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BOARD OF ETHICS

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COUNTY OF MAUI

6

REGULAR MEETING

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12 Held at the Planning Conference Room, Kalana Pakui

13 Building, Wailuku, Maui, Hawaii, commencing at 12:30 p.m.,

14 on March 8, 2006.

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25 REPORTED BY: RACHELLE PRIMEAUX, CSR #370

1 ATTENDANCE

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4 BOARD MEMBERS PRESENT:

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6 BARRY C. HELLE, CHAIR

7 ALAN KAUFMAN, VICE-CHAIR

8 TAMIO W. IWADO

9 RANDOL LEACH

10 JIM A. STEWART

11 CAROLINE PETERS BELSOM

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14 STAFF PRESENT:

15 MADELYN D'ENBEAU, DEPUTY CORPORATION COUNSEL

16 LISA KAHUHU, BOARD SECRETARY

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1 TRANSCRIPT OF PROCEEDINGS

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3 CHAIR HELLE: At this time, we would like to call
4 to order of the Maui County Board of Ethics meeting for
5 Wednesday March 8th. Let the record show we do have a
6 quorum here today, even though we're short a few people,
7 that we do have a quorum. And starting off in regular
8 session, I would like to ask for a motion on the minutes of
9 our meeting from January 11th, 2006.

10 BOARD MEMBER KAUFMAN: I have a correction to the
11 minutes.

12 CHAIR HELLE: Okay. And that would be?

13 BOARD MEMBER KAUFMAN: On Page 2 under
14 Appearances, my name was omitted. Alan Kaufman should be
15 added to the list of those attending the meeting.

16 CHAIR HELLE: Are there any other additions,
17 deletions, corrections to the minutes of January 11th? I
18 should note also that we did not have a full quorum in
19 February, and that's why we're reviewing the minutes of
20 January 11th.

21 BOARD MEMBER LEACH: I have a correction. I
22 should be excused because I wasn't here either. Our name
23 tags got switched.

24 CHAIR HELLE: Okay. So we'll make note of that.
25 With those notations, is there a motion to accept the

1 minutes beyond that?

2 BOARD MEMBER STEWART: So move.

3 BOARD MEMBER IWADO: Second.

4 CHAIR HELLE: All in favor?

5 (A chorus of aye's.)

6 CHAIR HELLE: All right. So the minutes of

7 January 11th are approved with the notation that the two

8 gentlemen's names will be switched over. Regarding old

9 business, financial disclosures, we don't have any.

10 Communication items and old business, we don't have any.

11 And we also have review and approval of the advisory opinion

12 for Councilmember Michelle Anderson regarding possible

13 conflict of interest pertaining to Warren Suzuki's

14 appointment to the General Plan Advisory Committee.

15 I think the proper procedures at this point would

16 be to see if there's a motion to accept that at this point.

17 And we have a couple of people who would like to address the

18 Board in regards to this.

19 BOARD MEMBER IWADO: I would move to accept.

20 CHAIR HELLE: Okay. Do we have a second?

21 BOARD MEMBER KAUFMAN: Second.

22 CHAIR HELLE: So at this point, I think we would

23 open it for discussion. And Sean, I think you were here

24 first. Would you like to address the Board?

25 MR. LESTER: Thank you, Mr. Chair and Members.

1 First of all, I would like to say that I know Mr. Suzuki,
2 and I think he's a fine, upstanding man. This isn't about
3 Mr. Suzuki directly. Let's be very clear about that. I
4 like him as a person, but I think there's been a
5 misunderstanding in the opinion and the logic underlying it
6 has some things we actually can flesh out a little more to
7 understand. I'm going to go through a couple or three
8 things.

9 One thing that's very important to understand, I
10 went through your opinion when it says, "The Board finds
11 that when corporate officers appear in capacities as
12 corporate officers, they're doing so not as lobbyists
13 per se, but as representatives of the corporations. It is
14 clear to the Board when a corporate officer appears before a
15 County agency in his or her capacity as a corporate officer,
16 he or she is not a lobbyist."

17 I would like to speak to this for a moment.
18 Because by the sheer definition of corporation, corporo, it
19 means body, a living entity. Corporation, when a person
20 becomes a board member, Mr. Suzuki indeed is a

21 representative, but he's far more than just a
22 representative. It's very important to comprehend this
23 because it's the core of the entire issue. Mr. Suzuki is a
24 representative, plus it's just the nature of the position he
25 has undertaken as a corporate board member of a for-profit

1 corporation to maximize the net worth and profitability of
2 the corporation. When -- he's not just a representative.
3 He became Maui Pine Corporation itself when he accepted the
4 board, and that's something very -- it's corporate America.
5 This is the way it's done. It's totally different from him
6 being just an employee just as he was before when we all
7 knew him. He was out talking story with people. It's
8 different. He actually has to put the goals of the
9 corporation above his own personal goals.

10 This again is a corporate entity. Much less the
11 overall good of the County, it has to be about maximizing
12 the placement of his corporation that he now is a corporate
13 member. He is an actual, physical living presence of Maui
14 Pine. That's the way the board goes, maximizing net worth,
15 so that's 24 hours a day, 365 days a year. Whenever --
16 excuse me while I shuffle through this for a second. So
17 when Mr. Suzuki says he doesn't understand or doesn't think
18 -- I'm just a representative, I'm just out talking story.
19 It's not the way a corporate, you know, a corporate board
20 member works. You have to be there actually working, he

21 sits on the board, to sit every day or whenever they do the
22 board meetings, and actually go through to find processes
23 where the survival of the corporate, the survival of the
24 being itself called Maui Pine will grow and grow and grow.
25 And there's no way for him to recuse himself.

1 I mean if you really take a look at it, which
2 place does he recuse himself? What part of the island?
3 Anytime you talk about agriculture, Maui Pine is going to be
4 there. Even if you're talking about two-lot subdivisions in
5 Keokea, that's going have a direct corporate reflection on
6 what happens with Maui Pine. Which district would he be
7 able to recuse himself from? Is there anything that he
8 could say that would not reflect on the profitability of
9 Maui Pine? And I think that goes to the absolute core here
10 of the question.

11 So I'm going to ask you to really take a look at
12 that. Just because he does not consider himself as a
13 lobbyist, by definition, if you take a look at the state law
14 on lobbyists, he's going in to talk -- I guess another
15 question to underline, I would put as a segueaway, is has he
16 ever gone before Maui County, either the councilmembers or
17 any other portion of the County, and had any action which
18 has increased the net worth or the profitability of Maui
19 Pine. If that question could be answered yes once by the
20 definition of the law, Mr. Suzuki is a lobbyist. And by him

21 being a member of the board, by definition, he's then a
22 lobbyist 24 hours a day, 7 days a week.

