

NEIGHBORHOOD COMMISSION OFFICE
CITY AND COUNTY OF HONOLULU

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PETER B. CARLISLE
MAYOR



J. THOMAS HEINRICH
EXECUTIVE SECRETARY

July 24, 2012

Mr. Kimo Kelii, Board Member
Nanakuli-Mailii Neighborhood Board No. 36
89-234 Piiilaaau Avenue
Waianae, Hawaii 96792

CERTIFIED MAIL
7005 3110 0002 3171 6771

Subject: **Complaint 2012-04 (Executive Secretary Heinrich v. Kelii)**

Dear Mr. Kelii:

At the Monday July 23, 2012 Neighborhood Commission regular meeting, the Commission formally accepted a recommendation submitted pursuant to Neighborhood Plan (NP) Section 2-18-101(a)(1) by Executive Secretary J. Thomas Heinrich to initiate a complaint hearing to consider the imposition of sanctions against Nanakuli-Mailii Neighborhood Board No. 36 Member Kimo Kelii. A copy of the complaint has been enclosed for your information and file.

The Neighborhood Commission Office (NCO) calls your attention to the following sections of the NP:

Section 2-18-101(d) states that the "Respondent shall file a written response to the allegation(s) with the commission within forty-five calendar days after the date a copy of the complaint was sent to the respondent; provided that the commission or its authorized designee, who may be the executive secretary, may extend the filing deadline if the respondent submits valid reasons for the delay in writing before the filing deadline for the response."

Section 2-18-101(e) states that "If the respondent fails to timely file a response, any allegation contained in the recommendation, resolution, or complaint shall be deemed admitted by the respondent."

The full text of the NP, including chapter 18 – Complaint Process, is available on the NCO website at <http://www1.honolulu.gov/nco>.

Please use the enclosed response form and return it to the NCO by **4:30 p.m. on Friday September 7, 2012**. Thereafter, the Commission will schedule a hearing to consider the matter and the possible imposition of sanctions. Please note that if your written response is not received by this deadline, the allegations in the complaint shall be deemed admitted.

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If you have any questions, please contact Theona Kapoi at 768-3779 or via e-mail at tkapoi@honolulu.gov.

Thank you for your attention to this matter.

Sincerely,

J. Thomas Heinrich
J. Thomas Heinrich
Executive Secretary

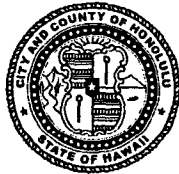
Enclosure

cc: Nanakuli-Mailii Neighborhood Board No. 36 Members

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July 23, 2012

TO: CHAIR SYLVIA YOUNG AND MEMBERS OF THE NEIGHBORHOOD COMMISSION

FROM: J. THOMAS HEINRICH, EXECUTIVE SECRETARY *J. Thomas Heinrich*
NEIGHBORHOOD COMMISSION OFFICE

SUBJECT: WRITTEN RECOMMENDATION PURSUANT TO SECTION 2-18-101(a)(1) OF THE NEIGHBORHOOD PLAN THAT THE COMMISSION INITIATE A HEARING TO CONSIDER THE IMPOSITION OF SANCTIONS AGAINST NANAKULI/MAILI NEIGHBORHOOD BOARD NO. 36 MEMBER KIMO KELII FOR SEVERAL EGREGIOUS VIOLATIONS OF THE NEIGHBORHOOD PLAN

Many informal complaints and inquires have been lodged with the Neighborhood Commission Office (NCO) over incidents occurring at the Nanakuli/Maili Neighborhood Board's March 20, 2012 meeting between member Kimo Kelii and several members of the audience, and member Kelii and the board chair Hanalei Aipoalani. The Executive Secretary is of the position that these incidents are preventing the Board from fulfilling its mission to increase and assure effective citizen participation in the decisions of government in a respectful and fair forum, and that sanctions by the Commission may be the only effective means to address past incidents and prevent future incidents.

NCO review of the meetings found that multiple violations of parliamentary procedure, the Neighborhood Plan, and Sunshine Law occurred. Using the timestamps from the raw video footage provided by the NCO's videographer contractor Dave Amodo, the alleged violations include, but are not limited to:

3:04:45 – Member Kelii interrupts a resident speaking under the 'Residents/Community Concerns' agenda item thereby:

- a) Violating Section 2-14-117 Order and Decorum of the Plan.
- b) Denying the public the right to testify under HRS Chapter 92.
- c) Failing to accept a point of order as ruled by the Chair or appealing the ruling to the entire board as required under parliamentary procedure.

3:09:00 - Member Kelii interrupts a resident speaking under the 'Residents/Community Concerns' agenda item thereby:

- a) Violating Section 2-14-117 Order and Decorum of the Plan.

"Campaign Chair Jon Berg"

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- b) Denying the public the right to testify under HRS Chapter 92.

3:10:35 - Member Kelii interrupts a resident speaking under the 'Residents/Community Concerns' agenda item thereby:

- a) Violating Section 2-14-117 Order and Decorum of the Plan.
b) Denying the public the right to testify under HRS Chapter 92.

The result of these infractions was the Chair was forced to adjourn the meeting before the board's business was complete.

Further egregious statements were made by Member Kelii near the end of the Nanakuli/Maili NB36's April 17, 2012 regular meeting that amounted to personal attacks against audience members for which there can be no reasonable justification. These statements are present on the video recording of the meeting and occur at about the 3 hour and 8 minute mark. As the remarks came after the 2:58:30 time period that is available for the 'Olelo Community Television cablecast of the meeting, there were several requests for copies of the DVD to verify the bad statements that many have characterized as bullying. ')

Additionally, Member Kelii has inappropriately attempted to use his position as Chair of the Education Committee to seek the removal of another committee chair on allegations of misconduct, and included his allegations in the Education Committee minutes – a public document written by Member Kelii.

Also, Member Kelii initiated a complaint against an audience member with her employer, which has been strongly perceived as an effort of intimidation and retaliation for alleged differences of opinion.

Accordingly, Member Kelii has breached the standards of conduct set forth in Neighborhood Plan (NP) Section 2-13-104, and failed to promote and preserve order and decorum required by NP Section 2-14-117.

The Executive Secretary hereby presents this recommendation that the Neighborhood Commission initiate the complaint and hearing process set forth in NP Chapter 18 against Nanakuli/Maili Neighborhood Board No. 36 member Kimo Kelii for the above alleged violations of the Neighborhood Plan, Sunshine Law, and parliamentary procedure.

The Executive Secretary reserves the right to amend this recommendation prior to the hearing in this matter before the Neighborhood Commission.

Patty Teruya

Lucy GPM