kinda wanted to put it into context in terms of what was occurring and the process. Also, if you are opposed to the variance your best avenue is to drum-up support in the community because Mr. Jacobson is one vote, and the council has shown that they are very receptive to members of the community. You might also find when you go out that there are some people that want to save the tree.

JW: The tree in question is a banyan tree and it is not that old, and there are two of them.

BT: I'm just saying that you will find that sometimes communities will respond differently and have different reasons, but if you want to get your sidewalk, your best bet is to have public support showing that that is what you want. Show up at that hearing and demonstrate to the council that that is what the community wants, and the council most likely will take that into consideration.

JW: If I can clarify, Bruce McClure, he recommended the sidewalk, and after it passed his desk then the variance was granted by the Planning Commission. I guess we are not here to argue all the nuts-and-bolts.

WJ: Mr. Warren, thank you for coming in. We appreciate it.

JD: Good luck.

JW: Thank you.

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6. UNFINISHED BUSINESS

a. Review and comment on the Hawai'i County Board of Ethics Booklet for new employees, board and commission members, and elected officials.

BT: We want to get this right because this is the first time that we are putting out any kind of major publication out of our office. It is the first time for the Board of Ethics. It is going to be the first time that anything like this is coming out of Corporation Counsel.

AL: I am so happy with it that I don't even want to talk about these things, these errors.

BT: No, no we want those.

KD: We want those, better now than when it becomes public, please.

AL: Okay, I am on page 4, examples of prohibited private comma personal comma or business activities. Prohibited private personal or business uses need some commas in there, first sentence. Isn't it private comma and personal? I like my serial comma in there. I was raised old school and I put all my serial commas in.

KS: So private comma personal

AL: Well, you can say private comma personal if you don't do serial commas. But above it you have private comma personal comma, so I would do the same thing there. I'm sure I missed, bound to miss something. Page 8, under boards and commissions required to file disclosures, one, two, three, fourth line; since you have commissions capitalized, Liquor Adjudication Commission should be capitalized. Page 10, Advisory Opinions, who may request, bottom of the page, BOE, you haven't used that before, it has always been written out Board of Ethics. And I think only one more. Page 13, email is generally written e-mail, unless it's changed.

KD: I think you can go either way.

AL: Can it?

KS: Where is it?

AL: E-mail, I have always seen it written with a hyphen.

KD: I think that now it is accepted without a hyphen.

AL: Okay, fine. I have an s. The term business includes non-profit organizations, probably should be an s on the bottom of that one?

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BT: There should probably be an addition there, because there is an exception to that. That is when it is a county-sponsored, non-profits such as Food Bank, Hawai'i Island United Way. Those are given official government sanction to use county time, and Blood Bank is another one.

AL: You had that in a previous draft.

BT: Yeah, I think we need to reinsert that, that there is an exception for county-sponsored, non-profit fundraisers such as Hawai'i Island United Way.

AL: So, you will be happy to know that is all the little page corners that I had turned down.

BT: Okay.

KD: Thank you.

JD: Boy, Ann you are something else.

AL: I am a lousy speller so if you've got misspellings you get somebody else to look at it.

KS: This is um . . . I read this with very

AL: What page?

KS: No, in general. I'm just . . . I read this as a weasel.

AL: Good, like you are a Miss Newby in the office?

KS: Or that I'm Miss Union Representative.

AL: Good.

KS: And I think that it's great. It's really--how should I say it--it makes this a very living document, a living thing. You know, it is not just a rule and stuff. And that if you are smart enough to have a job, whether its picking up paper in the park or running the county, I think you can understand this because I tried to flip things around and say "What if, what if?" and weasel out of it. I think it is really good.

AL: Well, what I felt about it was if I was Miss Newby in the county, picking up paper or running the county, whatever, I would be proud that I was coming into an organization that had this as its basis. I mean it's always been there.

KS: Right.

AL: It's just when you read it all.

KS: It is just a nice, not nice . . . just

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AL: Yup.

KS: It's good for everybody.

AL: There is a lot of pride, even if it's only just nit-picking. I have a lot of pride in this.