23 So I'm going to ask -- I know that corp counsel
24 has told you you cannot reject or rescind this member, but
25 what you can do if you would like or if it's to your side is

1 you can send this back to County Council stating the
2 possible conflicts of interest have the potential to
3 override his ability to be an effective member. And then
4 let the Council itself decide on what you're doing. You're
5 not rescinding or anything else, but you're starting to take
6 a look at the way these things are connected. I apologize
7 for not coming before you with these informations. You had
8 the right to know it before. I do apologize it being at
9 this late state, and thank you very much for your time.

10 CHAIR HELLE: Thank you. Also, do we have anybody
11 that has questions for Sean?

12 BOARD MEMBER STEWART: Yes. Hi, in your opinion,
13 should Mr. Suzuki be required to register as a lobbyist?

14 MR. LESTER: It's my opinion that he is. He is a
15 paid board member for a for-profit corporation, and you
16 know, I think it would be really great since our County is
17 having an influx of large corporate interests as we can see
18 it many places that we begin to find when it is that a
19 person is stepping forward to make profit for a corporation,
20 and that's really basically the reason for lobbyists needing

21 to be registered in the first place. We need to know. You
22 say, oh, well, we know Warren when he comes forward. Warren
23 has been here for a long time. For 17 years, he's been a
24 person that you can talk story. He was a person that worked
25 for Maui Pine. Now he is the corporation of Maui Pine.

1 How do people know the difference there? One of
2 the ways to know the difference is that if that point is
3 reached, okay, you need to register as a lobbyist.

4 BOARD MEMBER STEWART: Two more questions.

5 MR. LESTER: Sure.

6 BOARD MEMBER STEWART: In that same vein, using
7 myself as an example, I'm in an industry, the security
8 industry, where we're regulated by the State and the County.
9 If I as the president of the Alarm Association were to go
10 before the County and fight and defeat a false alarm
11 ordinance, I've done exactly what you've said. I've just
12 increased the value of my company. I've made additional
13 profit for the industry. So am I then, as you said, a 24/7
14 full-time lobbyist?

15 MR. LESTER: Are you a paid member of the
16 corporate board that you're on?

17 BOARD MEMBER STEWART: Of course.

18 MR. LESTER: So you get paid as a board member of
19 your organization?

20 BOARD MEMBER STEWART: Any self-employed business

21 owner of a corporation gets paid for all of his activities,

22 of course.

23 MR. LESTER: I can appreciate what you're saying,

24 and it's a good question. It's a really good question,

25 because there's a technical difference. The technical

1 difference, this is a man making \$80,000, \$100,000, \$150,000
2 specifically as a corporate member. As a small business
3 association coming together as a group, you're not being --
4 if I hear you correctly, the corporate structure of the
5 association that you're part of is not giving you \$100,000 a
6 year for this as your primary way of working.

7 You have your business, and you've come together
8 to put forward an industry standard.

9 BOARD MEMBER STEWART: The association is one
10 voice, but as an owner of my company who makes many times
11 more than Mr. Suzuki, I've gone before the board
12 representing my company with our interest at heart stopping
13 a false alarm ordinance on two different occasions, and it
14 benefitted our company. By your definition, I would be a
15 full-time lobbyist.

16 MR. LESTER: Well, thank you for saying that and
17 for clarifying. I would not say that.

18 BOARD MEMBER STEWART: What's the defining
19 difference?

20 MR. LESTER: The defining difference is Mr. Suzuki

21 is on a for-profit corporate board. There is a major

22 difference there.

23 BOARD MEMBER STEWART: Tell me how. I don't see

24 it.

25 MR. LESTER: Because this is his sole job is being

1 part of that one corporation.

2 BOARD MEMBER STEWART: Mine, too.

3 MR. LESTER: You're a member -- if I hear you
4 correctly, you're a member of -- you have your own business,
5 okay.

6 BOARD MEMBER STEWART: In addition to being the
7 president of an association, but I lobby in both capacities.

8 MR. LESTER: Well, what I'm saying is that if that
9 was your sole job to be a corporate member of a specific
10 corporation, okay, that was all that you did and it was as
11 the board member, then, yes, it would be as a lobbyist.

12 BOARD MEMBER STEWART: I think you're reversing
13 it. If Mr. Suzuki were the head of an association of
14 developers and landowners speaking on behalf of that
15 organization, your example would apply. He's a sole
16 employee for that corporation in the same way I am a sole
17 employee of my corporation when I speak. I don't want to
18 make a decision here that will force a lot of small business
19 owners and larger business owners to be called lobbyists
20 because they come to the County to voice opposition to

21 something that would financially hurt them.

22 And when they prevail and it financially benefits

23 them, they then have to register as lobbyists. I think

24 you're not seeing the pendulum swinging both ways.

25 MR. LESTER: Okay. Well, I can appreciate what

1 you're saying. What I'm stating is we have the number two
2 largest land holder that's here that's going to be sitting
3 on the board, that for the next ten years, he's going to be
4 able to -- the information he's putting out is very
5 specifically going to shift without a doubt the direction of
6 our entire County's future as far as land management is
7 concerned. And that as a corporate board member, he's
8 fiduciarily -- because when I take a look at his answers
9 here, "Well, I'm not really sure; well, in the way that I
10 take it, it's really not that way," candidly, that's
11 disingenuous. That's disingenuous.

12 And so the Board has been told, well, this is a
13 good man, and he's -- he doesn't really -- he's saying this
14 isn't really what he does. That's not the point. The point
15 is you're coming in. You're saying, look, this is who I am.
16 This is who I'm working with. Here you're being told, well,
17 it's not really my area. In actuality, it is. We're
18 entering an area of time with Maui County where you've got
19 to begin to somewhere draw the line as to where corporate
20 entities have the capacity to majorly change the direction

21 of the entire island for every single 130,000 people that
22 live here. Somewhere we have to find a way to label that
23 person for what they're doing, and that's what I'm after. I
24 mean help me with this, because I'm definitely pro small
25 business.

1 BOARD MEMBER STEWART: I see your concern. One
2 final question.

3 MR. LESTER: Sure.

4 BOARD MEMBER STEWART: It's what I would call my
5 truth in advertising question.

6 MR. LESTER: Yes.

7 BOARD MEMBER STEWART: Let's give an example.
8 Let's say Mr. Suzuki was developing land somewhere on the
9 island and the opposition was, I don't know, Friends of the
10 Earth, and they were opposed for environmental reasons to
11 the development. Maybe they share your concern. Do you
12 consider that group lobbyists, and would you require them to
13 lobby because they're exactly the opposite end of the
14 spectrum with exactly the same interest at heart but just on
15 the other side of the coin?

