

VOTER

**League of Women Voters of Hawaii County
September, 2009**

PO Box 665
Hilo, Hawaii 96721

PRESIDENT'S MESSAGE

Voter Access, Voter Education, and Sunshine in Government are the three worthy programs selected by the LWV-HC membership on April 25, 2009, for focus during the 2009-2010 year. We trust that the articles in this Newsletter help increase your understanding of the issues and the expertise available to us as a local League through our own membership.

Several of LWV-HC members were able to join with AAUW members on August 31 to hear Congresswoman Mazie K. Hirono speak about the status of affordable health care legislation. She called on all of us to educate ourselves and then help educate the community on the issue. Please check out her website [HYPERLINK "http://www.hirono.house.gov/"](http://www.hirono.house.gov/) www.hirono.house.gov as a first step in voter education on the issue and then make a commitment to speak out as a citizen. Per League guidelines, any action or voice on behalf of the LWV needs Board approval. At the national level, the League recently released a statement urging Congress and the President “not to succumb to the bullying tactics of special interest groups and continue supporting the public option in H.R. 3200, America’s Affordable Health Choice Act of 2009.” It’s easy to take action by going to the web site [HYPERLINK "http://www.lwv.org/"](http://www.lwv.org/) www.lwv.org .

We value your support and participation in helping the LWV achieve its mission

Sincerely,

Helen Hemmes, President

ANNUAL MEETING HIGHLIGHTS

Program Areas Adopted by the Membership at the Annual Meeting

1. Voter Access (Key contacts: Marian Wilkins and Marni Herkes)
2. Voter Education (Key contact: Sue Dursin)
3. Sunshine (Key contact: Leilani Bronson-Crelly)

Officers and Directors for 2009-2010

President	Helen Hemmes
First Vice President	Marianna Scheffer
Second Vice President	Margaret Drake
Secretary	Julie Mink
Assistant Secretary	Jaurene (Jo) Judy

Treasurer	Susan Irvine
Membership	Donna Oba
Newsletter	Maiden Temple

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Directors

Terms ending in 2010	Terms ending in 2011
Marian Wilkins (Elected)	Donna Oba (Elected)
Gail Laros (Elected)	Leilani Bronson-Crelly (Elected)
Alberta Lindsay (Elected)	Susan (Sue) Dursin
Karin Hazelhoff (Appointed)	(also West Hawaii representative) (Elected)

Nominating Committee for 2010

Elected by the Membership

1. George Wilkins, Chair
2. Margaret Drake

Appointed by the Board

3. Patricia Stofa

ANNUAL MEETING MINUTES

League of Women Voters of Hawaii
General Membership Meeting
April 25, 2009
Tex's Drive-Inn
Honoka'a, HI

Call to Order - Leilani Bronson-Crelly called the meeting to order at 10:00 AM and thanked Helen Hemmes for the use of the PA system to allow us to hear the meeting better.

Roll Call: Michael Rohr, Lois A. Cecil, George A. Wilkins, Marian Wilkins, Susan Dursin, Alberta Lindsay, Helen Hemmes, Helene Hale, Ramona Hussey, Leilani Bronson-Crelly, Julie Mink, Karin Hazelhoff, Sue Irvine, Margaret Drake, and Donna Oba

Welcome - Pam Elders (guest) and Nina Buchanan (speaker)

Old Business:

1. Approval of Minutes - Margaret Drake made a motion to approve minutes from the April 26, 2008 General Membership meeting, motion seconded. Corrections were offered to correct spelling names. Helen Hemmes made a motion to approve minutes with corrections and motion was seconded and passed.