KS: The other thing I was wondering is, does this need a procedure accompanying it so that as it comes out from the Corp Counsel's office various departments don't interpret its use their own way? In other words, every employee is going to get it. There is no sign on the dotted line that you got it, kind of thing which is probably a little restrictive, but just to make sure

BT: The Board of Ethics is always the final arbiter on interpretations of the ethics code.

KS: No, but what I am saying is

AL: You want to make sure that people get it.

KS: I want to make sure that every department head, or whoever is responsible, or the HR Department knows what our intent is on how this is distributed. It doesn't just sit on somebody's back shelf and I'll give 'em

AL: If they ask me

KS: Right. It is just as important as getting people to sign their tax forms.

BT: I think you have the authority to say that this is an official publication and that it is your desire that this be distributed to every new employee and every existing employee and ask that the Corporation Counsel see that is taken care of. Because Lincoln conducts training with employees and he is really looking forward to having this 'cause they can sit there and look at it while he is running the training.

AL: And say what is this?

KS: Could that be like a letter or from . . . a letter from us?

BT: Or, it can be a letter to the mayor saying that we've done this. We are very proud of it and we would like to have this distributed to all county employees and all new hires.

KS: I'd like to give it some sort of official directions, like it's not just another dead tree.

BT: No, no, the mayor will, I think, will really be happy with this 'cause he is big on this kind of stuff, you know. I think he's going to be ecstatic that we've created a document.

AL: I wish we could put an authorship, I wish you could put your authorship on it.

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KS: Yeah.

[Inaudible]

BT: It's just the office.

KS: Would you give them a timeline, not a timeline but, all new employees will receive this document within the first six months of their employment period, all existing employees will receive this document by December 1, 2007, is that a little nit-picky?

BT: Well, I think you should shoot for sooner. Obviously they have to do it, but there is a new fiscal year coming up, July 1, that's as soon as these can be printed up, because they can be done by our machine room so it is not that huge of cost to the county. It can be done internally. Ask that it be distributed.

KS: I would like to suggest that this letter include these timelines and then that we will--a statement--that we will check up, if it is within our power. In other words, can we go to the human resources office and say "How many people haven't gotten it, or how many . . . ?"

BT: You know the mayor can adopt it as policy.

KS: That's what I'm asking.

BT: So, you say that you are going to ask the mayor if he can adopt it as a policy. That every new employee and every existing employee should be given a copy and this should also be made available to the general public at the County Clerk's office.

KS: That's what . . . that would be the best.

BT: And to every newly elected

KS: Every elected official.

BT: Yes, every elected official. When I went for my initial confirmation meeting, it actually came up. They asked "Well, how do you insure? What do you do to make sure that county employees treat their equipment properly and don't misuse it and what not?" I said the first thing is training and education of employees, because they need to know what the rules are. After the meeting I said this is a caveat, this is a draft I'm sending you. This is a courtesy. The board is looking at this and we are about to put this together as a publication. I got several thank yous from the council members, they were excited.

AL: Happy to know that we are doing something.

BT: Hey, you know how long we've had a board? We have had an ethics code since the 1960's and we've never done a publication.

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KS: The only thing I'd spend money on is a better copy of this.

BT: Of the seal?

KS: This is just a blow up, but if Lincoln is concerned and wants it to look professional

BT: Yeah, Lincoln wants it to look good and professional.

JD: And were we going to discuss the styles, Karen?

KD: You can discuss whatever you like.

JD: Can I see the yellow one?

KD: The shiny yellow one?

JD: Yeah.

BT: Yeah, because there are different ways of putting booklets together.

KD: There were different fonts and stuff

BT: And we might want to send it out to a printer because we don't have a printing machine.

AL: Oh this is a nice one. This is a little bigger, the print is a little bigger.

BT: That one was done out of the Office of Aging.

AL: And this is a sans-serif font.

KS: I knew you would say something about that.

BT: See, we justified the print here to have that line going up and down, right?

AL: Yeah the lines, but this print is smaller to make it a smaller book.

KS: Cost of government.

AL: Yeah. I wonder, when you look at the size of that one and look at the size of . . . I wonder if we saved a couple of pages here when we didn't need to.

JD: What is the font, I mean the size?

KD: I think it is a 12.

JD: A 12?

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KD: I can certainly go ahead and look at that and see if we can put that in.

JD: This is really nice.

KS: In terms of font, I can read this. These glasses, these are the wrong glasses and my eyes have expired and I can read this one.

