

HAWAI'I COUNTY BOARD OF ETHICS

MINUTES – REGULAR SESSION

December 8, 2004 ~ 10:00 a.m.

Department of Liquor Control Conference Room
101 Aupuni Street, Suite 230, Hilo, Hawai'i

Present: Leroy Victorine, Chairman
Sharon Cislo, Vice Chairman
Reeve Williams
Kerry Inouye
Patricia K. O'Toole, Deputy Corporation Counsel
Paulette Cainglit, Secretary

Joseph K. Kamelamela, Deputy Corporation Counsel
Diane Noda, Deputy Corporation Counsel

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CHAIR: The meeting of the County Ethics Board shall come to order. It's 10:00 a.m.

KI: Mr. Chair, if I may add at this time, I believe we need to elect a new chair for this commission.

CHAIR: Are you moving to amend the agenda?

KI: Yes.

CHAIR: There's a motion to amend the agenda to add the election of a new chair. Is there a second?

SC: Second.

CHAIR: It's moved and seconded. All in favor say aye.

SC: Aye.

RW: Aye.

KI: Aye.

CHAIR: It's approved and will be placed under New Business following Petition 2004-03.

PKO: Do _____ officers?

CHAIR: Do we have any statements from the public? Nobody? Okay, thank you. We have circulated the minutes of...

PKO: I just want to clarify whether you wanted to state anything.

Kamelamela: I thought that we were going to take it up at the time when that came up...no? Okay, then, I'll make a statement now.

CHAIR: State your name for the record please.

Kamelamela: My name is Joseph Kamelamela. I'm Deputy Corp. Counsel, representing Dwight Manago. I have filed a post-hearing statement on November 23, 2004 on behalf of Dwight Manago. I'm not sure if the members got an opportunity to read it? [affirmative acknowledgement by members]

CHAIR: Yes, go on sir.

Kamelamela: Before anything else, I was wondering if anybody had questions on the post-hearing statement. [None]

KI: No.

RW: I've none.

SC: None.

CHAIR: No, sir.

Kamelamela: The second thing I wanted to go over is the earlier today, he couldn't be here so, I'm here in case you have any questions. As a matter of fact, I talked to him earlier today, he couldn't be here, so he's here if you have any questions on the...and if there aren't any questions, then...

RW: No questions from me.

KI: No.

Kamelamela: So what I had said in my post-hearing statement is that many statements that Mr. deSilva had made is irrelevant to the issue as to whether in some manner, Dwight Manago had did this to benefit himself or the hotel restaurant where he is an owner or has _____ to, so...I think with respect to the alleged ethical violation, _____, that Mr. deSilva had not met the burden of proof to find an ethical violation, _____, for that we

respectfully ask the commission to find in favor of Mr. Manago. So, if there's any other question, I'll be here. Thank you for your time.

CHAIR: Thank you sir. Any other statements?

CHAIR: We have circulated by mail the minutes of our meeting on November 10, the regular minutes. And in the regular minutes I'd like to make a correction. Page twenty-five, about a fourth of the way down, the sentence is, "and the person that did represent the community at the meeting that Paul deSilva's taking about is Meg Childs who is Shirley Greenwell's daughter." The correction is, the name is "Sherwood" Greenwell. I'll entertain a motion to accept the minutes as corrected.

RW: I move to accept the minutes.

KI: Second.

CHAIR: It's moved and seconded to accept the minutes as corrected. All in favor, say aye.

SC: Aye.

RW: Aye.

KI: Aye.

CHAIR: Opposed? [None]. That passes...that's the regular minutes. We also have circulated the executive session minutes of that same meeting.

SC: I make a motion to accept and file the minutes of the November 10, 2004, Executive Session.

RW: Second.

CHAIR: It's moved and seconded that we accept and file the Executive Session minutes of November 10, 2004. All in favor say aye.

SC: Aye.

RW: Aye.

KI: Aye.

CHAIR: It passes. Okay, are we ready for Unfinished Business? And that is Petition No. 2004-02 _____ a point of against Mr. Manago. We had a long discussion at the last meeting, so we're here and Mr. Manago made his statement. We had also accepted the the submission of sworn statements by Deputy Chief Harry Kubojiri,

Joe Reynolds, and Horace Hara. Mr. Hara, do have any comments you'd like to add to your statement since you weren't here last time? [No.] The Board seems to indicate that they wanted to take the time to personally review all of the submitted documents. The Board seemed to indicate last time, that there was a feeling that we did not have a evidence of a violation of the Code of Ethics. So, What's the Board's pleasure?

RW: I personally...I know was fairly torn and so I did my homework and read the gist of that and the whole statement and subsequent somehow finding of evidence and I'm satisfied that there is no base to the charge...personally, and I would like to make a motion that we move to dismiss the charges against Mr. Manago.

KI: Second.

CHAIR: It is moved and seconded that there is no basis for a violation, and that we dismiss the complaint against Mr. Manago. All in favor.

PKO: This is a request for an informal advisory opinion so I think the motion would be that...the opinion be that there was no violation.

RW: Okay, I amend the motion accordingly.

SC: Second, but may I make a comment please. I think Mr. Manago's recusal would have eliminated any suspect of self-interest, but I do agree that it's not a violation of the Code of Ethics.

CHAIR: It is moved and seconded that we find that there is no violation of the Code of Ethics. All in favor say aye.