2. Treasurer's Report - Sue Irvine presented the Treasurer's Report and New Budget. Money is still in Checking and Savings as rate on CD's are too low to warrant movement at this time. Marian Wilkins moved that we raise Public Relations from VOTER, September, 2009, Page 3
3. \$100 to \$500 in the new budget. Motion seconded. Discussion followed. Sue Dursin called for a vote on the amended budget. Alberta Lindsay moved we accept the amended budget and motion was seconded and passed.
4. Membership Report - Lois Cecil reported we have 46 paid members and many members who have not paid dues which are due on the date of the General Meeting. Lois Cecil offered a motion that dues be due on May 1st and that \$3.00 be deducted for each month paid earlier and \$3.00 added for each month paid late. Motion was seconded and discussion followed. Vote was called on the motion and the motion failed. Sue Dursin made a motion that the date for dues payment be May 1st. with anyone joining after January 31st, not be charged until May 1st. Motion seconded and vote carried with 1 nay.
5. Message from the Outgoing Co-Presidents
6. Nominating Committee Report - Lois Cecil presented the slate of candidates for the 2009-2010 Board. Sue Dursin made a motion to accept the slate as presented and the motion was seconded and passed.
7. Program Committee Report - Marian Wilkins presented program suggestion from Marnie Herkes. Discussion of programs issues from this past year and what emphasis should be on for next year and also use of Modern Media Outreach. Sue Dursin made motion that the 2009-10 Program shall consist of Voter Education, Voter Access and Sunshine in Government. Motion seconded and vote carried.
8. Presentation to Ada the former owner of Tex's Drive-in and introduction of Sherry Baker the new owner.

New Business:

1. Marian Wilkins asked about changes in by-laws. Helen Hemmes advised that amendments are decided by the board and presented to the membership with one month to read before voting.
2. Presentation by Dr. Nina Buchanan who is currently writing a book on changes in education in Hawaii
3. Discussion of Interaction on the League website.
4. Discussion of Media outreach such as table at Community Enterprise of Kona Meetings
5. Meeting adjourned by Leilani at 12:30 p.m.

Submitted by Julie Mink, Secretary

GAMBLING

The question of gambling in Hawaii was raised in a recent meeting of the Hawaii State Association of Counties (HSAC). Representatives from Kauai, Maui, Hawaii, and City and County of Honolulu met in Kona.

Hosted gambling is presently illegal in Hawaii and Utah.

The League of Women Voters, at a national level and our state level, is officially against it.

Gail Laros attended the meeting and notes, "So it seems that again we may have to discuss the dreamed of possibilities of gambling as well as the pitfalls, dangers and even the sins of gambling. The winners and the losers."

Thanks for sharing your perspective, Gail.

GAMBLING IN HAWAII?

Do we really want legal gambling here in Hawaii? Or do we simply dream that our state would become rich so the state would have money for new and better schools and higher teachers' pay, new and better roads, more and better paid police and new and better . . .?

Of course we have those dreams. So do the people in all of our 50 states. Forty-eight states do have legal gambling, but their residents are still dreaming because their state's gambling income did NOT make their dreams come true or prevent the present economic meltdown.

Gambling is not the cure. Las Vegas has been hit very hard by the economic collapse, even though many people can easily go there to gamble. California raided their gambling (lottery) funds from their school's budget before the meltdown. Their dream was to have gambling proceeds pay for their schools.

When gambling was allowed on ships that left Hawaii and traveled outside of U.S. waters, the trips did not make enough money for the companies that operated them. So, who would provide the dreamed of income for our state if we legalize gambling? NOT the tourists. They can go to 48 other states to gamble.

WE, the residents of Hawai'i, would be providing the gambling profits, most of which would go to the gambling businesses first, then some to the state. The profits would come straight out of our pockets.

It would cause problems for the many people who cannot resist the lure of a bet, a challenge, a gamble and for those who "just love to gamble", or become addicted to gambling.

I believe that gambling would NOT make our dreams come true. It also would NOT increase our spirit of Aloha.

Mahalo for your time and consideration of my/our concerns.

Abigail Laros

SUNSHINE LAW

The Sun Shines on County Lawmakers
by
Leilani Bronson-Crelly, Board Member, LWVHC

The timing was perfect to learn about the state's Sunshine Law. League of Women Voters of Hawaii County hosted a workshop on July 23, 2009 and those who attended considered it to be a reality
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check. The one-hour long course was presented by Ms. Linden H. Joesting, a staff attorney with the Office of Information Practices (OIP). It was attended by League members, residents, and the press (staff writer, Nancy Cook Lauer of "West Hawaii Today").

The State Sunshine Law which is codified in Part I of Chapter 92 of the Hawaii Revised Statutes "is the policy of this state that formation and conduct of public policy – the discussions, deliberations, decisions and action of government agencies shall be conducted as opened as possible." This law insists on transparency, the people's right to know and preference for open meetings.

