



MAUI COUNTY BOARD OF ETHICS

c/o Department of the Corporation Counsel
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OFFICE OF THE
COUNTY CLERK

AGENDA

Documents related to agenda items listed are hyperlinked and also available on the Board's website
<https://mauicounty.gov/DocumentCenter/Index/5092>

PURSUANT TO CHAPTERS 91 AND 92, HAWAII REVISED STATUTES, AS AMENDED
NOTICE IS HEREBY GIVEN OF A REMOTE PUBLIC MEETING OF THE MAUI COUNTY
BOARD OF ETHICS.

DATE: November 9, 2022

TIME: 12:30 p.m.

BOARD MEMBERS: David Weiss (Chair), William Curtis, Jr. (Vice-Chair), Geraldine Lewis (Secretary), Kelly Lanilei Maluo-Pearson, Scott Parker, Kathryn Reeves Shroder, Steven Sturdevant, Shanna Willing, *Vacant*

PHYSICAL LOCATION: Members of the public may observe the remote meeting or testify in-person using audio/visual technology at the, Planning Department Conference Room, 250 S. High St., Kalana Pakui Bldg., Wailuku, Hawaii 96793
Board members may not be physically present at this location.

REMOTE MEETING LOCATION: Interactive conference technology via BlueJeans. To view and/or provide testimony via computer or mobile device, log onto www.bluejeans.com and enter **Meeting ID: 625 166 061** or use the meeting link, <https://bluejeans.com/625166061>

PHONE ACCESS: To listen to the meeting or provide testimony via phone dial 1-408-915-6290 (toll-free) and enter Meeting ID: 625 166 061
Testifiers via phone will be called after video testimony has concluded.

TESTIMONY PROCEDURES

Oral or written testimony on any agenda item will be accepted.

Testimony will be taken at the beginning of the meeting and when each item is deliberated. Testifiers may only testify once per item.

Testifiers are to provide your name and the agenda item number testifying on.

Testifiers are limited to three (3) minutes to testify per each agenda item. If unable to conclude, testifier may request additional time; time limits for testimony may be modified and approved by a majority of the Board.

IN-PERSON TESTIMONY: Sign-up at the physical location. Testifiers will be called upon after video and phone testimony has been heard.

REMOTE TESTIMONY: Testifiers via video may sign-up using the Chat function by sending a Direct Message to the Board Secretary, signifying your intention to testify. Testimony shall not be submitted within the Chat function, the Chat function may not be used to contact Board members, or other meeting participants, for commenting on the agenda items, or other matters. Individuals may be disconnected from the meeting for breaking decorum.

All participants (non-board member) are asked to mute their audio and video at all times, except when called upon by the Chair to testify or speak.

WRITTEN TESTIMONY: Whether sent via fax, email, or USPS, legible written testimony should be received by the Department of the Corporation Counsel by noon, two business days before the meeting to ensure distribution to the Board members. Email written testimony to, boardofethics@mauicounty.gov; Fax “Attention: Board of Ethics” to (808) 270-7152; or mail to the Board of Ethics c/o the Department of the Corporation Counsel, 200 S. High Street, 3rd Floor, Wailuku, Hawaii 96793. While the Board requests that written testimony be submitted by a certain date and time, testimony submitted after such date and time will still be accepted but, Board members may not be able to review it prior to the meeting.

ORDER OF BUSINESS

1. CALL TO ORDER AND ROLL CALL

2. Public Testimony: Pursuant to the Sunshine Law, testimony will be taken at the beginning of the meeting. However, public testimony will also be allowed prior to any deliberation on any individual item on the agenda.

