

HAWAII COUNTY BOARD OF ETHICS

MINUTES – REGULAR SESSION

May 10, 2006 – 10:00 a.m.
Elections Office Conference Room
25 Aupuni St., Room 105A
Hilo, Hawai'i 96720

Present: Reeve Williams, Chair
Kendall Sharpless, Member
Kerry Inouye, Member
Wayne Joseph, Member
Ann Lum, Member
Patricia K. O'Toole, Deputy Corporation Counsel
Karen Delimont, Secretary

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1. CALL TO ORDER

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

2. STATEMENTS FROM THE PUBLIC ON AGENDA ITEMS

There were no members of the public present.

A correction to the Announcement on the May 10, 2006 Agenda changing the next regular meeting date from Wednesday, May 10, 2006 to Wednesday, June 14, 2006 was made by Ms. Lum .

3. APPROVAL OF MINUTES.

March 8, 2006, Regular Session: Mr. Joseph moved to accept and file the minutes; Ms. Lum seconded the motion; all members voted aye, motion carried.

March 8, 2006, Executive Session: Mr. Inouye moved to accept and file the minutes; Mr. Joseph seconded the motion; all members voted aye, motion carried.

4. COMMUNICATIONS

a. *Communication No. 2006-14: Dated February 27, 2006 from Jessica Raphael to Board of Ethics sharing concerns about the Faith Against Drugs (FAD) program.*

Chair indicated that the correspondence addressing fraudulent activity by the FAD program is not a Board of Ethics issue; however, the program may receive county grant funding and therefore the correspondence should be forwarded to the Research and Development Department for their information. Mr. Joseph moved to accept and forward the correspondence to Research and Development, Mr. Inouye seconded the motion; all members voted aye, motion carried.

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- b. *Communication No. 2006-16: Dated February 28, 2006 to Kendall Sharpless from Lincoln S.T. Ashida informing of the final confirmation to the Board of Ethics at the Council meeting on March 22, 2006 in Kona.*

Mr. Joseph moved to accept and file, Mr. Inouye seconded the motion; all members voted aye, motion carried.

- c. *Communication No. 2006-17: Dated March 3, 2006 from Karl Kawahara to Mayor Harry Kim announcing his resignation from the Board of Ethics.*

Mr. Joseph moved to accept and file and to have the Chair send a thank you letter to Karl Kawahara for his services, Mr. Inouye seconded the motion; all members voted aye, motion carried.

- d. *Communication No. 2006-44: The High Road publication by the Hawai'i State Ethics Commission, Issue No. 2006-01, March 2006.*

Ms. Lum moved to accept and file, Mr. Joseph seconded the motion; all members voted aye, motion carried.

- e. *Communication No. 2006-50: Dated April 6, 2006 from John D. Kim to Board of Ethics regarding the Informal Advisory Opinion.*

Mr. Joseph moved to accept and file, Ms. Lum seconded the motion; all members voted aye, motion carried.

- f. *Communication No. 2006-51: Dated April 10, 2006 from the Cost of Government Commission requesting input on the organization and methods of County operations.*

Counsel indicated that the Board of Ethics is administratively assigned to Corporation Counsel and therefore comes under their budget. Ms. Kendall suggested that an appropriate reply be drafted by the Chair indicating that the BOE is managed and reviewed by the Corporation Counsel and thanking them for their concern. Mr. Joseph moved to accept and file and to allow chair to draft and submit a letter to COG, Ms. Sharpless seconded the motion; all members voted aye, motion carried.

- g. *Communication No. 2006-52: Dated April 28, 2006 to Stacy Higa, Chair of Hawai'i County Council from the Board of Ethics, Re: Proposed Amendment to the Hawai'i County Code of Ethics*

The proposed amendment was approved by the Finance Committee on April 18, 2006. Thereafter it went before the County Council for the first reading on May 2, 2006. The amendment is on the County Council Agenda for May 17, 2006 (Bill 254, Draft 2). Mr. Inouye moved to accept and file, Mr. Joseph seconded the motion; all members voted aye, motion carried.

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- h. Communication No. 2006-53: Dated April 7, 2006 from Constance Kiru to the Mayor announcing the appointment of Kendall Sharpless to BOE on March 22, 2006.