16 MR. LESTER: Thank you. That's a good question.
17 That's a really good question, and I appreciate it because I
18 haven't had a chance to talk about this before. One of the
19 main points is is the person in a for-profit corporation
20 with a salary that's specifically there to enrich the entity

21 itself? Please take a really good look at that. Because a
22 lot of times whenever we have people coming before the
23 Council, they'll have 150 people there. 148 of them are
24 paid for by 'X' to be there. You've got people that walk in
25 off of the street because they want to make sure for

1 whatever the reasons are. There's a difference between
2 those two.

3 BOARD MEMBER STEWART: So the defining difference
4 now to be a lobbyist is whether your organization is for
5 profit or not, because the County and the State are very
6 powerful, and they're a nonprofit. There's lots of estates,
7 Bishop Estate and others that are very powerful that are
8 nonprofit. So now they're no longer qualified as lobbyists
9 because they're nonprofit by your definition?

10 MR. LESTER: Again, it's a good question. You
11 know, I'm struggling as much as other people to try to find
12 a way and set up what we're doing and set it up so we can
13 define what level of corporate entity, and the way that I
14 read everything, because I went back through the state law
15 and the local law, the County law was to see if a person is
16 going forward to increase the profit of a corporation at
17 that particular point and as a corporate board member at
18 that point is a lobbyist.

19 And I've been struggling with it, because I don't
20 want to knock out the small business owner, but at the same

21 time, we've got to set a line in the sand somewhere. But I
22 definitely see a difference between the two. One is it's
23 there because it's the American right to step forward and
24 talk story and also as an owner of a business. But there's
25 a point where the multinationals or the larger institutes

1 override or overwhelm not only our County or State, it's
2 happening on a national level. The multinational
3 corporations actually have -- I'll take 30 seconds with this
4 -- actually have the ability to override our U.S.
5 Constitution.

6 So where can we begin to take care of our own
7 destinies here locally without causing pejorative problems
8 for members like you?

9 BOARD MEMBER STEWART: I share your concern. I
10 appreciate your testimony. I would just encourage you try
11 to think about the fact that there are other sides. All
12 corporations are not evil land grabbers or whatever,
13 overdeveloped, and not all benign nonprofit organizations
14 have pure ulterior motives. There are both sides to these
15 issues. The government is in a position now under the
16 Supreme Court's ruling to grab land and rezone it for
17 commercial use and kick people off their property and their
18 homes to redevelop. That's power. They're a nonprofit
19 entity. So there are many ways to look at this, and I
20 definitely appreciate your concerns.

21 MR. LESTER: Thank you very much, Member Stewart.

22 Also, I understand what you're saying. I took these things

23 into context as well. It's my struggle to try to find a way

24 where we can all have something for our children eventually

25 to have in the future.

1 CHAIR HELLE: Mr. Kaufman has a question.

2 BOARD MEMBER KAUFMAN: First, thank you for your
3 testimony.

4 MR. LESTER: Certainly.

5 BOARD MEMBER KAUFMAN: Second, while the Board has
6 rendered an opinion already, I don't think this will be a
7 dead issue; that is, as Mr. Suzuki serves on the CAC and as
8 he votes, he will have the opportunity to recuse himself
9 from issues where there is conflict. Should he not recuse
10 himself from issues where others on the CAC or members of
11 the public in attendance believe he should have, there's
12 ample opportunity to file a complaint at that time.

13 MR. LESTER: So the Board -- thank you. So the
14 Board would be open -- the challenge with what's happening,
15 and I can appreciate the Board's position, the challenge
16 with this is it means I've got a job, and I have other
17 things. I'm out here, and occasionally I can come in and
18 spend time like this. That means for the next year, I've
19 got to watch every single thing Mr. Suzuki does. It's just
20 overburdening to the public to have to do this. And I

21 know -- you know, if I see something, then I have to come
22 in. The mechanism of, you know, coming before your board
23 again, it's onerous on just us as the public.

24 BOARD MEMBER KAUFMAN: I would say that that is
25 also very much appreciated, and I think we're extremely

1 fortunate with the diversity of the membership of the CAC,
2 because I know that your sentiments are shared by other
3 members of the CAC.

4 MR. LESTER: Thank you.

5 BOARD MEMBER KAUFMAN: Thank you.

6 CHAIR HELLE: Any other questions for Mr. Lester?

7 I think at this time I would like to pass the reigns back
8 over to the Chairman.

9 BOARD MEMBER BELSOM: I think this is your
10 meeting.

11 MS. KAHUHU: No, you're the Chair.

12 BOARD MEMBER STEWART: Nice try.

13 CHAIR HELLE: I just didn't want to slight her.

14 BOARD MEMBER BELSOM: You're it.

15 CHAIR HELLE: Okay. We also have Lance Collins
16 here today. And if you would like to come up and state your
17 name for the record also.

18 MR. COLLINS: Good afternoon, Members. My name is
19 Lance Collins. I'm an attorney in private practice here in
20 Wailuku, and I'm speaking to you this afternoon on behalf of

21 myself. I was able -- I was afforded the opportunity to
22 read through Advisory (05A-9) and I come today because I
23 have a few concerns that I think are important for the
24 Council, for the Mayor and for the general public. I think
25 that the issues that were presented in the opinion are

1 really statutory construction issues. And so the policies
2 of who should and who shouldn't be registered as a lobbyist,
3 at some level, that discussion should be foreclosed because
4 the County Council and the Mayor by enacting a lobbyist
5 registration statute has sort of answered that question.

6 And in the opinion, you folks cite to Section
7 2-56-040, which says, "As used herein, lobbyist means any
8 person who engages himself for pay or other consideration
9 for the purpose of attempting to influence legislative or
10 administrative action of the County." In your summary of
11 summary of the facts, Mr. Warren Suzuki says that his
12 responsibilities are in the area of community relations and
13 government relations and he is not responsible for Maui Land
14 & Pine's land and water policies.

15 Now, the purpose of the lobbyist registration is
16 not to prevent someone who is involved with the corporate
17 policies and direction of a corporation or a business from
18 interacting with the legislative functions of the County or
19 any of the executive functions of the County. The purpose
20 of it is to insure that all persons who are compensated,

21 that is anybody who is paid to lobby or to influence
22 legislative or administrative decisions in the County, that
23 they have to register. And so in that instance, it doesn't
24 really matter whether or not Mr. Suzuki, he says that he's
25 not sure his position with the company would fit into the

1 definition of how a lobbyist engages himself. Because he
2 says that he is compensated and he's in charge of the
3 government relations department, which for Maui Land & Pine
4 is the section of Maui Land & Pine that tries to influence
5 legislative and executive action. That is the definition of
6 a lobbyist.

