

BOARD OF ETHICS  
COUNTY OF MAUI  
STATE OF HAWAII

REGULAR MEETING

Held at the Planning Department Conference Room, Kalana  
Pakui Building, 250 South High Street, Wailuku, Maui,  
Hawaii, commencing at 12:30 p.m., Wednesday, February 9,  
2011.

REPORTED BY: Rachelle Primeaux CSR No. 370

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1                   A P P E A R A N C E S  
 2  
 3 CHAIRMAN:  
 4     NANE W. ALULI  
 5  
 6 COMMISSIONERS:  
 7  
 8     MICHAEL WESTFALL, VICE-CHAIR  
 9     JOCELYN A. BOUCHARD, SECRETARY  
 10    SHERI-ANN DANIELS  
 11    DONALD SHERIDAN  
 12    MARTI WUKELIC  
 13    FRANK MOE  
 14    C. GRETCHEN GUY  
 15  
 16 CORPORATION COUNSEL:  
 17  
 18     GARY MURAI  
 19     JOHN D. KIM  
 20  
 21  
 22  
 23  
 24  
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1                   MAUI COUNTY BOARD OF ETHICS  
 2                   TRANSCRIPT OF PROCEEDINGS  
 3                   \* \* \*  
 4                   CHAIR ALULI: Okay. By the clock on the wall,  
 5 it's 12:30, and I would like to call the Maui County Board  
 6 of Ethics meeting for Wednesday, February 9th, 2011 to  
 7 order. Present this afternoon are Chair Nane Aluli,  
 8 Vice-Chair Michael Westfall, Secretary Jocelyn Bouchard,  
 9 Sheri-Ann Daniels, Board Member; Frank Moe, Board Member;  
 10 Donald Sheridan, Board Member. There have been no excuses  
 11 at this point, so I suspect the remaining three board  
 12 members will show up shortly.  
 13                   The minutes of January 12, 2011, all board members  
 14 have had the opportunity to review those. Are there any  
 15 changes or corrections to be made? Minutes can be  
 16 submitted. Item Number 4, public testimony. Angela, is  
 17 there public testimony today?  
 18                   BOARD SECRETARY: Yes, Chair, there are. There  
 19 are two members testifying today. Number one is Kai Nishiki  
 20 testifying on behalf of Executive Session Item 4(e),  
 21 Complaint Number 11-1. And Jeff -- sorry, Buck Joiner, Item  
 22 Number 4(f) in the Executive Session Complaint Number 11-2.  
 23                   CHAIR ALULI: I would just like to ask the  
 24 testifiers if they would keep their testimonies to three  
 25 minutes, please. I would appreciate that. We have a long

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1 agenda today. So, I would like to have Ms. Nishiki if she  
 2 would step up to the podium as our first testifier. And  
 3 state your name, please, and what you're testifying on.  
 4 Thank you.  
 5                   MS. NISHIKI: Good morning, or good afternoon,  
 6 Chair and Members. Kai Nishiki testifying on 11-2 and Item  
 7 7(a). Because of the sensitivity of this issue, I would  
 8 like to request members of the Board of Ethics disclose any  
 9 conflict of interest regarding this matter. I will disclose  
 10 that the Vice-Chair, I believe, Michael Westfall and I may  
 11 serve on the Paia Relief Route Advisory Group together.  
 12                   And although we have very little contact at the  
 13 meetings, and none to my knowledge outside of that, I just  
 14 want to disclose that. With all due respect, I ask that the  
 15 current Chair of the Board of Ethics, Nane Aluli, disclose  
 16 that he and Mike White are long-time directors of the Maui  
 17 Hotel and Lodging Association, which may create an  
 18 appearance of impropriety. I reference rules of the Maui  
 19 County Board of Ethics 04-101-10 and ask that he consider  
 20 disqualifying himself from participating in discussion and  
 21 voting on the matter.  
 22                   At the -- I'll now speak to Complaint 11-2 and  
 23 Item 7(a). At the January 21st County Council meeting, I  
 24 brought up a conflict of interest issue regarding the  
 25 resolution authored by Mike White urging the Mayor to give

