



HAWAII STATE ETHICS COMMISSION

State of Hawaii · Bishop Square, 1001 Bishop Street, ASB Tower 970 · Honolulu, Hawaii 96813
50th ANNIVERSARY 1968-2018

Resolution of Charge **2018-04**

(COMPL-C-17-00001-02)

Department of Land and Natural Resources, Division of Boating and Ocean Recreation - Kauai, District Manager's Alleged Violations of Gifts Law, Gifts Reporting Law, and Fair Treatment Law

December 14, 2018

The Hawaii State Ethics Commission ("Commission") has resolved a Charge against Joseph V. Borden, District Manager, Department of Land and Natural Resources ("DLNR"), Division of Boating and Ocean Recreation – Kauai ("DOBOR-Kauai"), for alleged violations of the State Ethics Code, Hawaii Revised Statutes ("HRS") chapter 84.

I. Facts

Respondent Borden admitted that the following facts are true and correct:

- a) Respondent Borden, at all times relevant herein, was employed by the Department of Land and Natural Resources ("DLNR"), Division of Boating and Ocean Recreation ("DOBOR"), a state agency, as the District Manager of the Kauai DOBOR office. Respondent Borden has worked for DOBOR-Kauai since 2004; he became District Manager in 2012.
- b) As District Manager of DOBOR-Kauai, Respondent Borden supervised nine employees. He was responsible for issuing a variety of permits and for procuring goods and services for the Kauai District of DOBOR.

Falsification of government documents in jobs awarded to private contractor

- c) Respondent Borden does not dispute the following:
 - i. Between 2013 and 2017, Respondent Borden authorized nearly \$1 million in state funds to be paid to a private contractor, Aaron Hoff, doing business as South Shore Lawn Services and Hoff Enterprises, Inc. Mr. Hoff was paid for approximately 107 jobs,

the majority (more than 70) of which were under \$5,000 and were not required to be awarded via the HlePRO procurement system.

- ii. For more than 50 of these jobs, there is no evidence in the procurement files that he sought any other bids for the work.
- iii. For forty-two of the jobs awarded to Mr. Hoff, Respondent Borden submitted a procurement form – Form SPO-10 – with his requests to his supervisors for approval of the expenditure to Mr. Hoff; for jobs under \$15,000, this form asks the state official seeking to procure goods or services to list each of the bids received for a job. Thus, each of these forty-two SPO-10 forms generally listed one or more other vendors – along with a company name, a contact name, a phone number, and a bid for the job – aside from Mr. Hoff.
- iv. Every one of those forty-two SPO-10 forms contains false information regarding the existence of other potential bidders and the amount of the bids.
- v. Each of the aforementioned forty-two jobs contains “filler” bids: information suggesting that there had been another bidder competing with Mr. Hoff, when in fact no such bid ever existed.
- vi. For example, on or about May 11, 2017, Respondent Borden sought to award a job to Hoff for \$11,979.00 to remove a large tree and a submerged aluminum mast at the Niumalu River mouth. Respondent Borden indicated that two other companies provided higher bids. Because the job was over \$5,000 (but under \$15,000), Respondent Borden submitted form SPO-10A – another procurement form to be signed by a bidder on a state job – purportedly signed by representatives of the two other companies. Commission staff received written statements from representatives of those companies indicating that they did not submit these bids. On September 28, 2018, when questioned – under oath – about these SPO-10A forms by Commission staff, Respondent Borden stated that he had personally obtained the signatures of the companies’ representatives on these SPO-10A forms and that these were legitimate bids.
- vii. As another example, on or about January 7, 2013, Respondent Borden authorized the payment of \$36,458.45 to Mr. Hoff’s company to remove a sunken vessel. Respondent Borden indicated that he had received two higher bids (for \$42,000 and

\$55,000). Commission staff contacted each of these “unsuccessful” bidders; both indicated they did not submit bids for this job.