AL: Style-wise, I'm not fond of bold and underline on the same thing, but that is just a thing of mine, nit-picky.

KS: I think this is easier to read than this for some reason, or it is just my crazy eyes. It might be those sans-serifs.

KD: You don't like bold and underline, you were saying?

AL: No, I don't like bold and underline together.

KD: You like it better if it is just either underlined or just bold?

AL: In this case, bold would be it. I think underlines, unless they are actual professional lines you put in, they mess up the descenders, you know the y's and the q's and the g's it makes it harder to . . . this is a different font. The introduction is a different font.

KD: Yes, the intro is a different font and so is the table of contents.

JD: I think it is a cleaner font.

KD: The intro?

JD: Yes.

AL: Yeah, that's because it doesn't have the little lines on it. But as far as reading, it is probably easier to read the other one. But, I like your little gizzies here by the . . .

KD: Those are supposed to be little mazes.

KS: Little mazes?

AL: Yeah, see those little gizzies, those are mazes.

KD: See the whole thing has a concept to it, because here he is confused and inside are the little mazes.

KS: Yeah.

AL: A little too subtle for me.

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KS: That's cool, I like that. I was thinking like a Hawaiian tattoo?

JD: I like that Karen, I like it.

KD: Lincoln kept sending it back and saying to make it look better. I wasn't sure what to do. He wants it to look professional.

KS: I think then that making it look better is up to Lincoln and the Council. I mean

AL: I'm so pleased with the content.

KS: This, in my work experience, this is what I would be getting and really many, many copies of that High Road, so thick and black. So, let Lincoln. Maybe there are some artistic people in the office, but don't ask me.

AL: Well, maybe there is someone who is a printer who can just look at it.

BT: But, it is pretty much good to go?

KS: Yes.

AL: Yeah, these are little . . . he may want some printer or publisher to give him some advice on it.

BT: Yeah, because you can't see the canoe on it.

KD: You know, I'm not sure where we can get that, but machine room might have it.

AL: I think that Lincoln has a subtle point here. The more professional it looks the more seriously people are going to take it. If it comes out, like you handed them this little draft, mine is a little crooked

BT: That's the way it's been coming out on the machine when we send it through.

AL: Sure--but I hate to say that—but, we are all influenced by the looks.

KD: Do you like the glossy cover?

AL: The glossy is . . . I think you are looking for like more weight to it.

KD: Is there a particular color that you think is

AL: I think blue is too calm.

KD: Blue is calm, red would be alert.

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AL: Maybe red is too danger. Maybe yellow is good.

KD: Glossy yellow?

BT: Just like that yellow or orangey

KS: Yellow and red are Hawai'i colors.

JD: Yeah.

KS: Black and white—black, white, and gray certainly sends a message.

AL: I think red is too strong, blue is too calm and yellow is

KS: Would you--in terms of the importance of this--would you put a little line somewhere that this book belongs to, with a blank so people could write their name?

AL: No, they can write their name anywhere they wanted. Let them have a little independence. I like the idea of asking the mayor to make it a policy. So, we would then have to ask him for his approval on it?

BT: No, he can just do it as a directive. So ask him.

AL: Well, just politeness would be to give it to him and let him look at it first.

BT: And say that we would like this to be distributed. Especially if we are going to do something glossy, it is going to go to a printer.

KD: Right, and we can check with Aging to find out how they had this done. They are right here.

AL: That is a county publication?

BT: Yeah, that is a county publication.

KD: The County Office of Aging is right next to us, so maybe they had someone who printed this up.

AL: Well, I don't like--for Aging it is fine--the little flowers. I don't want a floral. I think plain with a picture. I like this little confused picture idea, this sign post.

KD: I'd like it if it was a cleaner look. I don't like the shading. I don't know how well that will clean up. That is just a clip-art piece.

JD: Do we want to wait on drafting a letter to the mayor until we get a final?

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BT: Well, if we are going to send it to a printer then we need to do an order.

KS: How long will that take?

BT: Well, you are going to have to get quotes and stuff.

AL: Would we rather have the mayors backing on it before we go out and get money to make it?

WJ: I would suggest that you make the changes. Have it redone, just like this. Send a letter to the mayor and say this is what we have come up with and with your blessings we are going to make X-amount of copies and this is what we would like.

