

COUNTY OF MAUI, STATE OF HAWAII

BOARD OF ETHICS

REGULAR MEETING

Held at the Planning Department Conference Room,
250 South High Street, Wailuku, Maui, Hawaii, commencing
at 12:30 p.m., on Wednesday, January 12, 2011.

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

Page 2

1 ATTENDANCE
 2 BOARD MEMBERS PRESENT:
 Nanc W. Aluli, Chair
 3 Michael Westfall, Vice-Chair
 Jocelyn A. Bouchard, Secretary
 4 C. Gretchen Guy, Member
 Frank Moe, Member
 5 Donald Sheridan, Member
 6 STAFF PRESENT:
 Gary Y. Murai, Deputy Corporation Counsel
 7 Angela Andrade, Executive Secretary
 Lisa Kahuhu, Secretary
 8
 9 ALSO PRESENT:
 Kimberly A.B. Sloper, Deputy Corporation Counsel
 Jeffrey A. Murray, Chief, Department of Fire & Public
 10 Safety
 Robert M. Shimada, Deputy Fire Chief, Department of
 11 Fire & Public Safety
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

Page 4

1 CHAIR ALULI: Angela, what is your last name?
 2 MS. ANDRADE: Andrade.
 3 CHAIR ALULI: Good Portuguese name. Angela is
 4 our new Executive Secretary, just for all of our
 5 information. Welcome on board.
 6 MS. ANDRADE: Thank you.
 7 CHAIR ALULI: And, Lisa, nice to see you here,
 8 too. Thank you.
 9 MS. KAHUHU: Thank you.
 10 CHAIR ALULI: On to Old Business. Financial
 11 disclosures, there aren't any.
 12 Communication Items, there aren't any.
 13 Financial Disclosures. We've got two
 14 financial disclosures. Are there any questions about
 15 the financial disclosures? No?
 16 (Silence.)
 17 CHAIR ALULI: Okay. Can I get a motion for
 18 acceptance --
 19 MEMBER SHERIDAN: I so move --
 20 CHAIR ALULI: -- or acknowledgment?
 21 MEMBER SHERIDAN: I move that we accept the --
 22 CHAIR ALULI: I don't think --
 23 MEMBER BOUCHARD: I can do that.
 24 MEMBER SHERIDAN: Go ahead.
 25 MEMBER BOUCHARD: I move that we acknowledge

Page 3

1 (Wednesday, January 12, 2011, 12:30 p.m.)
 2 * * *
 3 CHAIR ALULI: I'd like to call the Maui County
 4 Board of Ethics meeting for Wednesday, January 12th,
 5 2011 to order, please. Present are Chair Nanc Aluli;
 6 Vice-Chair Michael Westfall; Secretary Jocelyn Bouchard;
 7 C. Gretchen Guy; Frank Moe; and Don Sheridan. We've
 8 been advised that the only person that has asked to be
 9 excused is Sheri-Ann Daniels. We expect the other Board
 10 Members will be in attendance shortly.
 11 The minutes from the December 8th, 2010
 12 meeting are included. Has the Board had the
 13 opportunity -- Board Members had the opportunity to
 14 review them? And are there any changes or corrections
 15 that they would like to make?
 16 (Silence.)
 17 CHAIR ALULI: Okay. Then they can be
 18 submitted at this point.
 19 Is there any public testimony in Regular
 20 Session at this point? No, there isn't any?
 21 MS. KAHUHU: No public testimony.
 22 CHAIR ALULI: Thank you. Okay. Before I go
 23 further, excuse me, I better introduce -- we've got a
 24 new -- sorry, Lisa and Adrienne.
 25 MS. ANDRADE: Angela.

Page 5

1 receipt of the financial disclosures for Agsalag and
 2 Kuwada.
 3 CHAIR ALULI: Do I have a second?
 4 MEMBER GUY: Second.
 5 CHAIR ALULI: All in favor?
 6 (A chorus of ayes.)
 7 CHAIR ALULI: Anybody opposed?
 8 (Silence.)
 9 CHAIR ALULI: Okay, it's been approved. And
 10 we move on to Communication Items, under New Business,
 11 there aren't any.
 12 Lobbyist Registration, there aren't any.
 13 Announcements. Included in our packet is the
 14 final calendar of our meetings for 2011. Everybody has
 15 a copy of that? Just keep that with you for future
 16 reference.
 17 On to -- let's see -- Item Number 8, Schedule.
 18 Our next meeting is going to be on Wednesday, February
 19 9th. Okay? Any questions about that?
 20 VICE-CHAIR WESTFALL: Mr. Chairman, quick
 21 question. I did see some communication as to adding on
 22 the agenda today just an announcement on our rules
 23 subcommittee. I guess it didn't get on there. So I
 24 don't know if I can make any statement.
 25 CHAIR ALULI: I had called Angela and asked

