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MAUI COUNTY BOARD OF ETHICS  
COUNTY OF MAUI, STATE OF HAWAII

TRANSCRIPT OF PROCEEDINGS  
REGULAR MEETING

Held at the Planning Department Conference Room,  
250 South High Street, Wailuku, Maui, Hawaii,  
commencing at 12:30 p.m., on January 13, 2010.

Reported by: Tonya McDade  
Hawaii Certified Shorthand Reporter #447  
Registered Professional Reporter  
Certified Realtime Reporter  
Certified Broadcast Captioner

**ORIGINAL**

ATTENDANCE

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BOARD MEMBERS PRESENT:

- Randol Leach, Chair
- Sheri-Ann Daniels, Member
- Rebecca Woods, Member
- C. Gretchen Guy, Member
- Michael Westfall, Member
- Marti Wukelic, Member
- Bob Pure, Member

STAFF PRESENT:

- Kim Sloper, Deputy Corporation Counsel
- Kristi Ueoka, Board Secretary

1 (Wednesday, January 13, 2010, 12:30 p.m.)

2 \* \* \*

3 CHAIR LEACH: ...(gavel)... I'd like to call  
4 the Maui County Board of Ethics, Wednesday, January  
5 13th, 2010 meeting to order.

6 Attendance: Randol Leach, Chair, present;  
7 Nane Aluli, Vice-Chair, absent; Jocelyn Bouchard,  
8 absent; Sheri-Ann Daniels, present; Rebecca Woods,  
9 present; Carolann Gretchen Guy, present; Michael  
10 Westfall, present; Marti Wukelic, present; Bob Pure,  
11 present.

12 Item 3 on the agenda, the Minutes of the  
13 December 9th, 2009 meeting have been distributed. Are  
14 there any additions, corrections, or changes?

15 MEMBER PURE: As a matter of fact, I do. I  
16 know I've been incredibly quiet, I'm going to have to  
17 make a lot more noise, but my name is left off the both  
18 Regular Session and Executive Session. And if my memory  
19 is good, I believe I was here last week -- last month.

20 CHAIR LEACH: I can second that. So we'll  
21 correct the Minutes, Bob Pure was in attendance, in mind  
22 and spirit and body.

23 Any other corrections, additions?

24 (Silence.)

25 CHAIR LEACH: We'll accept those as

1 distributed. Thank you, Bob.

2 Item 4, Public Testimony.

3 MS. UEOKA: We have none, Chair.

4 CHAIR LEACH: Thank you. Item 5, Old  
5 Business, Financial Disclosures, we have none.  
6 Communication Items, we have none. Item C, Report from  
7 the Rules Review Subcommittee. Michael, update.

8 MEMBER WESTFALL: No update at this time.  
9 We'll certainly be meeting for the month of February.

10 CHAIR LEACH: Thank you.

11 Item 6, New Business, Financial Disclosures,  
12 none. Communication Items, 6b, we have two letters.  
13 I'll give everyone a minute to review the first letter  
14 from Michael Molina.

15 And then, also, I'd like to welcome Kim  
16 Sloper, our Deputy Corporation Counsel, who is filling  
17 in for Adrienne today. So thank you.

18 The Chair would like to note that the  
19 communication letter from Michael Molina is listed as a  
20 communication item. I'm gonna open that up for  
21 discussion, so we can respond to his letter, also. I'll  
22 open the discussion up if there's any comments on the  
23 letter.

24 MR. SLOPER: Just for your information, the  
25 request from Mr. Molina does request a response by

1 January 6th.

2 MEMBER GUY: Right.

3 MS. SLOPER: Our office was in contact with  
4 his office and the Committee staff to let them know that  
5 the Board would not be meeting until today, which would  
6 be after the deadline. They're aware of that, so don't  
7 worry about the date.

8 CHAIR LEACH: Kim, would you like to elaborate  
9 a little bit on your thoughts on the letter?

10 MR. SLOPER: There -- and I know just from  
11 kind of being in on some of your prior meetings, this  
12 Board does seem to hesitate to answer hypothetical  
13 situations. And last month, at your meeting, you did  
14 receive a courtesy copy of Adrienne's response to  
15 Council Chair Molina -- Council Chair Mateo's request on  
16 the same topic, basically. If you don't have it, Kristi  
17 brought extras. And in reviewing her response, she did  
18 note kind of the same issues as far as hypothetical  
19 situations, if a Council Member has a specific situation  
20 that arises, then, you know, perhaps it would be better  
21 to revisit it at that time. So I'll let you guys review  
22 that as well.