Mr. Joseph moved to accept and file, Mr. Inouye seconded the motion; all members voted aye, motion carried.

- i. Communication No. 2006-54: Dated April 28, 2006 from Reeve N. Williams to Stacy Higa regarding Proposed Amendment to the Hawai'i County Code of Ethics.

Ms. Lum moved to accept and file the correspondence, Mr. Joseph seconded the motion; all members voted aye, motion carried.

5. NEW BUSINESS

Disclosures of Financial Interest for the following were reviewed during Open Session:

1	Bertsch	John Martin	Police Commission
2	Campbell	Paul	Public Access, Open Space, Etc.
3	Domingo	Takashi	Liquor Commission
4	Gleason	Michael Edwin	Workforce Investment Board
5	Pleau	Robert	DPW-Assist. Bldg. Inspector
6	Schuster	Laura Carter	Public Access, Open Space, Etc.
7	Takeya	Yukio	Liquor Commission
8	Wilkins	George Albert	Water Board

A request was made to the Board's secretary to obtain clarification/completion of the following disclosures:

1) *John Martin Bertsch, Police Commission*: The disclosure will be returned to Mr. Bertsch requesting completion of Item 1, Income and Source.

4) *Michael Edwing Gleason, Workforce Investment Board*: Mr. Gleason will be contacted by the secretary regarding the completion of Items 8 (List Clients Represented for A Fee Before County Agencies) and 9 (Creditor Interests in Insolvent Business Having a Value of \$5000.00 or More) on page 5.

7) *Yukio Takeya, Liquor Commission*: Counsel will contact Mr. Takeya to request that he fully complete the disclosure as previously requested.

Mr. Joseph moved to accept and file the remainder of the Financial Disclosures reviewed during Open Session, Mr. Inouye seconded the motion; all members voted aye, motion carried.

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6. UNFINISHED BUSINESS

- a. *Petition No. 2005-08: Review of Informal Advisory Opinion re: Roger Christie petition on various council members voting to receive money for reimbursement of legal fees in a civil impeachment case filed against them.*

Mr. Joseph moved to approve the opinion, for the Chair to sign the opinion, and for the secretary to forward a copy to all parties involved. Ms. Lum seconded the motion; all members voted aye, motion carried.

- b. *Further discussion on pursuing an amendment to the Hawai'i County Code regarding financial interest disclosures, to require disclosing the financial interests of the person disclosing and the financial interests of the person's spouse and dependent children.*

Ms. Lum and Ms. Sharpless will work together with the Board of Ethics staff attorney, Patrica O'Toole, as a sub-committee. Under the Sunshine law the committee may meet without giving notice of its meetings. A report of the sub-committee must come back to the Board of Ethics and an action cannot be taken on the report until a subsequent meeting. The sub-committee will develop a recommendation with a focus on clarifying the following issues: which board and commission members must file financial disclosures and what financial information is necessary for each board/commission member. The recommendation will be reviewed by the BOE at the August 9, 2006 meeting.

Mr. Joseph made a motion to accept the Chair's recommendations of a sub-committee, within the Board of Ethics, which will report back in three months with a recommendation, Ms. Lum seconded the motion; all members voted aye, motion carried.

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Mr. Joseph moved to enter Executive Session to review the Disclosure of Financial Interest statements filed pursuant to §21.1(d), Hawai'i County Code. Mr. Inouye seconded the motion; all members voted aye, motion carried. The Board entered into Executive Session at 11:00 a.m.

REGULAR SESSION RESUMED AT 11:40 A.M.

A request was made to the Board's secretary to obtain clarification/completion of the following disclosures: Alvin Inoue, Glen Matsuda, Steven Todd.

Mr. Joseph moved to accept and file the remaining Disclosures of Financial Interest, Mr. Inouye seconded the motion; all members voted aye, motion carried.

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7. ANNOUNCEMENT

The Chair announced that the next regular monthly meeting of the Board is scheduled for June 14, 2006, at 10:00 a.m., at the County Council Conference Room.

8. ADJOURNMENT

Mr. Joseph moved to adjourn the meeting, Ms. Sharpless seconded the motion, and all members voted aye on adjournment. The meeting adjourned at 11:48 a.m.

Respectfully submitted:

Karen Delimont, Secretary