

HAWAII COUNTY BOARD OF ETHICS

MINUTES – REGULAR SESSION

August 10, 2005 – 10:00 a.m.

Elections Office Conference Room

25 Aupuni Street, Room 105a, Hilo, HI 96720

Present: Reeve Williams, Chair
Karl Kawahara, Vice Chair
Kerry Inouye, Member (*arrived at 10:13 a.m.*)
Wayne Joseph, Member
Patricia K. O'Toole, Deputy Corporation Counsel
Mary Crosson, Secretary

~ ~ ~ ~ ~

1. CALL TO ORDER

The meeting was called to order by the Chair at 10:00 a.m.

2. STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

No members of the public were in attendance.

3. APPROVAL OF MINUTES.

May 18, 2005, Regular Session: Mr. Inouye moved to approve the minutes; the motion was seconded by Mr. Joseph; all members voted aye to approve.

May 18, 2005, Executive Session: Mr. Inouye moved to approve the minutes; the motion was seconded by Mr. Joseph; all members voted aye to approve.

4. COMMUNICATIONS

Communication No. 2005-08: *The High Road* publication by the Hawai'i State Ethics Commission, Issue No. 2005-02, May 2005: Mr. Inouye moved to accept and file; Mr. Joseph seconded the motion; all members voted aye to accept and file.

5. NEW BUSINESS

a. Review Disclosure of Financial Interest statements: The statements of George Curtis (Board of Appeals) and Paula Helfrich (Board of Water Supply) were reviewed. It was noted that Item No. 4 of Mr. Curtis' form was not checked off. The BOE's secretary was instructed to telephone Mr. Curtis to clarify his answer on that item. Regarding Paula Helfrich's statement, Mr. Joseph moved to accept and file; Mr. Inouye seconded the motion; and all members voted aye to accept and file. Mr. Kawahara indicated that he believed he needed to complete a financial disclosure form and was handed one to do so.

b. Discuss revising/simplifying the Disclosure of Financial Interest form: Ms. O'Toole expressed the desire to amend the form to make it simpler and easier for everyone to fill out. She has been in touch with the County Clerk's office and will coordinate with them. The new form should include a section to check off whether member wants the form reviewed in open or closed session. Simplifying the form will also cut back on phone calls from members for explanations as to what the form is requesting. The Chair indicated it would be wise to revise the form to be more simple and comprehensive. He suggested someone move to have Corporation Counsel coordinate efforts with the County Clerk. Mr. Inouye so moved. Mr. Kawahara seconded the motion, and all members voted aye.

c. Gift Disclosure Statements of James Arakaki (Council Member), Lincoln Ashida (Corporation Counsel), Stacy Higa (Council Chair), Peter Hoffmann (Council Member), Constance Kiriu (County Clerk), K. Angel Pilago (Council Member), and William Smith (Deputy County Clerk).

Mr. Joseph pointed out for the record that Mr. Hoffmann is spelled with two "n's" and not one (agenda had incorrect spelling).

The Chair noted that Mr. Arakaki's gift disclosure form listed \$15,000 worth of donations to his legal defense fund. He questioned whether there is a dollar limit to what can be received. Ms. O'Toole said that as far as she knew, the answer is no. She said that a gift, even if it is five cents, is not supposed to be accepted if it is meant to influence you in your job. However, only gifts worth more than \$100 need be reported. Ms. O'Toole explained that the Charter does not allow the Corporation Counsel to defend council members in the impeachment process, which is why Mr. Arakaki had a legal defense fund.

The Chair noted that all the gift disclosure forms were reviewed and that all had minor contributions except Mr. Arakaki's. He asked if there was a motion to accept and file. Mr. Kawahara so moved, and Mr. Inouye seconded the motion. The Chair said that he would abstain and called for a vote. The other three members voted aye.

Mr. Kawahara questioned why the Chair abstained. He indicated that it was a matter of principle. The Chair questioned Ms. O'Toole as to whether he was required to vote. She indicated that he should, as the forms are required to be filed with this Board. The Chair reconsidered and voted aye, to accept and file.

Mr. Inouye moved to enter Executive Session. Mr. Joseph seconded the motion. All members voted aye.

(Moved into Executive Session at 10:35 a.m.)

(Resumed Regular Session at 10:40 a.m.)

6. EXECUTIVE SESSION

The Board reviewed the Disclosure of Financial Interest statements of Millie Kim (Water Supply), Riley Smith (Water Supply), and Samuel Sumner, Jr. (Environmental Management Commission). Mr. Inouye moved to accept and file the forms. Mr. Joseph seconded the motion. All members voted aye.

7. ANNOUNCEMENT

Ms. O'Toole announced that the regular meeting date of September 14, 2005, would need to be changed due to the annual Corporation Counsel Seminar requiring her presence as well as that of the Board's secretary. It was decided that if a pressing issue came up, the Board would next meet on September 21, 2005. If no pressing issue or petition was received, the next meeting would be on October 12, 2005, the regular meeting date for October.

8. ADJOURNMENT

Mr. Inouye moved to adjourn the meeting; Mr. Kawahara seconded the motion; and all members voted aye. The meeting adjourned at 10:44 a.m.

Respectfully submitted:

Mary E. Crosson, Secretary