23 CHAIR LEACH: FYI, at our last meeting, too,  
24 we had an agenda item similar to this, but with a  
25 specific request that was not a hypothetical from Gladys

1 Baisa. And we did, you know, respond to her.

2 MEMBER GUY: So the assertions are underlined  
3 here.

4 MR. SLOPER: Correct.

5 MEMBER GUY: To respond, okay.

6 MEMBER WUKELIC: The deletions are bracketed.

7 MEMBER WOODS: I would just like to make note  
8 that in this letter that was just presented by Kristi to  
9 us, November 3rd, of Danny Mateo, that it does discuss  
10 my nonprofit organization. I just wanted to make that  
11 known.

12 MEMBER GUY: Which is?

13 MEMBER WOODS: Ka Hale A Ke Ola.

14 CHAIR LEACH: Thank you. Does anyone have any  
15 comments?

16 MEMBER PURE: Kim, by passing out that letter  
17 from Mr. Mateo, are you implying that there's a  
18 similarity here, that Adrienne has basically answered  
19 this, or the other corollary to that is why is  
20 Mr. Molina revisiting the same thing? Do you have any  
21 thoughts on that?

22 MR. SLOPER: I believe that when Adrienne did  
23 this memo, the November 3rd, 2009 memo, it hadn't gone  
24 to the committee. It was more of a Council  
25 communication as opposed to a committee communication.

1 Mr. Molina's the Chair of the Committee of the Whole and  
2 that's the committee that this item -- this resolution  
3 has been assigned to. So I think that the communication  
4 that you folks have received as the Board of Ethics is  
5 coming from the committee now, and, you know, directed  
6 towards the Board as opposed to directed towards my  
7 office for a legal opinion.

8 MEMBER PURE: Okay. Thank you.

9 MEMBER WUKELIC: So this is one of their steps  
10 -- this is one of their steps in order to amend their  
11 rules in the manner that they would like to amend them.  
12 Is that --

13 MR. SLOPER: I believe they're asking for your  
14 input for that.

15 MEMBER WUKELIC: It seems as though --  
16 certainly not the only part, but it seems the meat of  
17 what they're trying to do is Section C. And what I'm  
18 trying to do in my brain right now is just take that and  
19 turn it into English and see what the implications would  
20 be.

21 MEMBER WESTFALL: Mr. Chair, I'd like to  
22 comment here. This kind of goes back to some of the  
23 things we've been looking at as far as our own rules.  
24 And bear with me here and I'll try to explain this. If  
25 you look at our rules, the first circle is very

1 specific, our charge as elected officials, appointed  
2 officials. What this is getting at is sort of the  
3 second circle, which is a little grayer, does that  
4 extend to immediate family, does that extend to business  
5 interests. Business interests is the only thing that is  
6 sort of spelled out. Now we have to define business  
7 interests. In this case what they seem to be searching  
8 for is, is a fiduciary the same as a business interest  
9 or -- you know, the suggestion I would have is, in  
10 looking at some of the other jurisdictions, they're  
11 pretty clear at just spelling this out. And when we  
12 bring this to you folks, we may have a suggestion that  
13 this sort of second circle includes extended family, you  
14 know, husband, wife, brother, sister, that kind of  
15 thing, business interests as well as fiduciary  
16 interests. Because, technically, if you're a fiduciary  
17 of one or the other, that's a conflict in and of itself.  
18 And I noticed in other jurisdictions that they had  
19 prohibitions against people serving in other areas where  
20 there was that conflict. So they seem to be trying to  
21 search and kind of get around it. And I think there's  
22 ways around it, but, to me, I'm not sure if the rules of  
23 the Ethics Commission actually address any of the  
24 questions they were asking. So we're sort of left with  
25 answering hypotheticals. And I'm not sure if that's a

1 comfortable position to go to.

