

BEFORE THE NEIGHBORHOOD COMMISSION

CITY AND COUNTY OF HONOLULU

STATE OF HAWAII

In the Matter of
Darryl P. Wong

Complainant,

v.

Ellen M. Watson, Dale T.
Kobayashi

Respondents.

) COMPLAINT NO. 2015-02

) FINDINGS OF FACT, CONCLUSIONS
) OF LAW, AND DECISION AND ORDER

) I certify that this is a full, true and correct
) copy of the original document on file with
) the Neighborhood Commission Office,
) City and County of Honolulu, State of Hawaii.

) 
)
) representative

) 8/25/15
)
) Date

FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND DECISION AND ORDER

A complaint hearing was held at a Special Meeting of the Neighborhood Commission on June 30, 2015 at 8:25 p.m., in the Mission Memorial Building, First Floor Hearings Room, 550 South King Street, Honolulu, Hawaii 96813. Darryl P. Wong (Complainant) was absent and sent a representative, James Boersema, Ellen M. Watson (Respondent) appeared and represented herself, Dale T. Kobayashi (Respondent) appeared and represented himself.

The Commission, having reviewed the Complaint, Responses, witnesses, exhibits and other documentary evidence presented by the parties; having considered the entire record and files

herein; and having heard testimony and considered the arguments of the parties; makes the following Findings of Fact, Conclusions of Law, Decision and Order.

FINDINGS OF FACT

1. The Complaint was filed on April 15, 2015, pursuant to the provisions of Section 2-18-201(a) (3) of the 2008 Neighborhood Plan, as amended ("Plan").

2. The Complaint alleges that on March 4, 2015 at a Regular Meeting of the Manoa Neighborhood Board No. 7, the Respondents violated the following sections of the Plan: 2-13-104 and 2-14-118.

3. At all times relevant herein, Respondents were members of the Manoa Neighborhood Board No. 7.

4. On April 22, 2015, Respondents were notified of the Complaint and provided an opportunity to respond to the allegations of the Complaint. The Commission received a response from Respondent Watson on June 8, 2015. The Commission received a response from Respondent Kobayashi on May 8, 2015.

5. On June 9, 2015, in accordance with Hawaii Revised Statutes ("HRS") Sections 91-9 and 91-9.5, notice of the hearing was provided to the Respondents via certified mail, return receipt requested.

6. Section 2-13-104 Standards of conduct, the Plan requires that board members, in the performance of their duties, shall demonstrate by their example the highest standards of ethical conduct and Board members shall not use their positions to secure or grant special consideration, treatment, advantage, privilege, or exemption to themselves or any person beyond that which is available to every other person.

7. 2-14-118 Discussion, the Plan requires that when a board member or person properly before the board wishes to speak, the member or person shall address the chair, be recognized before proceeding, and shall confine remarks to the subject under discussion, avoiding personalities and abusive language;

8. With respects to Section 2-13-104 Standards of conduct and 2-14-118 Discussion of the Complaint, the Commission, having heard the arguments of the Complainant and Respondents, considering all of the evidence, finds that the Complainant failed to meet his burden of proof of proving that the Respondent violated the Plan by a Preponderance of the Evidence.

CONCLUSIONS OF LAW

1. The Recommendation was filed in accordance with the provisions of Section 2-18-101(a) (1) of the Plan.

2. The parties were properly noticed pursuant to HRS Sections 91-9 and 91-9.5.

DECISION AND ORDER

Based upon the foregoing, the Commission hereby finds that on March 4, 2015, the Respondents Ellen M. Watson and Dale T. Kobayashi, Members of the Manoa Neighborhood Board No. 7, did not violate any provision of the 2008 Neighborhood Plan, as amended, as alleged in Complaint No. 2015-02.

Therefore, it is hereby ordered in accordance with Section 2-18-101(b) of the 2008 Neighborhood Plan, as amended, that the Complaint is hereby denied and dismissed as to Respondents Ellen M. Watson and Dale T. Kobayashi, Members of the Manoa Neighborhood Board No. 7.

DATED: Honolulu, Hawaii,

August 24, 2015

NEIGHBORHOOD COMMISSION

By

Sylvia Young
SYLVIA YOUNG
Its Chair