- viii. Upon being contacted by Commission staff, several of these “unsuccessful” bidders expressed anger and frustration that their companies’ names were being used by Respondent Borden in this way. One company was listed as an “unsuccessful” bidder on roughly two dozen occasions, even though it had never submitted any of these bids.
- ix. Commission staff was unable to verify that work was performed on each of the above-referenced 107 jobs, but the procurement documents raise questions as to whether work was actually performed on every job.
- x. For example, on or about June 2, 2016, Respondent Borden authorized the payment of \$2,958.34 to Mr. Hoff’s company to dispose of a Fish Aggregating Device (“FAD”) buoy that had purportedly washed towards shore and posed a hazard; the procurement documents included a photo of a FAD buoy (Exhibit A). Then, on or about February 23, 2017,, Respondent Borden authorized the payment of \$2,145.84 to Mr. Hoff’s company to dispose of a FAD buoy, and the procurement documents contained a copy of the same photo (Exhibit B). The photo did not originate in 2016, however – it came from a 2010 newspaper article from *The Garden Island*, a Kauai newspaper (Exhibit C).
- xi. Even if work had been performed on each of these jobs, there is evidence that the amounts paid to Mr. Hoff were inflated over market rates for the same goods and services. For example:
 - 1. Respondent Borden authorized the purchase of gravel from Mr. Hoff – including delivery – on multiple occasions for roughly \$400 a ton (e.g., \$1,609.38 for four tons on December 14, 2015). Another vendor on Kauai provided Commission staff with a quote of \$18-\$35 a ton for gravel, not including delivery. Even factoring in rough cost of delivery, the total cost for four tons of gravel should have been well under \$500.
 - 2. Respondent Borden issued a Request for Quotes through HlePRO on January 3, 2017, for two portable toilets (one ADA accessible) at the Waiakea small boat

launch in Kapaa, Kauai, for a twelve-month period with cleaning three times a week. Mr. Hoff was awarded the contract for \$46,500 – up from the \$36,650 he had been paid for this service for the prior year. Commission staff contacted DLNR in 2017 and advised that the agency implement stronger review procedures for procurement activities. In December 2017, Respondent Borden issued another Request for Quotes for the same service; a different vendor bid on – and was awarded – the one-year contract for \$14,940, or less than one-third of the amount paid to Mr. Hoff's company.

- xii. Respondent Borden authorized an additional 3% “credit card fee” be paid to Mr. Hoff for many of the jobs – that is, an additional 3% fee on top of the original amount quoted for the job.
- d) Respondent Borden testified, under oath, that Mr. Hoff was his friend and – as explained more fully below – that Mr. Hoff provided Respondent Borden with free personal use of Mr. Hoff's riding lawnmower. Mr. Hoff also provided Respondent Borden with free personal use of an excavator and free CrossFit classes for Respondent Borden's adult son.
- e) Respondent Borden contends that although he was required to obtain multiple bids to comply with state procurement rules, he inserted “filler” bids because he was under pressure to have jobs completed quickly and he believed Mr. Hoff would get the work done expeditiously.

Falsification of equipment disposal records

- f) On at least four occasions, Respondent Borden instructed a subordinate employee to certify – falsely – that she (the subordinate) witnessed or participated in the disposal of state equipment although the subordinate had not done so (and Respondent Borden knew that the subordinate had not done so). Specifically, Respondent Borden directed the subordinate to falsely certify on equipment disposal records that, between 2012 and 2014, she disposed of a Bobcat Skid-Steer, a Honda generator, two riding lawnmowers, and a chainsaw.
- g) On another occasion, Respondent Borden instructed another subordinate employee to certify – again, falsely – that he (the subordinate) witnessed or participated in the disposal of a Scag Tiger Cat riding lawnmower, and a large (20 or 25 gallon) tank for spraying pesticides or other liquids, without having done so (and Respondent Borden knew that the subordinate had not done so).

- h) Respondent Borden does not dispute that Commission staff received evidence that one or more of these pieces of supposedly discarded equipment were instead retained by a DOBOR-Kauai employee, or a family member of a DOBOR-Kauai employee. Respondent Borden maintains that he did not authorize anyone to keep any of these pieces of equipment.

Improper acceptance of gifts from contractor and permittees

- Free use of riding lawnmower and other gifts from Aaron Hoff

- i) From January 2017 to August 2017, Respondent Borden accepted gifts from Aaron Hoff, the DOBOR-Kauai contractor discussed above. Specifically, Respondent Borden was provided with free personal use of Mr. Hoff's riding lawnmower roughly twice a month from January through May 2017, and roughly once a month since that time. Respondent Borden typically borrowed the lawnmower for a weekend, but at times kept the lawnmower for a week or more.
- j) Renting a similar riding lawnmower from a private vendor would cost approximately \$150 a day or \$600 a week.
- k) Respondent Borden did not report the gifts he accepted – the free use of the riding lawnmower – by filing a Gifts Disclosure Statement with the Commission by the statutory deadline of June 30, 2017 (to cover the reporting period of June 1, 2016 to June 1, 2017).
- l) The lawnmower was at Respondent Borden's personal residence on May 23, 2017, August 4, 2017, and August 13, 2017. This lawnmower appears to be identical to the riding lawnmower purportedly disposed of by the Respondent in May 2017; the Respondent maintains that they are different lawnmowers and that he did not appropriate the DOBOR-Kauai lawnmower for his personal use, and the Commission makes no findings on this matter.
- m) Respondent also accepted the free personal use of an excavator from Mr. Hoff. Mr. Hoff also provided Respondent Borden's adult son with free training at Mr. Hoff's CrossFit gym.