2 CHAIR LEACH: I think everyone else is on that  
3 same thought.

4 MEMBER WUKELIC: Yeah, I commend him for  
5 bringing it to us. Just bringing us back into the loop  
6 again.

7 MEMBER GUY: Rebecca, thanks for saying that  
8 you work for a nonprofit. Do you have any elected  
9 officials on your Board?

10 MEMBER WOODS: I do. I have Mike Victorino.

11 MEMBER GUY: Okay. Does anybody else work for  
12 a nonprofit?

13 MEMBER DANIELS: I'm actually nonprofit, Child  
14 and Family Service, and we don't. Even statewide, we --  
15 we don't -- we don't ask for elected officials.

16 MEMBER GUY: Why do you have Mike Victorino on  
17 your board?

18 MEMBER WOODS: He was asked to join our board.

19 MEMBER GUY: Uh-huh.

20 MEMBER WOODS: He works with our -- for years,  
21 he's been donating his -- the insurance group has been  
22 -- he works for an insurance group, they donate toys to  
23 our agency every year. So he just became involved with  
24 our agency and has been a part of it for many, many  
25 years.

1 CHAIR LEACH: So that was before he was  
2 elected?

3 MEMBER WOODS: Before he was elected, right.

4 MEMBER WESTFALL: Him specifically, not his  
5 office?

6 MEMBER WOODS: It's the insurance group,  
7 actually.

8 MEMBER WESTFALL: I noticed, in the material,  
9 that some of the organizations have specific bylaws that  
10 say they have to have elected officials. So in your  
11 case, it's not your situation?

12 MEMBER WOODS: No.

13 MEMBER DANIELS: You know, for ours, just  
14 to -- you know, Joe Pontanilla sat on our local advisory  
15 board for years before he got elected. Once he took  
16 office, he did let us know that he felt that -- from a  
17 personal level, he thought it was a conflict because he  
18 did not want the community-at-large or his constituents  
19 to feel that he had a special marking for us versus any  
20 other nonprofit in the same situation. So he actually,  
21 you know, chose to resign, just to not give that  
22 appearance of conflict.

23 MEMBER PURE: Rebecca, has any situation  
24 arisen where Mr. Victorino had a vote on anything  
25 connected to your organization? Is he put in that

1 position at all?

2 MEMBER WOODS: No, he has not. We did have a  
3 situation where we had a hearing, we had a management  
4 audit. And there are some issues that come up, but he  
5 -- he separates himself. And he's made that clear to  
6 us, that he'll separate himself from the -- from our  
7 agency, there is no conflict of interest.

8 MEMBER WUKELIC: Are you funded via the  
9 County?

10 MEMBER WOODS: Of course. We're nonprofit.

11 MEMBER WUKELIC: Okay. So you go up to the  
12 Council for funding?

13 MEMBER WOODS: I go up to the Council and I  
14 give testimonial and -- but as I said, he -- he abstains  
15 from making comment.

16 MEMBER GUY: Because you're in a nonprofit,  
17 what do you expect of your Board Members? Do you expect  
18 a fiduciary responsibility towards your organization?  
19 Do you expect your Board Members to advance your cause?

20 MEMBER WOODS: Yes.

21 MEMBER DANIELS: Yeah.

22 MEMBER GUY: And do you expect them to -- to  
23 assume a fiduciary position?

24 MEMBER WOODS: It all depends. We have a --  
25 we have a finance committee.

1           MEMBER GUY: Well, fiduciary means that they  
2 put the interests of the nonprofit organization before  
3 others.

4           MEMBER WOODS: Yes. Yes.

5           MEMBER GUY: And do you expect that?

6           MEMBER WOODS: I do, although not with Mike  
7 Victorino. I expect him to put the County -- County  
8 first before our agency.

9           MEMBER GUY: No, but ethically.

10          MEMBER WOODS: Ethically.

11          MEMBER GUY: Do we expect board members --

12          MEMBER DANIELS: Yes.

13          MEMBER WOODS: And that's part of the bylaws.

14          MEMBER GUY: Is that they have a fiduciary  
15 responsibility.

16          MEMBER WOODS: Yeah.

17          MEMBER DANIELS: Yes.

18          MEMBER GUY: Do you ever hear nonprofits  
19 wonder, if they had an elected official, might they not  
20 get a little more funding for --

21          MEMBER DANIELS: I'm sure, hypothetical.

22          MEMBER GUY: -- that nonprofit organization?

23          MEMBER WOODS: I would say -- like Sheri says,  
24 hypothetically, yes. But the fact is that when you're  
25 nonprofit, if you have an elected official on your

1 board, that elected official does not have sole say in  
2 -- in -- in certain matters of the agency and the County  
3 Council or the County as a whole. There has to be the  
4 voting process. And that's where the County official --  
5 or serving on the board makes that decision to -- to  
6 either vote or not vote if there's a conflict of  
7 interest.