Page 6

1 about that. Unfortunately, they weren't able to get on
 2 our agenda for this meeting. So I've asked her to make
 3 sure, for next month's meeting, that it is included.
 4 VICE-CHAIR WESTFALL: Okay.
 5 CHAIR ALULI: Because we do need to move
 6 forward on that.
 7 MEMBER GUY: Is it possible to just have it as
 8 standard, and then if we have no report, we can say as
 9 such?
 10 CHAIR ALULI: I think we have to agendize it.
 11 MEMBER GUY: Yes.
 12 CHAIR ALULI: At every -- before every
 13 meeting. We can advise that we would like to do that
 14 until we've resolved it. I don't think that would be a
 15 problem. Would it?
 16 MEMBER GUY: In other words, a standard agenda
 17 item.
 18 MS. ANDRADE: As a standard, okay.
 19 CHAIR ALULI: Why don't we make that a
 20 standard agenda item?
 21 MS. KAHUHU: Chair, how would you like it? Is
 22 it just review of the --
 23 CHAIR ALULI: Ongoing review of the
 24 subcommittee's -- well --
 25 MS. KAHUHU: Rule Subcommittee.

Page 7

1 CHAIR ALULI: Yes.
 2 VICE-CHAIR WESTFALL: To get clever here and
 3 bring it up under Final 2011 meeting calendar, and say
 4 that as far as calendaring it, we would like to calendar
 5 subcommittee meetings in addition to these regular
 6 meetings.
 7 CHAIR ALULI: I don't see that as being a
 8 problem.
 9 VICE-CHAIR WESTFALL: That was my question.
 10 CHAIR ALULI: Oh, I see.
 11 MR. MURAI: Unfortunately -- well, what I'm
 12 not sure about.
 13 VICE-CHAIR WESTFALL: I'm getting too clever.
 14 Let's just move on.
 15 CHAIR ALULI: Yeah.
 16 VICE-CHAIR WESTFALL: It's not that important.
 17 CHAIR ALULI: I think the issue we want to
 18 address is that it is an agendized item going forward
 19 until we have gotten through the whole process.
 20 MS. ANDRADE: Okay.
 21 CHAIR ALULI: That's the best thing to do.
 22 VICE-CHAIR WESTFALL: Yes.
 23 CHAIR ALULI: Okay, good. All right. So can
 24 I get a motion to move us out of Regular Session and
 25 into Executive Session? Hello?

Page 8

1 MEMBER BOUCHARD: Well, I guess that would be
 2 me. With reference to the agenda items listed below,
 3 one or more --
 4 CHAIR ALULI: We have to make a motion to move
 5 out of --
 6 MEMBER BOUCHARD: Oh, I'm --
 7 CHAIR ALULI: Out of Regular Session, first.
 8 MEMBER BOUCHARD: So I make the motion to move
 9 out of regular into Executive Session, then. Isn't that
 10 when I read?
 11 CHAIR ALULI: Yes.
 12 MEMBER BOUCHARD: With reference to the agenda
 13 items listed below, one or more executive meetings are
 14 anticipated. In particular, the Board of Ethics
 15 anticipates it will consider the evaluation, dismissal
 16 or disciplining of an officer or employee of the County
 17 of Maui, where considerations of matters affecting
 18 privacy will be involved. The Board may also consult
 19 with the Board's attorney on questions and issues
 20 pertaining to the Board's powers, duties, privileges,
 21 immunities and liabilities. Therefore, pursuant to
 22 Hawaii Revised Statutes Sections 92-5(a)(2) and (4), the
 23 following items may be considered in Executive Session.
 24 The Board may also convene in adjudicatory session
 25 pursuant to HRS Section 92-6.

Page 9

1 CHAIR ALULI: Thank you, Member Bouchard.
 2 (Regular Session recessed to Executive
 3 Session, 12:38 p.m. to 1:12 p.m.)
 4 CHAIR ALULI: Our next scheduled meeting is
 5 February 9th, 2011.
 6 Meeting adjourned. Thank you very much.
 7 (Meeting adjourned at 1:12 p.m.)
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

CERTIFICATE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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 nor an employee of any of the parties hereto, nor in any way concerned with the cause.

DATED this 28th day of January, 2011.