Joesting provide the group hard copy handouts of a PowerPoint presentation and reviewed in depth what is required, what is prohibited, and what is allowed.

Recently, Hawaii County Council was sued by Stephens Media, parent company of "West Hawaii Today" and the "Hawaii Tribune-Herald." The suit alleged the County Council members violated the state's Sunshine Law which they discussed and obtained support from its members to reorganize the committee chairmanships. The suit requested the court to find the June 16 reorganization vote and all subsequent votes "null and void," due to the violation. Stephens Media alleged that by discussing the reorganization the council members committed a serial communication violation.

Ms. Joesting described serial communication at the workshop as "Councilmember 'A' contacts Councilmember 'B' who then contacts Councilmember 'C', and so forth, to arrive at a desired result without openly meeting as a quorum."

According to Nancy Cook Lauer, writer for Stephens Media and a workshop attendee, "Almost all of the Council members met either in person or by telephone to discuss the reorganization that removed Kohala Councilman Pete Hoffman as Council Vice Chairman and stripped South Kona Councilwoman Brenda Ford and Hamakua Councilman Dominic Yagong of their committee chairmanships."

The workshop attendees learned that permitted interactions allow for two members of the Council to meet, but less than a quorum, and that while they could communicate privately, they were not permitted to commit to a vote, nor seek commitment.

The OIP attorney closed by reminding the group that "Sunshine Law is not intuitive nor efficient, but rather about open and transparent practices."

Those who attended this concise workshop left feeling better informed on Sunshine Law and knew that if they had questions they could turn to OIP for guidance. In fact, OIP has a hot line and an Attorney of the day phone number in Honolulu which is 808-586-1400. Their website is:
HYPERLINK "<http://www.hawaii.gov/OIP>" www.hawaii.gov/OIP .

LEAGUE OF WOMEN VOTERS MONITORS SUNSHINE THROUGH THE YEARS

The following is a compilation by Sue Irvine of information found in League of Women Voters of Hawaii County files on Act 92, Hawaii's Sunshine Law .

Hawaii Tribune-Herald October 31, 1987

“The League of Women Voters in Hawaii has become the third organization to complain about ‘apparent violations’ of the state Sunshine Law by the Hawaii County Council.” Co-Presidents of the Hawaii County League, Dorothy Doudna (Hilo) and Marge Mulhall (Kona), wrote to Chair Steve Yamashiro and members of the Council Monday, October 8th, “Our organization believes that the public’s business should be conducted in public and that the reason for this state statute is to insure that the people are aware of the reasoning behind decisions that are made...by our elected officials. It is even more disturbing that no member of the Council voiced a concern about this secret meeting.”

Hawaii Tribune-Herald Thursday, Sept. 28, 1995 “Clouds Cover Sunshine Law”

Reporter Kevin Dayton wrote that Attorney General Margery Bronster was asked to clarify if and when council members could meet privately. Her answer according to the article, “anytime two or more members discuss matters before the council, they are essentially ‘deliberating.’ Their discussion is therefore subject to the Sunshine Law, and must be held in an announced, public meeting.” Disagreeing, lawyer and council member, Brian De Lima, said that council members may meet to exchange information as long as members do “...not make decisions or pledge their votes in those private meetings.”

December 21, 1998

Judge Ron Ibarra in Third Circuit Court, decided in favor of Jerry Rothstein in “Rothstein et al. v County of Hawaii et al.” Jerry was a tireless public advocate and some time League member who had filed a lawsuit challenging county council action violating the Sunshine Law while comprehensively amending the Hawaii County zoning code. The Council was forced to redo their deliberations on the zoning code while “in the sun.”

Hawaii Tribune-Herald Sunday, January 31, 1999: “Sunshine Law under attack: Arakaki seeks exemption”

Jason Armstrong reported that State Representative Eric Hamakawa introduced a bill to exempt county councils from the state Sunshine Law. “... Hamakawa tried to distance himself from it (the bill) by claiming he is not really an advocate of exempting Hawaii’s four county councils from the sunshine law. Hamakawa said he ‘introduced the bill at the request of the Hawaii County Council Chairman James Arakaki.’ ”

October 3, 2005 / PRESS RELEASE

Open Government and Journalists Groups File Suit to End Secret Meetings

Today, eight open government and journalists’ organizations filed a lawsuit in circuit court seeking to stop the Honolulu City Council from holding secret one-on-one meetings on council business. The plaintiffs are asking the court to enforce an August 4th Office of Information Practices ruling that this practice violates the state Sunshine Law.