7 So the question is not, well, should people who
8 get paid to influence legislation, should they register as a
9 lobbyist? That is not within the Board's purview. The
10 County Council and the Mayor by enacting the lobbyist
11 registration has already made that the decision. The
12 decision for you folks is to interpret it to say when
13 someone is paid to be the head of government relations and
14 does everything that a lobbyist and a lobbyist who is not a
15 corporate officer does doesn't have to register, it doesn't
16 -- at least in my mind, it doesn't fall within a proper
17 statutory construction of the ordinance.

18 And, you know, I could be wrong. Reasonable
19 people differ. That's why we have a legal system and not a
20 dictatorship. So that's my first concern is that it's, you

21 know, what it essentially says here is that you folks have
22 determined that Mr. Suzuki is either influencing legislation
23 and executive or administrative policy either for free, that
24 Maui Land & Pine is not compensating him or that they're
25 compensating him for something other than influencing

1 legislative or administrative policy, because that's what
2 the statute says. And so this opinion sort of puts the
3 whole -- casts the whole ordinance into sort of a gray area
4 because he fits perfectly within the definition of what the
5 lobbyist is for this ordinance. And yet somehow even though
6 all of the facts state that in the opinion, the conclusion
7 ends up being that he doesn't have to because he's a
8 corporate officer. The Board finds that when corporate
9 officers appear in their capacities as corporate officers,
10 they're doing so not as lobbyists per se, but as
11 representatives of their corporation. Exactly. And that's
12 what a lobbyist is is someone who is paid or for other
13 compensation. It's a very broad statute. People don't even
14 have to be paid money. If they're paid in bananas or they
15 get a free rubdown every week, that's sufficient. That's
16 sufficient consideration for this ordinance to make somebody
17 a lobbyist if they're trying to influence legislation or
18 administrative action.

19 So it's -- okay, so for that, I obviously feel
20 that that may be not correct. And I think that it would

21 behoove the Board if they're going to go in that direction
22 to really flesh out what kind of agency doesn't constitute
23 being compensated. You know, I mean is it okay, well, is it
24 someone who isn't part of the corporation that gets paid by
25 Maui Land & Pine, is that the defining moment, if it's an

1 independent contractor or a master/servant relationship?
2 What kinds of agencies are excluded from your
3 interpretation, are excluded from this definition of what a
4 lobbyist is? And I think that's the crux of it.

5 And so in the first instance, I come here today to
6 ask you not to pass this out until you have the opportunity
7 to more thoroughly go through an analysis, a very meaningful
8 analysis, and flesh out exactly what kinds of agencies you
9 folks are interpreting to exclude from the lobbyist statute,
10 because the plain reading of this ordinance is anybody
11 that's compensated to influence legislation is a lobbyist
12 and must register, so that's my first concern.

13 Now, my second concern is that Section 10-41(c) of
14 the Charter states, and I think that you don't quote it in
15 your thing. I've got the Charter, too. It says that no
16 officer or employee of the County shall engage in any
17 business transaction or activity or have a financial
18 interest, direct or indirect, blah, blah, blah. You guys
19 have read this a thousand times. You're the Board of
20 Ethics, and I think the concern with this is -- and I think

21 Mr. Stewart's point is directly on point. Pretty much
22 anyone that sits on this sort of Board that in any way has
23 to do with the land owner is obviously going to increase
24 their value or decrease, and so they're going to have some
25 kind of interest.

1 And I think because it's so relevant, especially
2 with Maui again going through another wave of mass
3 development, I think it would be important that an opinion
4 that is essentially excluding one of the major land owners'
5 representatives from just having a general conflict of
6 interest on something that involves land, there should be a
7 much more thorough and searching analysis of what kinds
8 of -- what kinds of financial interests, direct and indirect
9 are excluded from the Charter. I think that it's very
10 helpful for the Council, it's very helpful for the Mayor and
11 it's helpful to the public so that you don't have to get
12 into the situation of essentially deputizing ourselves or
13 people deputizing themselves as watchdogs of lobbyists or
14 other people who go onto boards and commissions and then
15 suddenly, you know, they may be -- they may be making
16 decisions that directly or indirectly bring financial
17 interest.

18 So for those two reasons, I would really strongly
19 ask the Board to consider holding this until a more thorough
20 and searching analysis of what kinds of agency relationships

21 are excluded from the ordinance and a clear threshold of
22 when direct and indirect financial interests are not
23 applicable in terms of sitting on a board or commission in
24 the Charter.

25 CHAIR HELLE: Thank you. Any questions for --

1 BOARD MEMBER STEWART: Thanks for your comments,
2 Mr. Collins. A couple of questions for you. First of all,
3 let's say -- I'll play devil's advocate. Mr. Suzuki is an
4 unregistered lobbyist, and therefore, when he comes before
5 the County, he is, in fact, acting on behalf of the company
6 for their best interest, financial and otherwise. You do
7 understand that the company he works for has tens of
8 thousands of small shareholders, people like us that are
9 also supposedly the backbone or the financial infrastructure
10 that he is voicing. He is the voice of all those people.
11 Would you say then that both the largest landowner and tens
12 and tens of thousands of small investors should just be shut
13 out because of the title of lobbyist and have no voice?

14 MR. COLLINS: No, actually, I don't think the
15 ordinance says that. I think all the ordinance is saying is
16 that he has to register. I am not the County Council and
17 I'm not the Mayor and I'm not the person that enacted this
18 statute, so I agree that may seem a little bit silly, but
19 that's the policy and the direction that our County has
20 enacted and ordinance in. I guess what I'm saying is that

21 the Board here isn't determining, isn't creating, you know,
22 policy in terms of who should and shouldn't be a lobbyist.
23 They're supposed to give effect to the ordinance, and the
24 ordinance says that.
25 I'm not saying it's a good ordinance. I think

1 there definitely needs to be changes to it, but
2 unfortunately, the Board of Ethics isn't the forum for that.
3 I wish it were, because then you have to -- I mean getting
4 the lobbyist registration ordinance changed will never
5 happen at the County Council. So it would be nice if we had
6 this sort of ability to make a sort of comprehensive and
7 thorough definition of lobbyist.