3 Old Business

Review and approval of Advisory Opinion No. 22A-13 from, MARK DEAKOS, a MEMBER of the MAUI PLANNING COMMISSION, and principal owner of 3-P Consulting, whether he can accept funds “should” his organization be awarded a grant from the Maui County Office of Climate Change, Resiliency, and Sustainability (CCRS), and participate in commission discussions, decision-making or voting on matters, in accordance with Section 10-4(1)(c). Prohibitions of the Revised Charter of the County of Maui (1983), as amended (“Charter”). [\(AO No 22A-13\).](#)

4. New Business

a. Financial Disclosure Statement (FDS), communication from Deputy Managing Director Josiah Nishita. [\(FDS Communication\)](#)

b. Request for an Advisory Opinion No. 22A-14 dated October 28, 2022, from, JOHANN LALL, a GIS Analyst V, for County of Maui with the Department of Planning, requesting an explanation of “how,” Section 10-4.1. and 10-4.1.d. of the Revised Charter of the County of Maui (1983), as amended (“Charter”), applies to or affects him and all county employees when testifying in front of the County Council or other committees. [\(AO No 22A-14\).](#)

c. Update and demonstration of the 2023 County of Maui E-filing system of Financial Disclosure Statement forms (FDS) for, elected, appointed, boards/commission members, and candidates.

d. Update and review of the County of Maui Board of Ethics Complaint revised form and filing option.

5. Announcement: Results of the 2022 General Election as it relates to, Charter Amendment Proposal No. 3, “Ethics and Financial Disclosures.”

6. EXECUTIVE SESSION

With reference to agenda items listed, one or more executive sessions are anticipated. In particular, the Board of Ethics anticipates it may consider the evaluation, dismissal or disciplining of an officer or employee of the County of Maui, where considerations of matters affecting privacy will be involved. The Board may also consult with their attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities. The Board may also convene in Adjudicatory Session pursuant to Hawai'i Revised Statutes ("HRS") Section 92-6. The following items may be considered in Executive Session pursuant to HRS Sections 92-5(a), subsections (2) and (4), and 92-6(a).

- a. Old Business – None
- b. New Business
 - i. Review of Confidential Financial Disclosure Statement forms filed by Board and Commission members.

NAME	BOARD OR COMMISSION
Conley-Kapoi, Andree-Michelle	Cultural Resources Commission
Parsons, Dale J.	Fire & Public Safety Commission

ii. Chairs report and recommendation on Complaint No. 22-13 from a member of the public, against an independent vendor and their use of a Department of Parks & Recreation facility in Kihei alleging a Code of Ethics violation of the Revised Charter of the County of Maui, Code of Ethics (1983), as amended ("Charter").

iii. Chairs report and recommendation on Complaint No. 22-14 from a member of the public, against Maui County Council members and how the passing of an agenda item listed on the Council's October 21, 2022 meeting agenda occurred, and the, conduct and actions of Council members, alleging a Code of Ethics violation of Sections 10-4.1.b. and 10-4.1.c. of the Revised Charter of the County of Maui, Code of Ethics (1983), as amended ("Charter").

RETURN TO REGULAR SESSION

7. Vote on Executive Session Items:

- Item No. 5.b.i.
- Item No. 5.b.ii.
- Item No. 5.b.iii.

8. Next Meeting Date and Time – December 14, 2022, at 12:30 PM

9. Agenda Setting – 2023 Meeting Calendar (Dates/Location)

10. ADJOURN

NOTE:

Agenda Items Are Subject to Cancellation.

Meeting Location Is Subject to Change Without Notice.

SPECIAL ASSISTANCE: If any person requires an auxiliary aid or service or an accommodation due to a disability, contact the Board Staff as soon as possible and no later than three (3) business days prior to the scheduled meeting by calling 808-270-7740 or by email to boardofethics@mauicounty.gov. If a response is received the day of the scheduled meeting, we will try to obtain the auxiliary aid/service or accommodation, but we cannot guarantee that the request will be fulfilled.

DOCUMENTS ON FILE: Visit <https://www.mauicounty.gov/170/Board-of-Ethics> for Board information and documentation. Contact the Board Secretary Department, Department of the at: 808-270-7740, or 1-800-272-0117 (toll-free from Molokai and Lanai) for further assistance.

EXECUTIVE SESSION: An executive session may be called in order for the Board to consult with its attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities, pursuant to Section 92-5(a) and subsection (4), Hawaii Revised Statutes.

INTERRUPTION IN VIDEO/AUDIO: If the connection between a testifier and the video conference is lost, the meeting will continue. A meeting held by interactive conference technology shall be automatically recessed for up to thirty (30) minutes to restore communication when audiovisual communication cannot be maintained with board members participating in the meeting or with the public location identified above. If connection cannot be restored within thirty (30) minutes, the meeting is automatically terminated.