The complaint alleges that the Honolulu City Council conducted a series of secret meetings, limited to two council members each, to discuss and reach preliminary agreement on Resolution No. 05-243 which was adopted on July 13, 2005. The plaintiffs ask the court to rule that this practice is illegal.

Attorneys Jeffrey Portnoy and Elijah Yip of the Cades Schutte law firm filed the lawsuit on VOTER, September, 2009, Page 7

behalf of the plaintiffs in the circuit court of the First Judicial Circuit. Portnoy said, "It is clear that a series of secret one-on-one meetings that reaches a rolling quorum violates the intent and spirit of Hawai'i's open meetings law."

The group of plaintiffs includes the Right To Know Committee, League of Women Voters of Hawai'i, Citizen Voice, Hawai'i Pro-Democracy Initiative, Big Island Press Club, Society of Professional Journalists - Hawai'i Chapter, SP@ University of Hawai'i Chapter, and Honolulu Community-Media Council.

Speaking for the plaintiffs group, Skirling Morita, FOI Committee chair for the Hawaii chapter of the Society of Professional Journalists, said "We hope this suit will signal to government that this type of backroom vote-gathering will not be tolerated. Our fear is that this will become a widespread practice shutting out the public from discussions and decisions on issues."

Sue Irvine, president of the League of Women Voters of Hawai'i, said, "When a government board skirts around the sunshine law, the attorney general or OIP should stop such action. Citizens shouldn't have to do government's job of enforcing the law."

Court Rules Private Serial Communications Violate State's Sunshine Law, Feb 6, 2006

A lawsuit initiated by open government groups has succeeded in stopping the Honolulu City Council from holding secret one-on-one meetings on council business. Last week, Judge Eden Elizabeth Hifo ruled that the City Council's practice of allowing "Council members to meet in a series of one-on-one discussions on the same Council business is contrary to the letter, intent, and spirit of the Sunshine Law."

In August 2005 the Office of Information Practices issued an opinion that the series of secret meetings, limited to two City Council members each, to discuss and reach agreement on Resolution No. 05-243 violated the state Sunshine Law. Council leaders had indicated they would disregard the OIP opinion and continue its practice of conducting serial private meetings.

Open government groups are opposed to the City Council's secret meetings because if allowed, the Sunshine Law and public's right to know would be undermined. Because OIP has no authority to enforce its opinions, the open government groups felt compelled to file the lawsuit to enforce the OIP opinion. Legislation to authorize OIP to enforce the Sunshine Law is currently pending at the legislature.

Speaking for the plaintiffs group, Stirling Morita, Freedom Of Information Committee chair for the Hawaii chapter of the Society of Professional Journalists, said "We hope this will clarify the law to various boards that the public's business should be done in public and not in some back room through one-on-one communications done in a serial manner."

"This successful lawsuit signals the increasing and legitimate demand that Hawai'i's state and local government officials fulfill their obligation to conduct the public's business in the open," said journalism educator Beverly Keever, Right To Know Chair. "This suit was brought by citizens and organizations devoted to protecting the people's right to know and it succeeded with the generous assistance of one of Honolulu's premier law firms. Government bodies should not waste taxpayer dollars by fighting or undercutting each other and contesting the legal expertise of OIP with its statutory mandate to help citizens and advise Hawai'i's officials at the state and local levels about open government."

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Sue Irvine, president of the League of Women Voters of Hawai'i, said, "Since our founding the year after women were allowed to vote, the LWV has been promoting active citizen participation in government. This is only possible when citizens are informed of when and where government officials meet, so we are delighted with this ruling which ensures that the public will not be excluded from City Council deliberations."

Citizen Voice president Peter Bower, said, "There are times that our local and state governing bodies need to be reminded that democracy is not necessarily synonymous with efficiency. Democracy is an attitude of openness and willingness to listen to one another, regardless of our 'position', and for our entire community to benefit from its collective wisdom."