8 MEMBER WUKELIC: What confuses -- what  
9 confuses me a little about their letter to us is they're  
10 asking, quote, like in the Number 2 there, if they  
11 disclosed information, moved to abstain, the motion  
12 fails, is the member still subject to a complaint for  
13 violation of the Code of Ethics if the member foresees  
14 -- I mean --

15 CHAIR LEACH: That's a clear-cut hypothetical.

16 MEMBER WUKELIC: I mean, it's like isn't  
17 everybody subject to a complaint about everything? And  
18 I think -- is that part of our response to them?

19 MEMBER PURE: Well, we're saying as a Board  
20 that we're more comfortable dealing with an actual  
21 issue, as we did with Councilmember Baisa, rather than  
22 issuing edicts on hypothetical situations that may or  
23 may not come up. And listening to what I'm listening  
24 to, it sounds that way.

25 MEMBER WUKELIC: I just find it odd to come

1 from the County Council.

2 MEMBER GUY: And I wasn't trying to corner  
3 your organization --

4 MEMBER WOODS: Oh, no. No.

5 MEMBER GUY: -- or Mike Molina. I have some  
6 real strong feelings about it that exceed what they're  
7 requesting. And what triggered it was, thank goodness,  
8 Mike Molina is so complete. He sent a copy of the  
9 letter from Patrick Kawano, the late Patrick Kawano.  
10 And on Page 2, Paragraph 1, it says, MEO requests from  
11 Council -- in other words the County Council -- a  
12 designation of five Council Members to serve on its  
13 board. How many Council Members do we have? Nine. So  
14 what does five represent?

15 MEMBER WUKELIC: Quorum.

16 MEMBER GUY: And that's what triggered my  
17 concerns, okay. You don't need those other four members  
18 to vote. If you get five members on your board,  
19 anything you want is yours. And it's not even about  
20 MEO. I mean, it's just that, fortunately, this is not  
21 hypothetical.

22 So I tend to -- I hadn't thought about it in  
23 that direction, but Joe Pontanilla has shown great  
24 wisdom. Because when I serve on a board, my fiduciary  
25 duty, responsibility is to that board. I am to advance

1 the opportunities in any way that's available to me in  
2 my personal circle, whether it's through cash,  
3 connections, lobbying, whatever, talking it up. So is  
4 this a fair thing for them to even serve on the board?  
5 And fair is probably not the words I'm looking for, but  
6 is it wise, especially nowadays with the kind of budget  
7 that we're gonna be facing for the next couple of years,  
8 can you serve -- can you serve --

9 MEMBER WUKELIC: Two masters?

10 MEMBER GUY: Okay. Can you? And the public  
11 perception that, oh, those guys would get. It might be  
12 a very wise decision the way they're allocating their  
13 funds, but when you have three or five people sitting on  
14 one board and they get a chunk of change -- I mean,  
15 later on, they talk about, I forget, two agencies that  
16 got two million dollars. Okay. Whether that was a wise  
17 or unwise decision, I'm not questioning, it's the public  
18 perception. And that's what we deal with as an Ethics  
19 Board is the perception of unethical behavior. So I'm  
20 not sure that he's asking for the answer I'd like to  
21 give him.