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

| | | | | |
|---|--|--|--|--|
| <p>A</p> <p>ability 10:11 able 6:1 accept 4:21 acceptance 4:18 accurate 10:12 acknowledge 4:25 acknowledgment 4:20 adding 5:21 addition 7:5 address 7:18 adjourned 9:6,7 adjudicatory 8:24 Adrienne 3:24 advise 6:13 advised 3:8 agenda 5:22 6:2,16 6:20 8:2,12 agendize 6:10 agendized 7:18 Agsalog 5:1 ahead 4:24 Aluli 2:2 3:3,5,17 3:22 4:1,3,7,10,17 4:20,22 5:3,5,7,9 5:25 6:5,10,12,19 6:23 7:1,7,10,15 7:17,21,23 8:4,7 8:11 9:1,4 Andrade 2:7 3:25 4:2,2,6 6:18 7:20 Angela 2:7 3:25 4:1 4:3 5:25 announcement 5:22 Announcements 5:13 anticipated 8:14 anticipates 8:15 Anybody 5:7 approved 5:9 asked 3:8 5:25 6:2 attendance 2:1 3:10 attorney 8:19 10:14</p> | <p>ayes 5:6 A.B 2:9</p> <p>B</p> <p>best 7:21 10:11 better 3:23 board 1:7 2:2 3:4,9 3:12,13 4:5 8:14 8:18,24 Board's 8:19,20 Bouchard 2:3 3:6 4:23,25 8:1,6,8,12 9:1 bring 7:3 Broadcast 1:22 10:7,22 Business 4:10 5:10</p> <p>C</p> <p>C 2:4 3:7 calendar 5:14 7:3,4 calendaring 7:4 call 3:3 called 5:25 Captioner 1:22 10:7 cause 10:16 CERTIFICATE 10:1 Certified 1:20,21 1:22 10:4,6,6,21 10:22,22 certify 10:7,14 Chair 2:2 3:3,5,17 3:22 4:1,3,7,10,17 4:20,22 5:3,5,7,9 5:25 6:5,10,12,19 6:21,23 7:1,7,10 7:15,17,21,23 8:4 8:7,11 9:1,4 Chairman 5:20 changes 3:14 Chief 2:9,10 chorus 5:6 clever 7:2,13 commencing 1:15 communication</p> | <p>4:12 5:10,21 computer-aided 10:10 concerned 10:16 Conference 1:14 consider 8:15 considerations 8:17 considered 8:23 consult 8:18 contained 10:8 convene 8:24 copy 5:15 Corporation 2:6,9 corrections 3:14 Counsel 2:6,9 County 1:2 3:3 8:16 Court 10:4</p> <p>D</p> <p>Daniels 3:9 DATED 10:17 day 10:17 December 3:11 Department 1:14 2:9,10 Deputy 2:6,9,10 disciplining 8:16 disclosures 4:11,13 4:14,15 5:1 dismissal 8:15 Don 3:7 Donald 2:5 duties 8:20</p> <p>E</p> <p>employee 8:16 10:15 Ethics 1:7 3:4 8:14 evaluation 8:15 Everybody 5:14 excuse 3:23 excused 3:9 executive 2:7 4:4 7:25 8:9,13,23 9:2 expect 3:9</p> | <p>F</p> <p>far 7:4 favor 5:5 February 5:18 9:5 final 5:14 7:3 financial 4:10,13 4:14,15 5:1 Fire 2:9,10,11 first 8:7 following 8:23 foregoing 10:10,13 forward 6:6 7:18 Frank 2:4 3:7 further 3:23 10:14 future 5:15</p> <p>G</p> <p>Gary 2:6 getting 7:13 go 3:22 4:24 going 5:18 7:18 good 4:3 7:23 gotten 7:19 Gretchen 2:4 3:7 guess 5:23 8:1 Guy 2:4 3:7 5:4 6:7 6:11,16</p> <p>H</p> <p>Hawaii 1:2,15,20 8:22 10:5 Held 1:14 Hello 7:25 hereto 10:15 High 1:15 HRS 8:25</p> <p>I</p> <p>immunities 8:21 important 7:16 included 3:12 5:13 6:3 information 4:5 introduce 3:23 involved 8:18 issue 7:17 issues 8:19</p> | <p>item 5:17 6:17,20 7:18 items 4:12 5:10 8:2 8:13,23</p> <p>J</p> <p>January 1:16 3:1,4 10:17 Jeffrey 2:9 Jocelyn 2:3 3:6</p> <p>K</p> <p>Kahuhu 2:7 3:21 4:9 6:21,25 keep 5:15 Kimberly 2:9 know 5:24 Kuwada 5:2</p> <p>L</p> <p>let's 5:17 7:14 liabilities 8:21 Lisa 2:7 3:24 4:7 listed 8:2,13 Lobbyist 5:12</p> <p>M</p> <p>M 2:10 machine 10:8 matter 10:13 matters 8:17 Maui 1:2,15 3:3 8:17 McDade 1:20 10:4 10:20 means 10:9 meeting 1:8 3:4,12 5:18 6:2,3,13 7:3 9:4,6,7 meetings 5:14 7:5,6 8:13 Member 2:4,4,5 4:19,21,23,24,25 5:4 6:7,11,16 8:1 8:6,8,12 9:1 Members 2:2 3:10 3:13</p> |
|---|--|--|--|--|