- Free use of large sprayer from another DOBOR-Kauai contractor

- n) Respondent Borden leases pasture land in Anahola from the Department of Hawaiian Homelands ("DHHL"). The pasture land adjacent to Respondent Borden's pasture is leased by Clay Kelekoma or Patrick

Kelekoma, the father and brother, respectively, of Respondent Borden's subordinate employee. DOBOR-Kauai has contracted with Patrick Kelekoma to perform work for the State in the recent past.

- o) Respondent Borden accepted a gift from Patrick Kelekoma, a DOBOR-Kauai contractor, by borrowing Mr. Kelekoma's large (20 or 25 gallon) sprayer without charge for Respondent Borden's own personal use on or around May 23, 2017, August 4, 2017, and August 13, 2017.
 - p) The sprayer was at Respondent Borden's personal residence on May 23, 2017, August 4, 2017, and August 13, 2017. This sprayer appears to be identical to the sprayer purportedly disposed of by Respondent Borden in May 2017; the Respondent maintains that they are different sprayers and that he did not appropriate the DOBOR-Kauai sprayer for his personal use, and the Commission makes no findings on this matter.
- *Gifts of wine, food, and movie tickets from permittees*
- q) On multiple occasions – and even after attending an Ethics Commission training in 2016 – Respondent Borden accepted bottles of wine and champagne, pies, cookies, and other food from permittees subject to his regulatory control.
 - r) The Hawaii Visitors and Convention Bureau (“HVCB”), a private non-profit organization, has applied for, and/or has assisted others in applying for, permits that require official action from Respondent Borden. For example, in 2014, HVCB requested a permit for a reality television show. On October 1, 2014, HVCB representative Sue Kanoho e-mailed Respondent Borden regarding the permit request, and Respondent Borden responded via e-mail the next day to say that he had approved the permit request. Respondent Borden also took official action on permits for the filming of the movie, “Jurassic World.”
 - s) On or about June 1, 2015, HVCB representative Kanoho offered Respondent Borden and Respondent Borden's wife two movie tickets to the premier showing of “Jurassic World” in 3D, along with admission to a pre-screening reception. Respondent Borden accepted the gift of two movie tickets and attended the movie with his wife.

First-class air travel and other flight upgrades

- t) It is the State's policy that employees travel by coach class when traveling on state business. The State's travel rules provide that “[t]ravel route(s) shall be the most economical and direct route(s) available to the point(s) of business destination.” Hawaii Administrative Rules (“HAR”) § 3-10-6.

See also HAR § 3-10-8(b) (“Unless otherwise justified and approved by the governor, travel shall be by the most economical means consistent with time available and urgency of the trip.”).

- u) In Advisory Opinion No. 95-1, the Commission determined that travel upgrades for state officials traveling on state business are a personal benefit rather than a benefit to the State and that HRS §§ 84-11 and 84-13 prohibited the solicitation and acceptance of travel upgrades by state officials.
- v) Notwithstanding these clear policies, Respondent Borden used state funds to purchase first-class, round-trip travel for himself for state travel on August 25, 2015, January 12, 2016, and February 12, 2016.
- w) Respondent Borden also purchased flight upgrades for himself using state funds. He first purchased economy class tickets, then – despite being a paid, ticketed passenger – purchased upgrades to higher classes of travel using state funds, claiming that no seats were available in economy class when he tried to check in. This occurred on May 6, 2014, July 23, 2015, and September 2, 2016.
- x) Respondent Borden also attempted to purchase first-class tickets for himself for an August 16, 2016 meeting in Honolulu. He reserved the tickets and submitted a request to his supervisors for approval in Honolulu; the request to purchase the first-class tickets was approved, but after the first-class reservation had expired. The day before the meeting, Respondent Borden re-booked tickets in Economy Class.