8 BOARD MEMBER STEWART: Right, but it is the
9 Board's duty to determine based on the facts, and this is a
10 highly individual case. We're very concerned about the fact
11 that it may set a precedent for future cases. That was one
12 of the things we deliberated over the most, but we made our
13 decision based on the facts in this case and his testimony.
14 Let me ask you one final question again, sort of a comment I
15 made earlier. If these guys develop land, obviously that's
16 one position, a for-profit developer. There are people on
17 the other side that have opposite interests, okay, and
18 sometimes they're well-funded and they are certainly
19 well-voiced. They're in the press all the time. However,
20 when you go through the list of lobbyist registration,

21 you'll find that all the corporate voices and developers are
22 there. There's not a single one on the other side. Can you
23 explain why that might be in your opinion?

24 MR. COLLINS: Well, you know, I don't know because
25 I'm not really on one side or the other of the issue. I'm

1 not familiar with anybody's practices; however, my
2 understanding of the statute is it says lobbyist
3 registration, but what it really is is paid lobbyist
4 registration.

5 And because obviously anybody that lobbies,
6 anybody that ever testifies before any board, commission or
7 the County Council would have to register. And my
8 understanding with the exception of maybe the Sierra Club
9 and a few other national conservation groups, the Nature
10 Conservancy and so forth, is most of them are very small and
11 don't have paid lobbyist positions. I do know in the '90s,
12 I think this may have come up with Richard LaFond, Jr., when
13 he was working for Maui Tomorrow, and my understanding was
14 he did register as a lobbyist back in the '90s, although I
15 could be mistaken.

16 So to answer your question, and I hope that he
17 would, because it's very important that anybody that's paid
18 through, you know, compensation or some other money or some
19 other compensation would register because that's the whole
20 point of having lobbyist registration is that we know who is

21 being paid to influence and who is not. I think that's the
22 most important point. And I also wanted to address --
23 because I'm a small business owner, so I wanted to address
24 your point about, you know, well, should the small business
25 be required to do this? And I -- you know, I do think if we

1 have a lobbyist registration ordinance, that yes, that
2 everybody should register. All you have to do is send in
3 your name, your address and telephone number and who is
4 paying you. I think that's the requirement. It's not very
5 much. I don't think it's a burden, but if the lobbyist
6 registration ordinance was to become so comprehensive that
7 it would create a burden for the small businesses -- I'm not
8 sure if you folks are familiar with the Hawaii Small
9 Business Regulatory Flexibility Act, but that does allow the
10 Board to determine that a small business, and they defined
11 it as 100 employees or less, would be burdened by a
12 regulation and it can exempt them or exclude them, so I
13 share your concerns. And I think the State Legislature has
14 permitted you folks to create that exemption or reduce the
15 requirements.

16 BOARD MEMBER STEWART: I would -- just for the
17 record, I would be mortified if every small business owner
18 representative had to register as a lobbyist. I think that
19 flies in the face of Freedom of Speech and First Amendment
20 rights personally, but --

21 MR. COLLINS: Well, you know, I'm not entirely
22 sure. I know that for the most part, I disagree with the
23 County attorney on a lot of free speech issues, and so I may
24 agree with you. But I think that the important part is that
25 the County Council and the Mayor are the ones who have made

1 this ordinance, and I don't think that the Board really has
2 the authority to vary from it. They can interpret it, but
3 you sort of can't interpret a section of lobbyists out of
4 the ordinance, and I think that's what the concern is,
5 without a more searching and thorough analysis of what
6 agencies, you know, independent contractor versus
7 master/servant or even small business.

8 I mean the small business, that could be an
9 agency. Without a more thorough and searching analysis of
10 why he's exempt from this when the facts you bring up in
11 your summary of facts clearly says he falls within it, I
12 think it ends up being a disservice to the public and to the
13 Council and the Mayor because nobody has guidance. It has
14 the appearance that maybe Mr. Suzuki just sort of gets to be
15 the exception to the rule.

16 BOARD MEMBER STEWART: We appreciate your opinion.
17 Thank you.

18 CHAIR HELLE: Any other questions or comments?

19 BOARD MEMBER KAUFMAN: I think that would add just
20 a little bit. And Mr. Collins, you said a lot that I

21 actually agree with totally. I also would like to share
22 that I don't think the Board heard anything today that
23 wasn't present in previous deliberations. From a strictly
24 historical perception, the requirement for lobbyist
25 registration would seem to have been necessary to prevent

1 deception of the public and of the public's elected
2 representatives. When well respected, highly respected
3 members of the community give testimony, they have the
4 ability to sway opinion. And if those individuals are being
5 paid off without public knowledge, you have the definition
6 of a lobbyist who should be registered without question.

7 The other consideration I would have would be of
8 selective enforcement. If one strictly reads the regulatory
9 summation you did, not only Mr. Suzuki should be registering
10 as a lobbyist, but countless others who have appeared before
11 the Council. And I think your points as well as the others
12 raised previously are certainly very valid, and as I'll just
13 repeat again, I would not be surprised to see issues raised
14 in the process of the CAC meetings, and if they're brought
15 to the attention of this Board, I'm sure that we will
16 address them at that time.

17 MR. COLLINS: You know, I agree with you, and I
18 think that maybe putting that historical perspective in the
19 opinion so people have a better understanding and have more
20 guidance would be very helpful for the public. And I guess

21 the second point is that my concern with the lobbyist
22 registration obviously doesn't involve the CAC, because the
23 language of the lobbying statute says that when you're
24 before an executive board or the Council. And being on a
25 board is different than being before it, so obviously the

1 lobbyist part is they're actually two separate issues that
2 Mr. Suzuki happens to represent factually both.

3 And so I guess if the opinion could have that
4 historical perspective or some more guidance so that the
5 public understands, because it's not in the opinion. It
6 just sort of says, well, he says he doesn't think he's a
7 lobbyist and he gets paid for it, but he's not a lobbyist.
8 And it's sort of a little barren in terms of the analysis,
9 and I guess that's why I came here today was to ask.

10 I'm not saying you should change your opinion.
11 I'm just saying that you should flesh it out more so the
12 public and the Council and everybody that's involved has a
13 better understanding of what is appropriate and what's not,
14 so there doesn't have to be these every time somebody is
15 accused of being a lobbyist, that comes before the Board,
16 you know, so that people have a better understanding of what
17 the Board's position is.

18 CHAIR HELLE: Thank you. Caroline.

19 BOARD MEMBER BELSOM: Mr. Collins, just so we're
20 clear as to where the Board was coming from, the Code of

21 Ethics, which is the body of the County Code that
22 establishes the Board, specifically says that we render
23 advisory opinions with respect to application of this
24 article. They mean Article 10, which is the Code of Ethics.
25 And so the Board relied on Section 10-4. The prohibitions

1 got cited in the order. With regard to lobbyist
2 registration, that is in another part of the Code, but it is
3 certainly not within the Board. But the Board in its rules
4 does address lobbyist registration. That's in 4-101-80
5 where it describes the registration, but in the next
6 section, it says review by the Board.