22 MEMBER DANIELS: Well, and I think you bring  
23 up a good point. In number one, that's the loophole to  
24 that, right? If I can't serve -- if -- if a Council  
25 Person, or whoever, cannot serve, but what if I

1 designate somebody else? So that -- it's -- it's  
2 parallel. You're just -- you just found the loophole in  
3 you not being on the board. But, you know, your cause  
4 may still be there. So --

5 MEMBER GUY: Well, a designee, because I've  
6 served on boards, like the Chamber of Commerce --

7 MEMBER DANIELS: Uh-huh.

8 MEMBER GUY: If Chubby Vicens couldn't show  
9 up, he could send somebody. But whose seat was it?

10 MEMBER DANIELS: Right.

11 MEMBER GUY: It was Chubby's seat, okay. So a  
12 designee to me does not get around the issue. It just  
13 sort of --

14 CHAIR LEACH: Uh-huh.

15 MEMBER GUY: -- clouds it. Oh, I can only  
16 wait until Mr. Molina sees these comments.

17 MEMBER WESTFALL: Maybe Corporation Counsel  
18 can help me on a question here.

19 MR. SLOPER: Okay.

20 MEMBER WESTFALL: You know, it's clear in our  
21 rules that you can't be a fiduciary, in my mind.  
22 Fiduciary is a conflict. The Advisory Opinion that the  
23 Ethics Commission wrote, they extended that to,  
24 basically, any position, honorary or otherwise, with the  
25 nonprofit.

1 I'm putting you on the spot, you probably  
2 don't know this, but I'm just wondering where they got  
3 that from. They took an all-encompassing, you can't  
4 have anything to do with the nonprofit.

5 MEMBER WUKELIC: Mike, where are you looking?

6 MEMBER WESTFALL: Page 3 of the opinion, in  
7 the middle, it basically says that you can't -- you --  
8 you can't serve on the board --

9 MEMBER WUKELIC: Okay.

10 MEMBER WESTFALL: -- executive committee or  
11 even both honorary or ex-official member, if you're on  
12 the Council. So I'm just wondering where -- they sort  
13 of extended it.

14 MR. SLOPER: Okay. And I noticed that when I  
15 read it as well. And I don't know where they got the  
16 authority for that, but -- and that's something that you  
17 can -- you know, these are not set in stone, these  
18 advisories.

19 MEMBER WESTFALL: Right.

20 MS. SLOPER: If you as a Board determine that  
21 you shouldn't go that far, you can revise basically in  
22 your response to Mr. Molina.

23 MEMBER WESTFALL: I guess the second question  
24 I also have, which is maybe more my own personal, is the  
25 Council rules, they prohibit a vote, but they allow

1 continuing participation.

2 MS. SLOPER: In the discussion.

3 MEMBER WESTFALL: Yeah, that's by their rules.  
4 But my own experience with that, that doesn't work. I  
5 mean, the individual can still dominate the  
6 conversation, steer the conversation. So --

7 MEMBER GUY: I'm council chair, let's say, and  
8 I have a liking to your organization. Gee, do you guys  
9 wanna get on the agenda? Are you going to please me and  
10 work with me on this funding appropriation? I mean, or  
11 whatever, you know. I might not even need a position; I  
12 may just have that kind of personal magnetism where  
13 everybody wants to be on board. So --

14 MEMBER WUKELIC: I agree that's a valid  
15 concern, but we also have to weigh it against the  
16 probability of more often than not that's not the  
17 situation. It's just people living on a small island  
18 doing double roles. You're looking all suspicious at me  
19 like, "I don't know about that." I'm just saying in the  
20 bigger picture, I think we need to weigh the two, small  
21 island against taking a count.

22 MEMBER GUY: I know, but nine council --

23 MEMBER WUKELIC: I know. But, also, when we  
24 really -- really go for disclosure and transparency, the  
25 people on our island tend to know like what is going on,

1 if they pay attention. I'm really -- I'm in favor of  
2 full disclosure. And if we've got that right there up  
3 in front, then I can like relax a little bit and say,  
4 okay, we've got it out there. I'm not saying it's an  
5 absolute, I'm just saying, you know, for every --

6 MEMBER GUY: No, no. I'm contemplating.

7 MEMBER WUKELIC: -- questionable thing there's  
8 just people going about their life.

9 CHAIR LEACH: Any more discussion?

10 MEMBER WESTFALL: I guess my only -- how to  
11 say it. One of the issues here -- this is the rules  
12 they're trying to write for themselves, which doesn't  
13 necessarily mean it fits some of the things we're doing.  
14 They could clearly -- and I guess I'm just speaking --  
15 they could clearly -- the Council Member could clearly  
16 include himself from voting and participating, but turn  
17 around -- and I've seen this done -- they turn around  
18 and now they're gonna act as an individual, as part of  
19 the public, and they can come and testify, as well as  
20 the Council can arrange their meeting however they want.  
21 That's within their rules. If they want this Council  
22 Member, because he's an expert on that, to sit on a  
23 panel and discuss this, they can do that, too. It  
24 clearly delineates the role.