BT: And when it is sent to the printers we might go with a slightly different color cover or something.

WJ: Well, let's just let the mayor see this.

BT: This is our draft and we worked long and hard on it.

Motion and Vote: Ms. Lum moved that the Board accept the Ethics Guide for Hawai'i County Officers and Employees with the suggested corrections and graphic changes. Mr. Dill seconded the motion. All members voted aye, motion carried.

Motion and Vote: Ms. Lum moved that the Board send a letter to Mayor Kim with a draft version of the Ethics Guide asking for his support and request that he make it a county policy that this be distributed to every county employee and new employees within 90 days of hire. Mr. Dill seconded the motion.

Discussion:

KS: Bobby Jean was talking about the fiscal year (July 1, 2007) and my examples are too long a time, so do you want to put in the timeframe in the letter to the mayor?

BT: I think they said within 90 days of hire, and the distribution as soon as it comes back from the printers.

KS: But what about the existing employees?

BT: As soon as it comes back from the printers, because the timeline here is dictated by the procurement code. It is going to be the funding and how many quotes you get, because you are required to go out and get quotes from different printers on doing it.

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WJ: And then can we ask that Karen provide that letter before sending it to the mayor and then we will discuss it at the next meeting to discuss if that is the letter we want going to the mayor, and get final approval, and then send the letter?

JD: Can we also include--not just new hires and current employees--can we also add elected officials to the letter?

AL: Well, elected officials are county employees, right?

BT: Officers, employees and officers, because you do want it to go to boards and commissions too.

Vote: All members voted aye, motion carried.

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The Board took a five-minute recess beginning at 11:05 a.m. and resumed Regular Session at 11:10 a.m.

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b. Review of changes to the Confidential Financial Disclosure Form and Item by Item Detailed Instructions.

WJ: We are on Item 6-b., Review of changes to the Confidential Financial Disclosure Form.

AL: So the changes were in Item 1, right?

WJ: Yes.

AL: And that is what we said last

KD: Occupation.

AL: Yeah, occupation and get rid of all that.

KD: Then also on the instructions.

AL: Probably should be a period after services rendered, because we got them in the other ones.

WJ: Do we really need for services rendered?

AL: Yeah, because it is different from annual income from stocks and bonds and trust funds, right?

KS: I would think so.

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AL: Annual income . . . the source, nature and amount of all income received during . . . well we could use different words.

WJ: Okay, try something because for services rendered is the sticking point with a lot of people with this.

AL: Income received during the preceding year, so 2-91.1, what's 2.91? 2-91.1(c)(1). So how are we going to distinguish that from the income received in sections 3?

BT: Well, Item 3 is not income.

WJ: Yeah, it's not income.

BT: It's whether you own a business, you know.

AL: Oh, alright, then we could just say annual income in excess of \$1,000.

WJ: Gee, where did I hear that?

AL: I was just thinking it had to be salary rather than income from interest, but that other interest income is over here.

WJ: I think by wording it like that we'd get exactly what we

AL: What we want.

WJ: What we intended to get, right.

JD: Okay, so take out for services rendered, add a period after \$1,000?

AL: Annual income in excess of \$1,000. You want address, source, amount, occupation? Now we are back to occupation again.

JD: That is what we were discussing last time.

AL: Last time, yeah.

WJ: No, but that's okay. The word occupation is okay because if you are listing the source of income as unemployment insurance then you are unemployed, and social security insurance you are retired.

KS: Housewives or homemakers.

WJ: Right, so the word occupation is fine. It was just services rendered that I think a lot of people got stuck with.

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JD: And everything else, that was the

WJ: Everything else is fine, I think.

AL: Well, Item 3 we are still not done with that one.

WJ: What do you want with that one?

AL: Well, we are still getting people to look at this, and it is the wording. I did the wording so—listing amount and identity of the ownership or beneficial interest. Okay, what does that mean? People don't know what that means and so they think "Well, I don't own a business," not thinking that you do own when you own stocks. So, I don't know whether--because Item 3, the instructions for Item 3

BT: Are verbatim out of the code.