7 "The Board shall review all lobbyist registration
8 statements for completeness. The statements shall be
9 available for public inspection," and then it goes on.

10 There's a presumption there that the Board addresses those
11 registrations that have been filed and we review them just
12 like we review financial disclosures. So to some degree, at
13 least in my mind, it appears that you're correct, that there
14 is another body that needs to look at the legislation
15 statute. Unfortunately, the Board of Ethics can only work
16 within the authorization that it has, and that is the
17 attempt that as to what it did in trying to render its
18 opinion.

19 And so there is still a whole area to be
20 investigated, but not by this Board, as to what should

21 constitute proper lobby registration and who should be
22 registering. But once they do register, then we need to
23 review that to make sure it is complete and it includes
24 everything that the rules include.

25 MR. COLLINS: And I could be wrong. You could ask

1 your attorney on this, but my understanding is the Supreme
2 Court ruled, at least for the powers of the State Ethics
3 Commission, that where checking the completeness of lobbyist
4 registration is delegated to the State Ethics Commission.
5 It's one of the few things where the Supreme Court has
6 implied that absent some other executive agency handled to
7 deal with lobbyist registration in total, that is all being
8 delegated to the State Ethics Commission. And I think
9 that's analogous. It would be analogous that absent some
10 other body policing the other part of it, it would sort of
11 render the whole enforcement of the ordinance meaningless if
12 you folks had no -- I mean you couldn't even make advisory
13 opinions or interpret the statute.

14 I know under HRS 91-8, you folks would have the
15 authority to interpret the statute because you do enforce
16 it, and so I think that you could ask your County attorney
17 because I could be wrong.

18 BOARD MEMBER BELSOM: We can do that. I think
19 more specifically though if there is some ambiguity, then
20 that gives us some power to interpret it. However, if it

21 clearly states the Board shall review all lobbyist
22 registration statements for completeness, it describes what
23 should be included in it, you know, it seems that our job
24 has been defined for us at least with regard to --
25 MR. COLLINS: Right, it's an opinion that you

1 should strike out everything that interprets what a lobbyist
2 is, because if it's not in your power and you're not
3 supposed to do it, then you shouldn't have it there.

4 BOARD MEMBER BELSOM: Well, the issue was raised
5 as part of Ms. Anderson's questions, so the Board trying to
6 be helpful in terms of how it is interpreting its own rules
7 did try to respond to that. But all I'm saying is I think
8 you have a good point with regard to the lobbyist
9 registration statute, and I think that is something that the
10 Board should encourage the County Council to look at in
11 terms of its particular application in the situations that
12 we find ourselves. Thank you.

13 MR. COLLINS: All right. Thank you very much.

14 CHAIR HELLE: Any other questions before
15 Mr. Collins leaves the podium?

16 MR. COLLINS: Thank you. Have a good afternoon.

17 CHAIR HELLE: Thank you. Thank you both. At this
18 time, there is a motion before this Board to accept the
19 opinion as it is authored at this time. Is there any other
20 comments from this Board in regards to that?

21 All right. Hearing none, then we'll take a vote.

22 All in favor of accepting the advisory opinion as it is

23 currently written, please say aye.

24 (A chorus of aye's.)

25 CHAIR HELLE: No?

1 (None.)

2 CHAIR HELLE: Okay, passed. All right. Moving
3 on, we do have some financial disclosures to go over here at
4 this time, Section 4 of our agenda. And at this time, we
5 would accept any kind of a motion to in dealing with these
6 starting in Section A either individually or as a group.
7 Does anybody have any desires one way or the other starting
8 with Arakawa and going all the way to Kalbert Young?

9 BOARD MEMBER KAUFMAN: I'll move that they all be
10 accepted as submitted.

11 BOARD MEMBER LEACH: Second.

12 CHAIR HELLE: All right. All in favor of –
13 actually, any comments on that before we go to a vote?

14 BOARD MEMBER BELSOM: I do have one. Hold on just
15 a second.

16 CHAIR HELLE: Okay.

17 BOARD MEMBER BELSOM: On Nick Nikhilananda's
18 submission, it was an original submission, for his position
19 with the County of Maui, he put not applicable. But I think
20 there is a particular one, so we should fill it in.

21 BOARD MEMBER KAUFMAN: I believe that --

22 MS. KAHUHU: He's a Council nominee. He's a

23 candidate for Council.

24 BOARD MEMBER KAUFMAN: He withdrew, so it's moot.

25 CHAIR HELLE: He's withdrawn his candidacy?

1 BOARD MEMBER KAUFMAN: Not his candidacy, but his
2 position on the -- correct me if I'm wrong, Lisa -- I had
3 read in the newspaper that he had withdrawn from the board
4 or commission to which he had been appointed.

5 BOARD MEMBER BELSOM: So there are two potential
6 situations, one as a candidate and the other as a board
7 or --

8 MS. KAHUHU: I just need to look up his form,
9 sorry. There's so many of them that I --

10 BOARD MEMBER KAUFMAN: Yeah, it's thick.

11 MS. KAHUHU: Which packet was it in?

12 CHAIR HELLE: It was my understanding that this
13 was submitted because he was filing to run for office. He's
14 not sitting currently on any board or commission? He does
15 not hold any other position with the County?

16 MS. KAHUHU: For your first question, Chair, this
17 financial disclosure that is before you is strictly for the
18 filing of his nomination papers. I can double-check right
19 now if he sits on any board. He does not sit on any board
20 that requires a financial disclosure, or I have a list

21 actually of all boards and commissions, and he is not on any
22 of them.

23 BOARD MEMBER KAUFMAN: Thank you.

24 BOARD MEMBER BELSOM: Thank you.

25 CHAIR HELLE: So Caroline, did you want to do

1 anything specifically with this or just you're not --

2 BOARD MEMBER BELSOM: No, I'm just raising the
3 fact that often times we see something in that other than
4 not applicable, and even if they're running for office, it
5 usually says something like that. But it should be all
6 right.

7 CHAIR HELLE: Okay. All right. Any further
8 comment regarding the financial disclosures in 4(a) Arakawa
9 through Young? Seeing none, all in favor of accepting those
10 financial disclosures, please indicate by saying aye.

11 (A chorus of aye's.)

12 CHAIR HELLE: Any no's?

13 (None.)