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1 more money from our current budget to the Maui Visitors  
 2 Bureau. Mike White was unresponsive to my request, and his  
 3 resolution was referred to his own Economic Development,  
 4 Agriculture and Recreation Committee and put on the February  
 5 3rd agenda.  
 6                   At that meeting, after a lengthy presentation from  
 7 MVB, the Council Members questioned him about various  
 8 aspects of their funding. I have attached my transcript --  
 9 oh, I'm sorry, I have testimony for the members. I have  
 10 attached my transcript, which I wrote out while watching a  
 11 taped version of the meeting. I did this because the  
 12 official transcripts won't be available for weeks, but I  
 13 urge you to watch the video and listen to what is being  
 14 said. Mike White, a Council Member and Chair of the EDR  
 15 Committee is plainly, I quote, representing or appearing on  
 16 behalf of private interests before a County agency as well  
 17 as establishing financial interest in clear violation of the  
 18 Code of Ethics Section 10-4(1)(e) and (4).  
 19                   This is further evidenced in my formal complaint.  
 20 If Mike White is going to keep his job as a general manager  
 21 of the Kaanapali Beach Hotel, continue to serve as the  
 22 director of the Maui Hotel and Lodging Association, Hawaii  
 23 Hotel and Lodging Association, remain a member of the Hawaii  
 24 Tourism Authority and the Maui Visitors Bureau while serving  
 25 as a Maui County Council Member, there needs to be clarity

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1 as to which hat he is wearing when he is working at the  
 2 Council.  
 3 Writing resolutions for the Maui Visitors Bureau  
 4 and speaking on behalf of his hotel's financial gain through  
 5 partnership with MVB while you are chairing a committee  
 6 certainly doesn't show a clear distinction. If this Board  
 7 chooses to schedule a hearing of my complaint and taking  
 8 into consideration the expiring terms of some of the Board  
 9 of Ethics members, I hope that you will advise Mr. White to  
 10 refrain from interviewing potential appointees to the Board  
 11 of Ethics and recuse himself from voting on any Board of  
 12 Ethics nomination confirmations, until the Board has made  
 13 its final determination.  
 14 And I would further request that possibly the  
 15 County Council should not be acting on any resolution until  
 16 after the Board has made its decision. Thank you.  
 17 CHAIR ALULI: Thank you, Ms. Nishiki.  
 18 MS. NISHIKI: And I will give the secretary copies  
 19 of my testimony as well as some other information and my  
 20 personal copy of the meeting. Thank you.  
 21 CHAIR ALULI: Thank you, Ms. Nishiki.  
 22 Our next testifier?  
 23 BOARD SECRETARY: Buck Joiner.  
 24 CHAIR ALULI: Thank you, Mr. Joiner.  
 25 MR. JOINER: Good morning. Thank you for serving

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1 on the Board of Ethics Committee. I'm Buck Joiner. I know  
 2 two people on this Board in passing, but I have no  
 3 particular friendship, political, employment or financial  
 4 relationship with anybody on this Board. I'll give a very  
 5 brief description of myself and then go on.  
 6 I have only two pages and four exhibits. I'm a  
 7 28-year resident and an activist in many areas of Maui  
 8 society. I have over 50 years of experience on NGO County  
 9 and State boards, commissions and committees including Maui  
 10 County Traffic Safety Committee, which I was Chairman, Maui  
 11 County Grants Review Committee and the Maui County Cost  
 12 Development Commission. I have had hundreds of Letters to  
 13 the Editor in the Maui News and other island newspapers and  
 14 have testified before the Council over the past 28 years on  
 15 enumerable issues.  
 16 In all this time, I have seen corruption in Maui  
 17 County Government, but I have never filed a complaint with  
 18 the Board of Ethics until this issue arose. I have no  
 19 personal, financial, employment or political relationship  
 20 with Mike White or anybody else in this issue. It is purely  
 21 a matter of ethics. I believe Mike White is a very  
 22 excellent general manager of the Kaanapali Beach Hotel. I  
 23 believe the Kaanapali Beach Hotel is a fine establishment,  
 24 and I recommend it to people wishing to stay on the west  
 25 side.