Jeffrey Portnoy, said "This decision by Judge Hifo will hopefully clear up any ambiguity regarding the legal requirements of conducting the public's business in public and is a significant victory for the people of this State and County who believe in open government"

Honolulu Advertiser March 10, 2009 "Isles' Sunshine Law is under attack again"

"Senate Bill 2174 is part of an ongoing push by county councils to weaken the Sunshine Law, which applies to all county and state governing bodies except the Legislature, which exempted itself...The Senate Judiciary Committee praised the bill for allowing 'more flexibility toward efficiently completing board business.' Rubbish." said the Advertiser. The LWV agrees – democracy, although the best, is not the most efficient form of government. Another chapter on sunshine is being written in Hawaii County this summer.

CALENDAR

September 17th – Constitution Day

September 29 – Kona Unit Meeting (Contact Sue Dursin, 328-8514)

Saturday, October 17, 10:30 a.m. – General Membership Meeting at Tex Drive In, Honokaa. We're pleased to announce that Ken Goodenow, County Clerk, County of Hawaii,

will be our guest speaker. Plan on having lunch together. The Board of Directors will meet after lunch.

November 5, First Round of classes for the 2010 elections* – Hilo, State Office Building
Conference Rooms A/B/C

8 to 10 a.m. Candidate and Candidate Committees

10 to 11 a.m. Partial Public Financing for Candidates

12:30 to 1:30 Noncandidate Committees

1:30 to 3:30 Hawaii County Council Comprehensive Public Funding

4:00 to 6 p.m. Hawaii County Council Comprehensive Public Funding

November 9 – Kona Unit Meeting

November 17, 12 noon – Hilo Unit Meeting at New Chiang Mai Thai Cuisine, 110 Kalakaua Street, in Hilo

December 7 – Kona Unit Meeting

December 15 – Hilo Unit Meeting

December 15th – *Bill of Rights Day*

Saturday, January 16 – General Membership Meeting

*The Commission plans to conduct the same classes in February, 2010, and July, 2010, with dates, times, and locations to be announced later. If you have any questions, please call the Commission at (808) 586-0285.

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LWVHC ATTENDS STATE CONVENTION

On May 30, four Big Island League members joined twenty-five others at the Grand Cafe in Honolulu for the 2009 State League Convention. Helen Hemmes, Marianna Scheffer, Debbie Hecht, and Sue Dursin represented Hawaii County.

Jackie Parnell, outgoing president, received a fond farewell as she announced her move to the Mainland and handed the gavel to incoming president, Pearl Johnson. Hilo member, Sue Irvine, will continue as vice-president.

Guest speaker, the Honorable Karen Radius, Judge, Girls' Court, presented an overview of the successful Honolulu court that gives a strong human dimension to girls' sentencing. Energetic and positive, Judge Radius talks about the value of building successful relationships for these girls, and how that's possible through the large group of volunteers supporting the court. She underscores the holistic view adopted by the court in which the girls are considered within the context of their lives, the influences shaping their behaviors. Physical, emotional and mental health, education and cultural domains all play a part. Further information is available at www.girlscourt.org.

LWVUS VIRTUAL COUNCIL

Gail Laros and Sue Dursin went to the national council on June 13th and never left Kona. They joined one hundred and fifty other delegates from forty-three states on-line in the first ever virtual council. (Conventions are held in even years; councils in the odd years. The 2010 Convention will be an in-person event.)

Preparation and training for delegates resulted in very few problems the day of the council. Delegates were able to "line up at the podium" and "raise their hands" to ask questions and speak.

Senator Kay Hagan gave a brief overview of Congressional action, while LWV member Lowell Leonard outlined League's advocacy on key positions.

Budget summary and questions received the most attention. Like most organizations, LWV is suffering from the economic downturn. Investments were down dramatically at the time of the council. They may have recovered somewhat by now.

Because of the online format being used for the first time, the agenda was kept to a minimum. However, the follow-up participant surveys showed the council to have been highly successful.