14 CHAIR HELLE: So those are accepted. In Section
15 B, we have no communications. And in 4, Section C, we have
16 the review of lobbyist registrations, about eight different
17 individuals. In review of these I think, Caroline, you
18 mentioned a section earlier that identifies the criteria
19 that we're supposed to review these against. Okay. And
20 that would be Subchapter 7, lobbyist registration Section

21 4-101-80. And basically, I'm going to have to read this for
22 the Board so everybody knows what we're supposed to be
23 reviewing, because I don't think any of us have reviewed a
24 lobbyist registration before or in some time.

25 But basically we're supposed to have the name,

1 mailing address and business description, or I'm sorry,
2 business telephone number of the lobbyist, a description of
3 the subject matter of the lobbying and the name and
4 principal place of business of each person or organization
5 represented by the lobbyist and a written authorization to
6 act as a lobbyist from each person by whom the lobbyist is
7 employed or with whom the lobbyist contracts. The certified
8 statement shall be in the form or forms prescribed or
9 otherwise adopted by the Board.

10 So basically, name and address and then an
11 authorization. Again, we can take these as a block or
12 individually, so would there be a motion one way or the
13 other? A motion to accept these as a group?

14 BOARD MEMBER KAUFMAN: In the interest of moving
15 along, I will move that they be accepted, all of them be
16 accepted.

17 BOARD MEMBER STEWART: I second that.

18 CHAIR HELLE: Okay. We have a second. Any
19 comments regarding any of them?

20 BOARD MEMBER IWADO: A question.

21 CHAIR HELLE: Okay, Tamio.

22 BOARD MEMBER IWADO: Do we have anything that
23 states it's the County of Maui, or is it somewhere in here?

24 CHAIR HELLE: Basically stating that they are
25 registering to lobby as a -- register as a lobbyist before

1 the County of Maui.

2 BOARD MEMBER IWADO: It indicates Castle & Cooke
3 Resorts. They're based out of Oahu.

4 CHAIR HELLE: Right.

5 BOARD MEMBER KAUFMAN: Tamio, would the fact that
6 it's been received by corporation counsel satisfy that
7 concern?

8 BOARD MEMBER IWADO: It's just a question.

9 CHAIR HELLE: I think it's a good question. We
10 can ask our attorney.

11 MS. D'ENBEAU: I don't have a copy of that. And
12 the question was whether or not this told us that they were
13 applying to lobby in Maui County?

14 BOARD MEMBER IWADO: Correct.

15 MS. D'ENBEAU: Because there's nothing on the form
16 that says it.

17 BOARD MEMBER STEWART: We might want to consider
18 updating the form. It's an old form. It still has
19 1900-and-something on it. You might want to consider
20 whoever created the form to revise it and update it a little

21 bit. That's one of the things they can add to it.

22 CHAIR HELLE: Okay.

23 BOARD MEMBER BELSOM: I have a question. There

24 are two different forms that appear in this packet. Are

25 they the County forms?

1 MS. KAHUHU: I don't know the history of the form,
2 but it is the form that the County uses. And the latter
3 forms that you see in your packet are -- is the updated
4 form.

5 CHAIR HELLE: The one from Munekiyo & Hiraga?

6 MS. KAHUHU: Yes.

7 BOARD MEMBER STEWART: Oh yeah, that's a much
8 better form.

9 BOARD MEMBER KAUFMAN: That explains it, because
10 Castle & Cooke has been doing it for so long, they just took
11 their form from previous years.

12 MS. KAHUHU: They have their form, yeah.

13 MS. D'ENBEAU: I'm looking to answer your question
14 for that part of the rule that it has to be in --

15 BOARD MEMBER KAUFMAN: Perhaps if I have the
16 Chair's recognition.

17 CHAIR HELLE: Sure, go right ahead.

18 BOARD MEMBER KAUFMAN: Perhaps we could ask Castle
19 & Cooke to submit under the revised forms.

20 CHAIR HELLE: Does the revised form -- does the

21 revised one --

22 BOARD MEMBER STEWART: The revised form doesn't
23 say which County. It just says County.

24 BOARD MEMBER KAUFMAN: That's correct. So maybe
25 we want to revise the form, too.

1 BOARD MEMBER STEWART: You might revise the form
2 and have a rerevised form.

3 CHAIR HELLE: It does appear the form should be on
4 some form of County -- not a letterhead, but at least some
5 kind of a County seal logo on it.

6 MS. D'ENBEAU: In your lobbyist registration
7 rules, which is 04-101-80 says that the certified statement
8 shall be in a form or forms prescribed or otherwise adopted
9 by the Board. So I don't know if this is a form that was at
10 one time prescribed or adopted or how that all changed, but
11 I just have to leave that up to someone that has more
12 information about the history of the form. But the form
13 itself according to your rule is supposed to state just the
14 name, business address and telephone number, description and
15 subject matter as the Chair said.

16 CHAIR HELLE: Well, based on the criteria of what
17 is required, the current form does answer that, but I think
18 we all agree that, you know, maybe it's time to update the
19 form, at least put it on some kind of a County letterhead of
20 sorts.

21 MS. KAHUHU: Chair, if I may make a comment.

22 CHAIR HELLE: Uh-huh.

23 MS. KAHUHU: Just so you know, this was --

24 actually, the form was changed while I was away on maternity

25 leave. And it's not that it's been changed to change any of

1 the content. It's just the format so that it could all fit
2 on one page. But if you look at it, it's exactly the same
3 information. So like I said, I don't know the history, but
4 I believe the form hasn't been changed by the Board in many,
5 many years before I even started with --

6 BOARD MEMBER STEWART: Should we put it on the
7 agenda for next month just to get the Board's input to
8 revise the form for future use?

9 CHAIR HELLE: We could do that, because we do have
10 to approve it according to the rules that we go by. So we
11 have a motion now to go ahead and approve them. So I think
12 we could proceed with the motion, but we can ask if that's
13 something we can take a look at. So all in favor?

14 (A chorus of aye's.)

15 CHAIR HELLE: Nays?

16 (None.)

17 CHAIR HELLE: Seeing none, it's passed. All
18 right. Okay. Section 5, Announcements, financial
19 disclosure statement filings. Lisa, how are we on being
20 current?

21 MS. KAHUHU: Bear with me, please.

22 CHAIR HELLE: Sure.

23 MS. KAHUHU: Okay. Actually, I did it -- I

24 calculated it all earlier.

25 CHAIR HELLE: Needless to say, there are some

1 still outstanding?