| | | | | |
|---|---|---|--|---|
| Michael 2:3 3:6 minutes 3:11 Moe 2:4 3:7 month's 6:3 motion 4:17 7:24 8:4,8 move 4:19,21,25 5:10 6:5 7:14,24 8:4,8 Murai 2:6 7:11 Murray 2:9 | privacy 8:18 privileges 8:20 problem 6:15 7:8 proceedings 10:8 10:12 process 7:19 Professional 1:21 10:5,21 public 2:9,11 3:19 3:21 pursuant 8:21,25 p.m 1:16 3:1 9:3,3 9:7 | rules 5:22 | thing 7:21 think 4:22 6:10,14 7:17 today 5:22 Tonya 1:20 10:4,20 transcript 10:12 transcription 10:10 true 10:11 two 4:13 | 2 2010 3:11 2011 1:16 3:1,5 5:14 7:3 9:5 10:17 250 1:15 28th 10:17 |
| N | Q | S | U | 4 |
| name 4:1,3 Nane 2:2 3:5 need 6:5 new 3:24 4:4 5:10 nice 4:7 Number 5:17 | question 5:21 7:9 questions 4:14 5:19 8:19 quick 5:20 | session 3:20 7:24 7:25 8:7,9,23,24 9:2,3 Sheridan 2:5 3:7 4:19,21,24 Sheri-Ann 3:9 Shimada 2:10 shorthand 1:20 10:9,21 shortly 3:10 Silence 3:16 4:16 5:8 Sloper 2:9 sorry 3:24 South 1:15 STAFF 2:6 standard 6:8,16,18 6:20 State 1:2 10:5 statement 5:24 Statutes 8:22 Street 1:15 subcommittee 5:23 6:25 7:5 subcommittee's 6:24 submitted 3:18 sure 6:3 7:12 | Unfortunately 6:1 7:11 | 4 8:22 |
| O | R | T | V | 8 |
| officer 8:16 Oh 7:10 8:6 okay 3:17,22 4:17 5:9,19 6:4,18 7:20 7:23 Old 4:10 Ongoing 6:23 opportunity 3:13 3:13 opposed 5:7 order 3:5 | read 8:10 Realtime 1:21 10:6 10:22 receipt 5:1 recessed 9:2 reduced 10:9 reference 5:16 8:2 8:12 Registered 1:21 10:5,21 Registration 5:12 regular 1:8 3:19 7:5,24 8:7,9 9:2 report 6:8 Reported 1:20 Reporter 1:20,21 1:21 10:4,6,6,21 10:21,22,22 represents 10:11 resolved 6:14 review 3:14 6:22,23 Revised 8:22 right 7:23 Robert 2:10 Room 1:14 Rule 6:25 | taken 10:8 testimony 3:19,21 Thank 3:22 4:6,8,9 9:1,6 | Vice-Chair 2:3 3:6 5:20 6:4 7:2,9,13 7:16,22 | 8 5:17 8th 3:11 |
| P | | | W | 9 |
| packet 5:13 particular 8:14 parties 10:15 person 3:8 pertaining 8:20 Planning 1:14 please 3:5 point 3:18,20 Portuguese 4:3 possible 6:7 powers 8:20 Present 2:2,6,8 3:5 print 10:9 | | | W 2:2 Wailuku 1:15 want 7:17 way 10:16 Wednesday 1:16 3:1,4 5:18 Welcome 4:5 weren't 6:1 Westfall 2:3 3:6 5:20 6:4 7:2,9,13 7:16,22 we've 3:7,23 4:13 6:14 words 6:16 | 9th 5:19 9:5 92-5(a)(2) 8:22 92-6 8:25 |
| | | | Y | |
| | | | Y 2:6 Yeah 7:15 | |
| | | | # | |
| | | | #447 1:20 10:5,21 | |
| | | | 1 | |
| | | | 1:12 9:3,7 12 1:16 3:1 12th 3:4 12:30 1:16 3:1 12:38 9:3 | |