25 Now, you're right, I may be in the real word,

1 creating more work that needs to be done, but I think I  
2 -- I always want to remind myself here that this is  
3 their rules that they're trying to -- to sort of juggle.  
4 And, you know, in my mind right now, we don't have a --  
5 we don't have anything that says, if you're a fiduciary,  
6 you're prohibited from doing anything. So in my mind,  
7 all we're looking at is the description that -- I think  
8 it's 10(c)(3) which says you can't have a conflicting  
9 business interest. And if we want to extend that out to  
10 say it's a fiduciary, okay, then all this gets in there.  
11 If we don't, then we really are kind of silent at this  
12 point and the opinion that was written sort of stands in  
13 my mind at this point. So my --

14 CHAIR LEACH: Is it okay with the Board -- I  
15 want to move forward to an action item on this agenda  
16 item -- that we draft a letter, not an Advisory Opinion,  
17 just a courtesy type letter -- I'm thinking out loud --  
18 referencing the Mateo correspondence and, also, that  
19 this is "a hypothetical" and, you know, go from there?

20 MEMBER WUKELIC: What does "go from there"  
21 mean?

22 CHAIR LEACH: We'll look at the letter at our  
23 next meeting to make sure it's what we really want to  
24 say.

25 MEMBER WUKELIC: I -- I tend to get a little

1 off the wall, so pat me on the head if need be, but I  
2 wouldn't mind adding something like referencing the  
3 Kawano letter and saying, you know, guys, it -- there is  
4 not a hard fast rule, but a really good idea to like  
5 keep it separate. I don't know if that's cool for us to  
6 write. Obviously, it would be better if (inaudible)  
7 believes in that. But I wouldn't mind putting that in  
8 there because it's like what's right legally and then  
9 what's right in the spirit of the law, you know, the  
10 spirit. Just my two cents worth.

11 MEMBER GUY: Because it sounds like they know  
12 what the right answer is. They just want --

13 MEMBER DANIELS: Well, I think, also, you  
14 know, it's -- they could have their own rules, but if a  
15 nonprofit says, in their bylaws, we need this, they're  
16 gonna -- you know, they're gonna be approached to ask,  
17 you know. And I think that's the other piece, too.

18 CHAIR LEACH: Uh-huh.

19 MEMBER WOODS: I would like to just add,  
20 Sheri, as a nonprofit, not our bylaws, but there are  
21 agencies that do require a Council Member to be on their  
22 board.

23 MEMBER WUKELIC: Why?

24 MEMBER WOODS: I don't know why. It's not  
25 required of ours. But as I said, Mike's been with our

1 agency for a long, long time and he does let us know at  
2 board meetings that -- I mean, he advocates for the  
3 County. It's not like he's advocating, I think, more on  
4 our behalf. He's not. And so I really believe for me,  
5 personally, I believe and trust that Mike does the right  
6 thing, you know, as far as --

7 MEMBER WUKELIC: Nothing personal.

8 MEMBER WOODS: No. No, I believe it's not  
9 personal. But I just have to say that because,  
10 hopefully, Council Members who are on boards have the  
11 integrity to separate themselves.

12 MEMBER GUY: Well, it begs the question. You  
13 indicated that your particular elected official came on  
14 board before they were elected. What this is dealing  
15 with is people who are being solicited because they are  
16 on the Council. That's the different issue.

17 MEMBER WOOD: I want to clarify. He didn't  
18 come on before he's been elected. He's been involved  
19 with our agency before he was elected; he came on board  
20 after he was elected.

21 CHAIR LEACH: He was elected to the board  
22 after he was elected?

23 MEMBER WOODS: That's right.

24 CHAIR LEACH: So that's clear.

25 MR. SLOPER: Just for your information as

1 well, Kirstin Hammon is here. She's Committee staff for  
2 Committee of the Whole. So if you have questions for  
3 her, she's available as well.