Use of state equipment for personal purposes; authorizing DOBOR-Kauai employees to use state tools and equipment for personal use

- y) Respondent Borden used state equipment and premises for personal projects, including grinding parts for his personal vehicle at the DOBOR-Kauai maintenance shed.
- z) Respondent Borden also authorized the personal use of state tools and equipment by his subordinate employees, and further authorized subordinates to take state tools and equipment home for their personal use. Among other items, Respondent Borden allowed subordinates to use a DOBOR-Kauai welder, string trimmer, chainsaw, and vacuum cleaner for their personal use.
- aa) Respondent Borden was aware that personal use of state equipment was prohibited. In March 2017, he investigated the personal use of tools and

equipment by another DLNR office. On or around March 16, 2017, he drafted a memorandum to DOBOR Administrator Ed Underwood, stating that “common sense should have come into play” and that “personal use of state owned property is prohibited.” However, Respondent Borden continued to allow his subordinate employees to use state equipment for personal use until at least July of 2017, when another DOBOR-Kauai employee filed a grievance through the employee’s union representative.

- bb) Respondent Borden acknowledges that the Commission staff also received evidence that Respondent Borden authorized subordinate employees to take and keep DOBOR-Kauai property for their personal use. Specifically, Commission staff received evidence that, on multiple occasions, Respondent Borden authorized the purchase of brand-new tires for State vehicles and trailers, after which Respondent Borden would allow subordinate employees to take and keep the old (but still usable) tires for their personal use. Respondent Borden denies these allegations.

Use of state resources for private business purposes and to secure personal benefits

- cc) In 2013 and 2014, Respondent Borden served as president of the Anahola Farmers and Ranchers Association (“AFARA”), a private non-profit organization.
- dd) From 2013-2015, Respondent Borden used his state e-mail address and state time to conduct business on behalf of AFARA. He sent or received more than 500 e-mail messages, intentionally and knowingly providing his state e-mail address to others so that they could contact him for AFARA business.
- ee) Respondent Borden used his state e-mail address – and his standard signature block at the end of his e-mail, listing his state title and work mailing address and phone number – to send dozens of e-mails on behalf of AFARA. Many, if not all, of these e-mails were sent on state time from Respondent Borden’s state computer in his state office. He sent e-mails to other state officials, including to the Chair and the Deputy to the Chair of DHHL and to the Office of the Governor. On behalf of AFARA, he used his state e-mail to recommend another AFARA member for a position as the Kauai Hawaiian Homes Commissioner. And on multiple occasions, he used his state e-mail to request donations for AFARA fundraising events.
- ff) At one point, Respondent Borden wrote in an e-mail that he was getting some “flack” for using his government e-mail address to conduct business on behalf of AFARA, yet he continued to do so for many months thereafter.

- gg) On two additional occasions, Respondent Borden used his state e-mail to contact another state official to try to acquire permission to use additional ranch land for himself.

Substantial Financial Transactions with, and Receipt of Personal Services from, Subordinate Employee

- hh) Around May of 2017, Respondent Borden instructed his subordinate, (hereinafter referred to as "DOBOR-Kauai Employee #1"), to repair the carburetor in Respondent Borden's personal string trimmer. DOBOR-Kauai Employee #1 performed this work on state time, using state equipment.
- ii) Respondent Borden hired his subordinate, DOBOR-Kauai Employee #1, for personal auto repair and other work on more than five occasions. Respondent Borden compensated DOBOR-Kauai Employee #1 by purchasing auto parts for that employee, including purchasing a set of Pro Comp tires valued at approximately \$1,000.

II. The State Ethics Code, HRS Chapter 84

A. Constitutional Mandate and Statutory Purpose

The State Ethics Code arises from the declaration contained in the State Constitution that "[t]he people of Hawaii believe that public officers and employees must exhibit the highest standards of ethical conduct and that these standards come from the personal integrity of each individual in government."¹ To this end, the Hawaii Constitution further directs that the legislature enact a code of ethics that applies to all appointed and elected state officers and employees.

In accordance with this constitutional mandate, the Legislature enacted the State Ethics Code and charged the Commission with administering and enforcing the law "so that public confidence in public servants will be preserved."² Additionally, the legislature explicitly directed that the State Ethics Code be liberally construed to promote high standards of ethical conduct in state government. HRS § 84-1. It is in this context that the Commission examines every employee's actions.

¹ Hawaii State Constitution, Art. XIV.

² HRS Chapter 84, Preamble.

B. Applicable Sections of the State Ethics Code

1. The Gifts Law, HRS § 84-11

The Gifts law, HRS § 84-11, prohibits state employee from accepting certain kinds of gifts:

No . . . employee shall solicit, accept, or receive, directly or indirectly, any gift, whether in the form of money, service, loan, travel, entertainment, hospitality, thing, or promise, or in any other form, under circumstances in which it can reasonably be inferred that the gift is intended to influence the . . . employee in the performance of the legislator's or employee's official duties or is intended as a reward for any official action on the . . . employee's part.