AL: Yeah. But it doesn't make it clear as to what we want. It does say report the number of shares or approximate value of the stock, the last of that. By the time you have gotten through all the wording you have lost people already. By the time you get to about line 2 in that. But, if we want to know if you have 5,000 shares of HPM and your doing

BT: Yeah, but if I've got two million dollars at the Hawai'i State and Federal Credit Union I don't have to list that.

KS: I don't think, unless the code has changed we can't

AL: The code says "[T]he amount and identity of every ownership or beneficial interest . . ." Well, that is what people don't know. What every ownership or beneficial interest held during the disclosure . . . ownership and beneficial interest is for. That's stocks.

WJ: Then you could put in parenthesis, including stocks.

AL: Including stocks.

KS: But that is not in the code and these things are the code. The code doesn't say in and stocks.

AL: Yeah, this one we have to leave, 'cause that's the code. But, up here

KS: Oh, okay, yeah it could go up there.

WJ: Yeah, that's what I was talking about.

KS: Okay, okay.

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AL: I have a little thingy here, like beneficial interest. I have parenthesis stocks comma shares.

WJ: That's correct.

JD: Yeah, that's good, yeah stocks

AL: Stocks or shares, stocks comma shares

KS: I just like stocks because my credit union thing, they report my savings in shares.

WJ: Yeah, right.

KS: So, stocks, just stocks, please.

KD: It would be after beneficial interest?

AL: Just in parenthesis?

KD: Including stocks?

WJ: Yeah, that is what I think should be put in parenthesis. Bobby Jean?

BT: Yeah.

WJ: Yeah.

JD: Anything else?

AL: That's the only two I think that we have had trouble with, the rest of it is pretty . . . are you a trustee? Do you own real property?

WJ: Should we try again with a motion?

AL: Do we need to change the instructions in all this?

KD: Yeah, we do.

AL: Yeah.

KD: Number 1.

AL: Number 1, instruction—annual income

KS: Just \$1,000 period?

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AL: You must report the source and amount of all income received, okay, yeah.

Motion and Vote: Mr. Dill moved that the Board accept the Confidential Financial Disclosure Form with the changes as discussed. Ms. Lum seconded the motion.

Discussion:

WJ: Any further discussion? Karen, you know what the changes are, right?

KD: Yes.

WJ: And, can we see what it looks like at the next meeting?

KD: Okay.

AL: We need to vote on that.

WJ: Yeah, but this is still a discussion. Any further discussion? We'll get to look at it one more time before, and we will approve it after we see it. So at this point we are just asking that it be revised and all the changes made. All in favor say aye.

Vote: All members voted aye. Motion carried.

Motion and Vote: Mr. Dill made a motion that the review of the proposed draft of the Informal Advisory Opinion for Donovan Akau be added to the Agenda for the Executive Session. Ms. Lum seconded the motion. All members voted aye. Motion carried.

Motion and Vote: Mr. Dill made a motion to move into Executive Session. Ms. Sharpless seconded the motion. All members voted aye. Motion carried.

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The Board entered Executive Session at 11:20 a.m.

7. EXECUTIVE SESSION

The Board re-entered Regular Session at 11:37 a.m.

Motion and Vote: Ms. Lum moved to accept the Confidential Financial Disclosures for Iona Detor Agasa, Iris M. McGuire, Shelly H.A. Ogata, Claudia Woodward-Rice, Lori M. Shikuma and return the Financial Disclosure Form to Reiko Ford for clarification on Item 1. Ms. Sharpless seconded the motion. All members voted aye. Motion carried.

Motion and Vote: Mr. Dill moved to approve the Informal Advisory Opinion for Petition 2007-01, Donovan Akau. Ms. Lum seconded the motion. All members voted aye. Motion carried.

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8. ANNOUNCEMENT

WJ: I would like to say for the record, Bobby Jean, you were wonderful, and it was a pleasure knowing you.

The next regular monthly meeting is scheduled for Wednesday, June 13, 2007, Hilo Lagoon Centre Liquor Control Conference Room, 101 Aupuni St., Suite #230, Hilo, Hawai'i 96720.

9. ADJOURNMENT

Motion and Vote: Mr. Dill moved to adjourn. Ms. Lum seconded the motion. All members voted aye. Motion carried.

The meeting adjourned at 11:40 a.m.

Respectfully submitted:

Karen Delimont, Secretary