Voter is the newsletter of the League of Women Voters of Hawai'i County, a non-partisan organization established to promote political responsibility through informed and active participation of citizens in government.
Contributors: Leilani Bronson-Creely, susan Dursin, Helen Hemmes, Susan Irvine, Abigail Laros, Julie Mink
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LWV OF HAWAII COUNTY TREASURER'S REPORT/ BUDGET 2009-10
 April 23, 2009

	Actual 2008-09	Budget 2009-10
CARRYOVER	7534.01	7,852.91
INCOME		
Dues	1,295.00	1,400.00
Fundraising	144.00	0.00
Interest Earned	12.59	10.00
Member Donation	48.50	100.00
Vote Counts	4,432.00	3,100.00
TOTAL INCOME	5,932.09	4,610.00
EXPENSES		
Co-presidents, Board	0.00	200.00
Delegate Expense	1,549.00	2,000.00
Membership	110.73	125.00
P.O. Box	139.00	178.00
Program		
Elections-Forums	977.78	0.00
Environment	0.00	200.00
Government	0.00	200.00
International Relations	500.00	500.00
Social Policy	220.00	220.00
Public Relations	0.00	500.00
Publications	20.00	100.00
Support		
National PMP @ 29.20	1,328.00	1,168.00
State PMP 11.50	557.75	460.00
Unit Expense		
Hilo	186.13	200.00
Joint Meetings	0.00	200.00
Kona	0.00	200.00
Voter	24.80	100.00
Voter Service	0.00	500.00
TOTAL EXPENSES	5,613.19	7,051.00
CARRYOVER	7,852.91	5,411.91
Net Worth - As of 4/24/2009		
LWV Checking	1,144.30	
LWV Savings	6,708.61	
TOTAL ASSETS	7,852.91	
LIABILITIES	0	

“GRANT SERVICE ACCOUNT” Established with the LWVEF

Recently the Board of Directors approved having the LWV of Hawai'i County establish a "grant service account" with the national League of Women Voters Education Fund (LWVEF). Donna Oba did the research provided below and submitted the motion, which was subsequently adopted by the Board of Directors. Should you wish to contribute, please note the process below or contact Sue Irvine, Treasurer, at 935-8080, to ensure that our local League gets the credit for the contribution. Thanks!

BACKGROUND [From the League website, www.lwv.org]:

The LWV has an education fund that is available to all Leagues. LWVEF was established in 1957 as a separate tax-exempt organization with a 501(c)(3) tax status. The purpose of this free service is to allow Leagues to obtain tax-deductible funding for education projects while at the same time relieving Leagues of administrative burdens connected with maintaining an educational fund.

There is no minimum balance on the account. Funds raised by LWV Hawaii County (and deposited appropriately) will be earmarked solely for LWV Hawaii County use. Contributions are made payable to "League of Women Voters Education Fund" (or "LWVEF") and mailed to national with a deposit form noting the local league designation. Written application for grants (up to the amount in our sub-account) must be for projects that meet IRS and Education Fund (EF) criteria (see following). LWVUS also has a policy that allows local leagues to pay up to 50% of its national PMP's using Ed Fund monies.

IRS Criteria: To use the funds, a project must be educational. The League requires that the project must be for the purpose of informing the public in a fair and objective manner. Through the project, the League cannot advocate a particular position on legislation or urge any action to affect legislation (federal, state or local). The project cannot involve work with political parties or candidates for office, other than nonpartisan voters service activities. It cannot influence the outcome of an election.

[NOTE: Education fund monies may not be used for lobbying, as defined by the IRS, but they may be used to present only one side of a policy issue to: (a) legislators, as long as legislation has not been introduced, or (b) the public as long as it does not include a call to action.]

The project must also serve the general public, not League members exclusively.

Education Fund (EF) resources cannot be used to promote League membership. However, internal membership materials (that are funded by other means) and/or other means of offering people opportunities to join are acceptable at EF events.

For more information, refer to the League website.

Arguments in **Favor** of This Motion: By establishing a sub-account with national:

- our local league reduces local administration (collection, disbursement and IRS reporting) of charitable contributions.
- we have a tax-deductible vehicle to fund educational projects, which may encourage members, non-member individuals and businesses to donate to our League.
- more Education Fund monies means more opportunities for us to raise awareness of LWV and LWV of Hawaii County through more Ed Fund projects and fundraising activities.

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