2. The Gifts Reporting Law, HRS § 84-11.5

The Gifts Reporting law, HRS § 84-11.5, requires a state employee to file a gifts disclosure statement with the Commission on June 30 of each year if all the following conditions are met:

- (1) The . . . employee, or spouse or dependent child of the . . . employee, received directly or indirectly from one source any gift or gifts valued singly or in the aggregate in excess of \$200, whether the gift is in the form of money, service, goods, or in any other form;
- (2) The source of the gift or gifts have interests that may be affected by official action or lack of action by the . . . employee; and
- (3) The gift is not exempted . . . from reporting requirements[.]

HRS § 84-11.5(a).

The gifts disclosure statement covers the period from June 1 of the preceding calendar year through June 1 of the year of the report. HRS § 84-11.5(b). The gifts disclosure statement must contain the following information:

- (1) A description of the gift;
- (2) A good faith estimate of the value of the gift;
- (3) The date the gift was received; and
- (4) The name of the person, business entity, or organization from whom, or on behalf of whom, the gift was received.

HRS § 84-11.5(c). The failure of an employee to file a gifts disclosure statement as required by the Gifts Reporting Law is a violation of the State Ethics Code.
HRS § 84-11.5(e).

3. The Fair Treatment Law, HRS § 84-13

The State Ethics Code prohibits an employee from misusing his official position. Specifically, the “fair treatment” law, HRS § 84-13, states in relevant part:

No . . . employee shall use or attempt to use the . . . employee’s official position to secure or grant unwarranted privileges, exemptions, advantages, contracts, or treatment, for oneself or others; including but not limited to the following:

- (1) Seeking other employment or contract for services for oneself by the use or attempted use of the . . . employee’s office or position.
- (2) Accepting, receiving, or soliciting compensation or other consideration for the performance of the . . . employee’s official duties or responsibilities except as provided by law.
- (3) Using state time, equipment or other facilities for private business purposes.
- (4) Soliciting, selling, or otherwise engaging in a substantial financial transaction with a subordinate or a person or business whom the . . . employee inspects or supervises in the . . . employee’s official capacity.

C. Application of the State Ethics Code to Respondent Borden

As District Manager of DOBOR-Kauai, Respondent Borden is a state employee for purposes of the State Ethics Code.³ As a state employee, Respondent Borden is required to comply with the State Ethics Code.

³ HRS § 84-3.

III. Resolution of Charge

The Commission believes that, based on undisputed and admitted facts listed above,⁴ Respondent Borden likely violated the Gifts Law (HRS § 84-11), the Gifts Reporting Law (HRS § 84-11.5), and the Fair Treatment Law (HRS § 84-13).

Given the numerous likely violations of the State Ethics Code, the Commission believes it is reasonable, fair, and in the public interest to resolve these matters by (1) issuing this Resolution of Charge; (2) requiring Respondent Borden to resign from his position with DOBOR-Kauai, effective no later than December 15, 2018; and (3) requiring Respondent Borden to pay an administrative penalty of \$15,000 to the State of Hawaii.

The Commission is troubled that internal control mechanisms did not uncover any potential problems regarding the purchase of nearly \$1,000,000 in goods and services – on more than 100 separate occasions – from a private contractor. Respondent Borden's immediate superiors within DLNR should have reviewed these expenditures with greater care and should have required additional verification as to the need for (and prices of) these services. As such, the Commission respectfully refers this matter to DLNR and to the State Procurement Office for review and action as appropriate.

The Commission is likewise troubled that other State employees agreed to Respondent Borden's request to falsify government records by certifying that they participated in the disposal of equipment when they had not done so. Each State employee has an independent obligation to act with integrity and to refuse to engage in behavior that violates the Ethics Code or another source of law. State employees can contact a higher-level supervisor, the Ethics Commission, and/or their union representatives if a supervisor or colleague asks them to engage in such conduct.

If this matter were to proceed to a contested case hearing, Respondent would likely face more than 165 counts of violating the Ethics Code, each of which could be punishable by an administrative fine of \$1,000 (or \$500 for violations that occurred prior to June 22, 2017). The fine agreed to by the Respondent and the Commission in this case reflects the Respondent's agreement to resign as a condition of settlement; the fine also reflects Respondent's assertions regarding his limited personal finances (particularly considering that he must resign as a condition of settlement).

As previously stated, the Commission believes it is fair, reasonable, and in the public interest to settle the Charge pursuant to the terms set forth herein, without further administrative action.

⁴ This Resolution of Charge does not make formal findings but relies on the facts admitted by, and/or not disputed by, Respondent Borden.