SC: Aye.

RW: Aye.

KI: Aye.

CHAIR: Any opposed. It is passed. Thank you very much for your attendance gentlemen. Okay, we're now...we'll have to defer to next meeting, the Filing requirement(s) for Financial Disclosure Statements. For the edification of the members of the public present, there are certain members of the County government that are required to file Financial Statements, and we looked at a very cumbersome means of doing this, both in the submission and the filing of these statements. We wanted to discuss amending that to make it more _____ and easier to handle all the way around. That's what this particular unfinished business was. If we're not properly prepared to discuss that this morning so we're going to defer that to the next time if I can hear such a motion.

SC: So moved.

KI: Second.

CHAIR: It's moved and seconded to defer the discussion on Filing Requirements of Financial Disclosure Statements. All in favor say aye.

SC: Aye.

RW: Aye.

KI: Aye.

CHAIR: Any opposed. [None] Okay passed. We're in to New Business. Petition No. 2004-03, Hawai'i Island Veterans Memorial vs. Louis Kawaii, Request for an informal advisory opinion regarding violation of the County Code of Ethics.

RW: Mr. Chair.

CHAIR: Yes.

RW: I have to recuse myself this one. I'm a newly elected Chairman of this same group. I have no involvement in this...I have some knowledge of it and I don't think it's appropriate that I vote on this issue.

CHAIR: Okay, thank you sir. We still have a quorum that would be required.

PKO: I have to say on record, that I received a call from the person who filed on behalf of the Hawai'i Island Veterans Memorial, and he said he'd have to be off-island today so he said he would not be able to be here and he had mentioned it to others and said someone might appear, but I don't know if they did. And then I know that Ms. Noda is here for Mr. Kawaii.

Noda: Good morning members of the board, Diane Noda, Deputy Corporation Counsel, appearing on behalf of Louis Kawaii. I would like you to know that I did contact Mr. Kawaii last week in order to ask him _____. He wished he could be here, however, he had scheduled six months ago a cardiologist appointment on this day and so he is unable to attend today. If necessary, next month at your January meeting, however, at this point, based on my submission to the Board dated November 4, 2004, on behalf of Mr. Kawaii, we request that the Petition be dismissed as this Board does not have jurisdiction over commissions and advisory boards.

CHAIR: The Veterans Advisory Board is a committee, and it is an advisory committee. And as such, according to our Code of Ethics, is not mentioned under our jurisdiction. I'll entertain a motion to dismiss.

KI: Mr. Chair, I move that we dismiss this complaint Mr. Louis Kaiwi.

SC: Second.

CHAIR: It's moved and seconded that the complaint against Louis Kaiwi, under 2004-03 be dismissed as not being under our jurisdiction. All in favor say aye.

SC: Aye.

KI: Aye.

CHAIR: The Chair votes aye. It is passed. Thank you Ms. Noda. Now, under the amended agenda, is the election of new chair. And for all intent and purposes, it's important to note, the reason that we need to make this move at this point, is that at the end of this month, both the Chair and the Vice Chair are completed with their term of office, and for continuity sake, we need a new chair to move forward as of this period.

SC: Mr. Chair, I would like to nominate Reeve Williams to chair the Board of Ethics.

KI: I second.

CHAIR: It is moved and seconded that Reeve Williams assume the Chair of the Board of Ethics. All in favor, say aye.

SC: Aye.

KI: Aye.

CHAIR: Aye. Opposed. Congratulations Mr. Williams.

RW: For the shallow victory yeah?

CHAIR: Okay, you'll take over after this meeting is over. We need to go into Executive Session. I'll entertain a motion to go into Executive Session to review the Financial Disclosure Statement.

SC: So moved.

RW: Second.

CHAIR: All in favor.

SC: Aye.
RW: Aye.
KI: Aye.

Moved to Executive Session: 10:30 a.m.
Returned to Regular Session: 10:35 a.m.

CHAIR: Okay, we're back in Regular Session and it is 10:35am. We have reviewed the Financial Disclosure Statement of Kelly H. Moran. I'll entertain a motion to accept and file.

SC: So moved.

RW: I second.

CHAIR: It's been moved and seconded that we accept and file the Financial Statement of Kelly Moran. All in favor say aye.

SC: Aye.
RW: Aye.
KI: Aye.

CHAIR: Any opposed? [None.] It is passed. The next regular monthly meeting is scheduled for Wednesday, January 12th at 10:00 a.m. at a location to be determined. I thank the Board for their service over the past year and yes, until the County gets more members for this Board, both Sharon and I will continue to join you as members...

SC: For three months.

CHAIR: For ninety days...

SC: Ninety days.

CHAIR: As the law provides.

RW: Okay, thank you Mr. Chair. Are you (Cislo) going to continue as vice chair?

SC: I can.

RW: Oh, good.

CHAIR: I'll entertain a motion to adjourn.

SC: So moved

KI: Second.

CHAIR: All in favor.

SC: Aye.

RW: Aye.

KI: Aye.

CHAIR: It's passed. We are adjourned. Merry Christmas Happy Holidays to everyone.

(Meeting adjourned at 10:36 a.m.)

Respectfully submitted,

Paulette Cainglit
Secretary

Note: Blank lines indicate inaudible word(s)/voice(s) on audio tape recording.