4 MEMBER WUKELIC: I think -- I think the thing  
5 of these -- the nonprofits requiring board members, that  
6 I have to take with a grain of salt.

7 MEMBER GUY: Yeah, that's a good one.

8 MEMBER WUKELIC: And that's also not our  
9 kuleana, it's not the Council's kuleana.

10 MEMBER GUY: Yeah. Five members of a  
11 nine-member board.

12 CHAIR LEACH: Is everyone okay with where we  
13 are on the letter? Okay. Thank you for working through  
14 that.

15 MEMBER WUKELIC: And I do commend them for  
16 bringing it to us.

17 MEMBER GUY: Yeah, we appreciate it. And for  
18 being so thorough. I like the way he presented it.  
19 Because that's what triggered all of the discussion.

20 And, Marti, I wasn't giving you thoughts. I  
21 was thinking, oh, new thought.

22 CHAIR LEACH: The next agenda item under  
23 communication is a letter from Richard Botti, President,  
24 Hawaii Food Industry Association, with a new address for  
25 registered lobbyists Richard Botti and Lauren Zirbel.

1 We'll make a note that we have received that.

2 Next item, Lobbyist Registration for Nathan  
3 Okubo. We'll acknowledge that we've received that  
4 registration.

5 The next item is an announcement, after a lot  
6 of hard work with this Board, the distribution of the  
7 2010 new Financial Disclosure Statement form and  
8 instructions.

9 MEMBER GUY: Thank you. Thank for all your  
10 hard work, Bob.

11 MEMBER PURE: The quickest form I've ever  
12 filled out.

13 CHAIR LEACH: Next item, 8, our next meeting  
14 will be February 3rd. The Chair will not be there and,  
15 graciously, Nane's accepted to Chair the meeting next  
16 week. Thank you, Nane.

17 MEMBER WUKELIC: Next week?

18 CHAIR LEACH: I mean next month.

19 MEMBER WUKELIC: Next month --

20 CHAIR LEACH: This is the end of our Regular  
21 Session. And we're going to -- someone want to read --

22 MEMBER WOODS: -- I can read it. Executive  
23 Session: With reference to the agenda items listed  
24 below, one or more executive meetings are anticipated.  
25 In particular, the Board of Ethics anticipates it will

1 consider the evaluation, dismissal or disciplining of an  
2 officer or employee of the County of Maui, where  
3 considerations of matters affecting privacy will be  
4 involved. The Board may also consult with the Board's  
5 attorney on questions and issues pertaining to the  
6 Board's powers, duties, privileges, immunities and  
7 liabilities. Therefore, pursuant to Hawaii Revised  
8 Statutes, HRS, Sections 92-5(a)(2) and (4), the  
9 following items may be considered in Executive Session.  
10 The Board may also convene in Adjudicatory Session  
11 pursuant to HRS Section 92-6. Call to order.

12 (Recess to Executive Session, 1:04 p.m. to  
13 1:23 p.m.)

14 CHAIR LEACH: We have now adjourned Executive  
15 Session and are now back in Regular Session. Is there a  
16 motion to adjourn?

17 MEMBER GUY: Move to adjourn.

18 MEMBER PURE: I'll second it.

19 CHAIR LEACH: All in favor.

20 (A chorus of ayes.)

21 CHAIR LEACH: Meeting adjourned.

22 ... (gavel) ...

23 (Meeting adjourned at 1:24 p.m.)

24  
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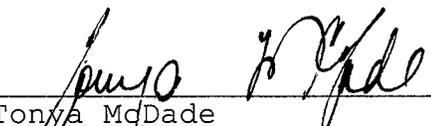
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I, TONYA MCDADE, Certified Court Reporter of the State of Hawaii, #447, Registered Professional Reporter, Certified Realtime Reporter, Certified Broadcast Captioner, do hereby certify that the proceedings contained herein were taken by me in machine shorthand and thereafter was reduced to print by means of computer-aided transcription; and 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 not an attorney for any of the parties hereto, nor in any way concerned with the cause.

DATED this 27th day of January, 2010.

  
\_\_\_\_\_  
Tonya McDade  
Certified Shorthand Reporter #447  
Registered Professional Reporter  
Certified Realtime Reporter  
Certified Broadcast Reporter