From: Borden, Joseph V
Sent: Wednesday, February 22, 2017 4:46 PM
To: Yim, Kevin H
Subject: Re: FAD
Attachments: FAD at Anini.pdf

forgot to attach the photo

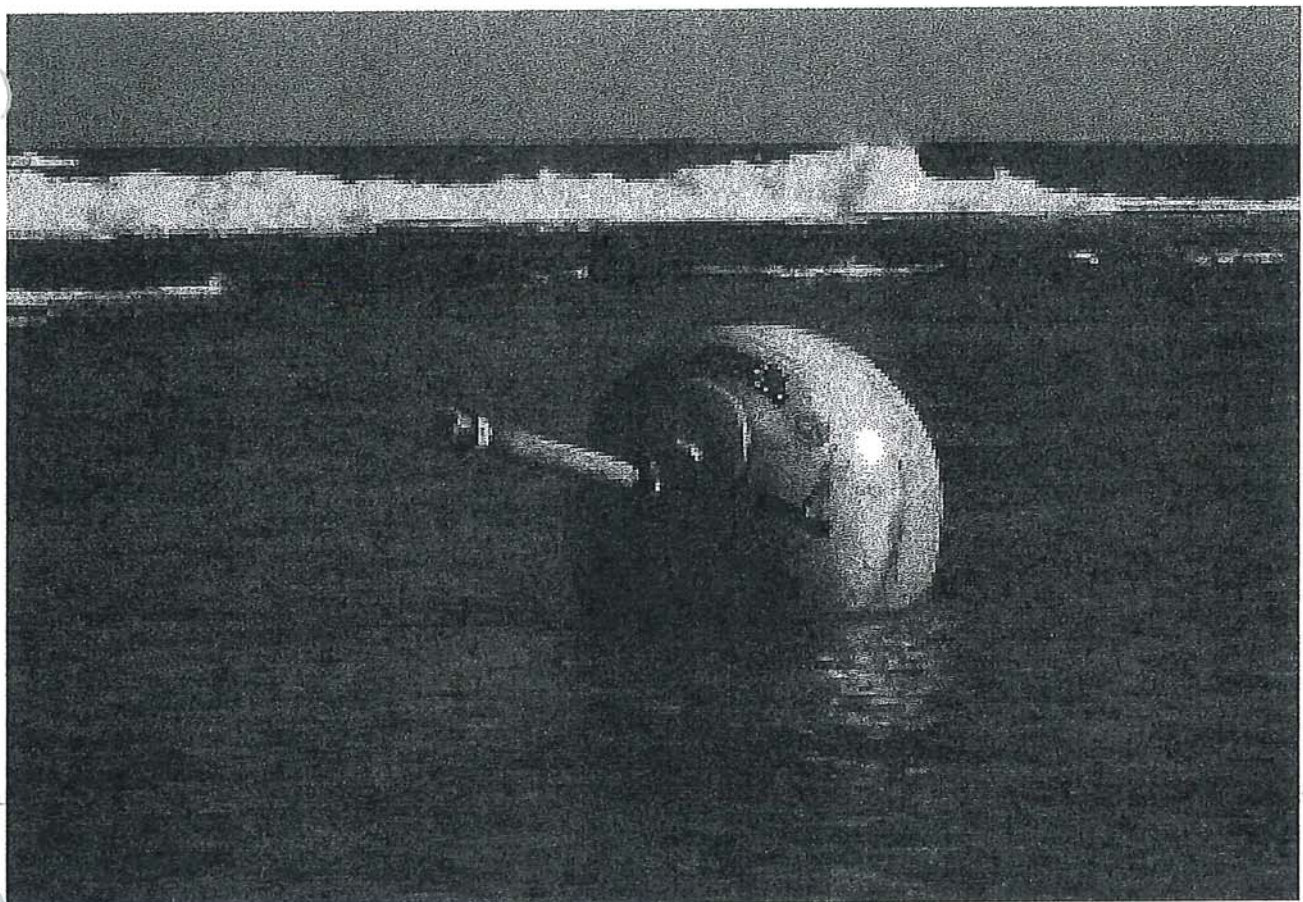
*Joseph "Joe" Borden
Kauai District Manager
2494 Niumalu Road
Lihue, HI. 96766
Ph. (808) 241-3113
Fx. (808) 241-3117*

From: Borden, Joseph V
Sent: Wednesday, February 22, 2017 4:25:02 PM
To: Yim, Kevin H
Subject: FAD

Kevin,

I got a FAD buoy rolling on the reef at Anini. Can I hire someone to go get it? It'll cost roughly \$2,200.00

*Joseph "Joe" Borden
Kauai District Manager
2494 Niumalu Road
Lihue, HI. 96766
Ph. (808) 241-3113
Fx. (808) 241-3117*



STATE OF HAWAII
PCARD AUTHORIZATION FORM
DEPARTMENT OF LAND AND NATURAL RESOURCES

Card ID - Log #

118 043

Include this
number on
vendor invoice

Issue Date: 22-Feb-17

Deliver Before:

Boating & Ocean Recreation

DBOR-K

ORGANIZATION

FUNCTION AND ACTIVITY

Hoff Enterprises, LLC.