2 MS. KAHUHU: Yes, there is approximately --
3 actually, the board and commission members, not too bad.
4 There's 128, actually 128 members all together. Only 97 are
5 required to file, and I believe there's about 45 left. But
6 it is March 8, so it's coming down where I go and call each
7 person individually and try and get them to get it in. We
8 do have some directors, about 16 or so directors left and 7
9 council members who haven't filed yet either, so everybody
10 is slow this year.

11 CHAIR HELLE: Okay. But you have your procedures
12 in place to remind them?

13 MS. KAHUHU: To do my best to get it in, yeah.

14 BOARD MEMBER IWADO: And I would just like to
15 comment that Lisa has given great instructions because
16 they're much more filled out nowadays.

17 CHAIR HELLE: That's true.

18 BOARD MEMBER IWADO: Thank you.

19 CHAIR HELLE: That's true. The next item is where
20 we bid a fond farewell to our Board Member Caroline Peters

21 Belsom for her five years of outstanding service. And

22 needless to say, you will be sorely missed on this Board.

23 BOARD MEMBER BELSOM: Especially in an election

24 year.

25 CHAIR HELLE: You timed that just right, didn't

1 you? I think we're all going to miss your sense of humor
2 and your presence here and also your legal mind that has
3 come in handy more than once, so I think on behalf of all of
4 us, we really appreciate the years of service that you've
5 given to this Board.

6 BOARD MEMBER BELSOM: Thank you.

7 BOARD MEMBER STEWART: I want to just add I've had
8 the benefit of serving on the Board on and off with three
9 different chairpersons, and without a doubt, your
10 organization and your personality, you just cut right to it.
11 It's just been terrific. You're really a true professional.
12 Plus your legal mind has been a real plus. It's been great
13 having you here.

14 BOARD MEMBER BELSOM: It's been a great ride,
15 quite nice. Thank you. And all of you have been real
16 helpful and good students of learning how to do it, and
17 Barry is doing a good job today, so I'm sure you'll just
18 continue to get better at it.

19 CHAIR HELLE: Thank you very much. Also
20 unfortunately not here today is -- and also ending two years

21 of service on the Board is Harriette Holt.

22 BOARD MEMBER STEWART: Where is she? That's too

23 bad. It says here, "Reading of resolution". Do we have a

24 resolution?

25 MS. KAHUHU: Yes, I have prepared the resolution

1 for your signatures.

2 "Resolution of Maui County Board of Ethics.

3 Whereas, the Maui County Board of Ethics was established by
4 the Charter of the County of Maui in 1977; and whereas,
5 since April 2001, Caroline Peters Belsom has served as a
6 member of the Maui County Board of Ethics; and whereas,
7 Caroline Peters Belsom served the Maui County Board of
8 Ethics with dedication and provided valuable guidance in
9 serving the needs of the employees and people of Maui
10 County; and whereas, Caroline Peters Belsom's term of office
11 expires on March 31st, 2006; now therefore, be it resolved
12 by the Maui County Board of Ethics that it does hereby
13 express it's deepest gratitude and appreciation to Caroline
14 Peters Belsom for her service during the past five years and
15 does hereby extend its best wishes in her future endeavors.
16 And be it further resolved that copies of this resolution be
17 transmitted to the Honorable Alan M. Arakawa, Mayor of the
18 County of Maui, and Honorable G. Riki Hokama, Chairman of
19 the Maui County Council."

20 And I'll pass this around for signatures.

21 BOARD MEMBER BELSOM: Thank you.

22 CHAIR HELLE: And you also have one for Harriette?

23 MS. KAHUHU: Okay. "Resolution of Maui County

24 Board of Ethics. Whereas, the Maui County Board of Ethics

25 was established by the Charter of the County of Maui in

1 1977; and whereas, since April 2004, Harriette L. Holt has
2 served as a member of the Maui County Board of Ethics; and
3 whereas, Harriette L. Holt served the Maui County Board of
4 Ethics with dedication and provided valuable guidance in
5 serving the needs of the employees and people of Maui
6 County; and whereas, Harriette L. Holt's term of office
7 expires on March 31st, 2006; now therefore, be it resolved
8 by the Maui County Board of Ethics that it does hereby
9 express it's deepest gratitude and appreciation to Harriette
10 L. Holt for her service during the past five years and does
11 hereby extend its best wishes in her future endeavors. And
12 be it further resolved that copies of this resolution be
13 transmitted to the Honorable Alan M. Arakawa, Mayor of the
14 County of Maui, and the Honorable G. Riki Hokama, Chairman
15 of the Maui County Council."

16 CHAIR HELLE: Thank you, Lisa. We appreciate
17 that, and that will be transmitted to Harriette.

18 At this time, that ends our regular session
19 agenda, so I would entertain a motion to move us out of
20 regular session and into executive session.

21 BOARD MEMBER STEWART: So moved.

22 BOARD MEMBER BELSOM: I'll be glad to read it. I

23 move that the Board of Ethics go into executive session to

24 discuss the following matters: financial disclosure of a

25 civil service, actually a number of civil service commission

1 members and members of County boards, also a draft of an
2 informal advisory opinion in this case (05A-1 1), and that's
3 it.

4 CHAIR HELLE: All in favor?

5 (A chorus of aye's.)

6 (Whereupon, the Board went into Executive
7 Session.)

8 MEETING RESUMES

9

10 CHAIR HELLE: Back in regular session, and we'll
11 also entertain a motion to end our regular session meeting.

12 BOARD MEMBER STEWART: So move.

13 BOARD MEMBER IWADO: Second.

14 CHAIR HELLE: All in favor?

15 (A chorus of aye's.)

16 CHAIR HELLE: All right. Meeting adjourned.

17 Thank you very much.

18 (The meeting ended at 1:35 p.m.)

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CERTIFICATION

3

4 I, RACHELLE PRIMEAUX, Notary Public for the State of
5 Hawaii, certify:

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That the proceedings contained herein were taken by
me in machine shorthand and were thereafter reduced to print
under my supervision by means of computer-aided
transcription; that the foregoing represents, to the best of
my ability, a true and accurate transcript of the
proceedings had in the foregoing matter.

I further certify that I am neither attorney for any
of the parties hereto nor in any way concerned with the
cause.

Dated this _____ day of _____, 2006.

21 NOTARY PUBLIC, State of Hawaii

22 My commission expires 6/14/06

23

24

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\$100,000 - 10:1,
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04-101-80 - 39:7
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11th - 3:9, 3:17,
128 - 41:4
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17 - 8:23
something - 37:19
1:35 - 45:18 44:1
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2 - 3:13
2001 - 43:518:7
2006 - 1:14, 3:9,
24 - 6:15, 7:22:15
24/7 - 9:13
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31st - 43:11, 44:7
365 - 6:15
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35:21-80 - 30:4,
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