P.O. Box 761

Lawai, HI. 96765

652-5330

DELIVERY ADDRESS:

DLNR, BOR-K
KAUAI DISTRICT
2494 NIUMALU ROAD
LIHUE, HI 96766

BILLING ADDRESS:

DLNR, BOR-K
KAUAI DISTRICT
2494 NIUMALU ROAD
LIHUE, HI 96766

V
E
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D
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R

QUAN	UNIT	DESCRIPTION / JUSTIFICATION	UNIT PRICE	AMOUNT
1	job	remove and dispose of FAD buoy rolling on	2,000.00	2,000.00
1	ea	3% credit card charge	60.00	60.00
		<i>Randy K. Nako</i>		-
				-
				-
				-
				-
				-
				-
				-

Comments / Notes

Need to remove it immediately remove it to prevent any further damage to the reef.
Got verbal approval from Ed at 4:25PM 2/22/17

Subtotal 2,060.00

S & H -

85.84 Taxes 85.84

TOTAL 2,145.84

Joseph V. Baez

Donna H. F.

CARDHOLDER

TELEPHONE

/S/ APPROVING AUTHORITY

FOR DEPARTMENT USE ONLY

Default	F	YR	APP	D	OBJECT	CC	PROJ NO.	PH	ACT		ESTIMATED COST	OPTIONAL DATA
01	G	17	081	C	7180	0861	000000	00	A70		2,145.84	
02												
03												
04												
05												
06												
07												
08												

UAC TOTALS >>> 2,145.84

Original - Vendor / 1st Copy - Fiscal / 2nd Copy - Division / Office

pCard Form (Mar05)

STATE OF HAWAII
PCARD AUTHORIZATION FORM
DEPARTMENT OF LAND AND NATURAL RESOURCES

Card ID - Log #
019 044

Include this
number on
vendor invoice

Issue Date: 31-May-16
Deliver Before:

Boating & Ocean Recreation

DBOR-K

ORGANIZATION

FUNCTION AND ACTIVITY

South Shore Services

P.O. Box 761

Lawai, HI. 96765

652-5330

DELIVERY ADDRESS:

DLNR, BOR-K
KAUAI DISTRICT
2494 NIUMALU ROAD
LIHUE, HI 96766

BILLING ADDRESS:

DLNR, BOR-K
KAUAI DISTRICT
2494 NIUMALU ROAD
LIHUE, HI 96766

V
E
N
D
O
R

QUAN	UNIT	DESCRIPTION / JUSTIFICATION	UNIT PRICE	AMOUNT
1	lot	Remove and dispose of FAD buoy	2,840.00	2,840.00
				-
				-
				-
				-
				-
				-
				-
				-
				-

Comments / Notes

FADS buoy washed ashore south of Anahola Bay. The location of the buoy is threatening the safety health and welfare of the public.

Subtotal	2,840.00
S & H	-
Taxes	118.34
TOTAL	2,958.34

118.34

Joseph V. Borden 5/31/16
Joseph V. Borden

241-3111

CARDHOLDER

TELEPHONE

/S/ APPROVING AUTHORITY

FOR DEPARTMENT USE ONLY

Default	F	YR	APP	D	OBJECT	CC	PROJ NO.	PH	ACT		ESTIMATED COST	OPTIONAL DATA
01	S	16	359	C	7180	0861	000000	00	A41		2,958.34	
02												
03												
04												
05												
06												
07												
08												

UAC TOTALS >>> 2,958.34

Original - Vendor / 1st Copy - Fiscal / 2nd Copy - Divison / Office

pCard Form (Mar05)

EXHIBIT B





STATE PROCUREMENT OFFICE

RECORD OF PROCUREMENT

1. Agency: DLNR

2. PO/pCard. No. 044

3. Date: 5/31/2016

4. Project/Requisition/Work Order No.

5. This form is for: ☒ Small Purchase procurements pursuant to HRS §103D-305, \$5,000 to less than \$15,000
☐ Small Purchase procurements pursuant to HRS §103F-405, less than \$25,000
☐ *Sole Source Procurements pursuant to HRS §103D-306, less than \$50,000
☐ *Emergency Procurements pursuant to HRS §103D-307, less than \$50,000

*Awards shall be posted in accordance with Procurement Circular 2006-01, or as amended.

6. PART A. Description of good/service/construction:

Remove and dispose of FAD buoy located south of Anahola Bay.

7. PART B. QUOTATIONS SOLICITED:

SELECTION (Check Box)	8. Vendor Name	9. Representative	10. Phone No	11. Date of Quote	12. Amount Quoted
<input checked="" type="checkbox"/> 1.	South Shore Lawn Services		652-5330	05/31/2016	2800.00
<input type="checkbox"/> 2.	J & R Equipment		335-6422	05/31/2016	0.00
<input type="checkbox"/> 3.	Patrick Kelekoma Jr.		652-5647	05/31/2016	4000.00
<input type="checkbox"/> 4.	Kaluahine Trucking		246-8666	05/31/2016	0.00
<input type="checkbox"/> 5.	Akamai Towing		639-8699	05/31/2016	0.00

13. PART C. Justification for inability to obtain minimum three quotations, if applicable:

Called each vendor. Requirement is to remove the buoy today 5/31/2016. Vendor 1 is the only that's HCE compliant and accepts credit cards. Vendors 2-5 are not HCE compliant and do not accept credit cards.

14. PART D. Justification for award made to other than lowest responsive, responsible vendor:

15. Signature

Employee soliciting quotations

5/31/2016

date

16. Signature

Procurement Officer approval

date

FILE A COPY AS SUPPORTING DOCUMENTATION IN THE PROCUREMENT FILE.

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84° Few Clouds

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Fishing buoys washing ashore

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Contributed photo

FAD at Larsens.jpg

The large yellow buoys that often wash ashore on Kaua'i are the state's Fish Aggregating Devices, which help concentrate pelagic fish, making it easier for fishermen. The buoy seen here washed over the reef at Lepe'uli Beach, commonly known as Larsen's Beach. Residents say they are concerned about the damage to the reef.

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8 comments:

WestKauai posted at 10:16 am on Fri, Dec 10, 2010.



Posts: 320

This is news?? The FAD buoys have been in use for over twenty years, and yes they occasionally break loose. They are generally redeployed when funds and conditions permit, as they are a boon especially to the recreational fishermen. Since they are "Fish Aggregating Devices", they help reduce the time, distance, and fuel spent trolling.

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pulehu posted at 9:33 am on Fri, Dec 10, 2010.



Posts: 386

Hoy, my understanding is that the buoy was placed in the ocean by a known group, for a purpose. Ok...the news reporter also said the group is aware 2 of the buoys are MIA. So....are they waiting for someone else to locate and return or what? Everyone's pointing the finger to someone else (now days style yeah) where's the accountability especially if it's causing problems of sorts? Son of a gun, I no understand this.....malama the aina, malama pono.

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Kirby posted at 2:17 pm on Thu, Dec 9, 2010.



Posts: 9

If some fishermen that use the buoy would STOP tying up to it to break it free, we wouldn't have to deal with hazards to navigation at sea and buoys washing up on the shore.

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tunataxi posted at 12:30 pm on Thu, Dec 9, 2010.

Thanks obsolete- your right!!! I stopped reading halfway since i've been fishing the

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bouys for many years and didn't need the "fad" part explained to me. Perhaps if the story was titled better or the caption under the photo was more precise my comment would have been different. Let's see- "Fad left chained to a tree on beach". Maybe someone should put it back where it belongs- in the ocean.

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posted at 8:50 am on Thu, Dec 9, 2010.

Posts:

Yes they are useful and yes they should be redeployed, however the fishermen should get together and do it themselves. If the government does it, it will probably cost a million dollars and require expensive studies and focus groups, bla, bla, bla.

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Obsolete posted at 8:47 am on Thu, Dec 9, 2010.

Posts: 179

tunataxi,

"The buoy that recently washed up at Lepe'uli Beach is no longer rolling on the reef. Heacock, with the help of another man, rolled the 600-pounder up the beach and chained it to a tree."

It helps to read the whole article.

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tunataxi posted at 8:32 am on Thu, Dec 9, 2010.

Posts: 949

Now that it has made the front page of the newspaper perhaps DLNR or some other state agency will respond and remove it from the reef.

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mutantme posted at 8:31 am on Thu, Dec 9, 2010.

Posts: 32

Seems to me that whether these buoys are proving to be useful enough is besides the point. Whether they are or not, the groups (university?) responsible for "planting" them in the ocean should have to recover them if they are washing on shore. It's no different than litter or waste in my book.

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