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1 Mike White and his hotel are generous donors to  
 2 one of my favorite charities, and I'm deeply appreciative to  
 3 that contribution. I repeat, I have no personal, financial,  
 4 employment or political relationship with Mike White or  
 5 anybody else on this issue. However, I do not believe that  
 6 any public official has the right to enrich his friends, his  
 7 businesses or himself at public expense. Council Member  
 8 White is trying to shovel money to his very good and  
 9 long-time friends at the Maui Visitors Bureau.  
 10 Ties between Mike White and the Maui Visitors  
 11 Bureau are long and deep. I asked Mike White how many years  
 12 he was on the Board of MVB, and he declined to respond. He  
 13 has been a general manager of the Kaanapali Beach Hotel for  
 14 26 years. And I would guess he was a member -- he was a  
 15 member of the board for most, if not all, of those 26 years.  
 16 You will have to ask him under oath to answer that question  
 17 and how many years he was an officer of that organization.  
 18 He, Mike White, states in his financial disclosure  
 19 statement to the Board of Ethics dated July 14th, 2010 that  
 20 he has lobbied before the County Council for MVB funding and  
 21 taxing. Having been elected, he continues to do this. This  
 22 is his form supplied to the Board of Ethics, which you have  
 23 already reviewed. And he acknowledges testifying before the  
 24 Council on MVB funding. That's the connection.  
 25 Number two, in his run for the Council, Mike White

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1 received contributions from MVB board members as would be  
 2 expected. And I don't have any problem with that.  
 3 CHAIR ALULI: Mr. Joiner, your three minutes are  
 4 up. I'll give you one more minute. I'll give you one more  
 5 minute to finish this testimony.  
 6 MR. JOINER: This is a complaint that requires  
 7 major action, sir. Mr. Coon is -- Jim Coon is a member of  
 8 the Maui Visitors Board and also made contributions to Mike  
 9 White's political campaign. That is the connection. Number  
 10 three, Mike White received campaign contribution from the  
 11 spouse of one of the MVB employees. This is, as I would  
 12 have expected, the employees, and I'm sure there are others  
 13 that have made contributions from MVB.  
 14 The Kaanapali Beach Hotel, this one is very  
 15 critical. Kaanapali Beach Hotel has contributed to the Maui  
 16 Visitors Bureau, one of the very few members of the Maui  
 17 visitor industry that does. This is from the IRS Form 990,  
 18 2007. And it shows that the Kaanapali Beach Hotel donated  
 19 money to MVB in the amount of approximately \$14,000.  
 20 During the meeting Mike White held on the  
 21 proposal, he acknowledged that members of his hotel go on  
 22 trips with the Maui Visitors Board.  
 23 CHAIR ALULI: Mr. Joiner, the one minute is up.  
 24 If you could leave those with the secretary, we would  
 25 appreciate it, because they will be reviewed.

1 MR. JOINER: Okay. I would like to ask that  
 2 Mr. White also be allowed to present his side of the story.  
 3 I hope that he has been presented with these complaints and  
 4 that he has an opportunity to speak on his behalf.  
 5 CHAIR ALULI: Thank you, Mr. Joiner.  
 6 MR. JOINER: And in open session, just as I am,  
 7 and limited to three minutes.  
 8 CHAIR ALULI: Thank you, Mr. Joiner. Are there  
 9 any other testifiers at this time?  
 10 BOARD SECRETARY: No, Chair, there are no more  
 11 testifiers.  
 12 CHAIR ALULI: No other testifiers?  
 13 Okay. I would like to add to the minutes that  
 14 Board Members Marti Wukelic and Carolann Guy have joined the  
 15 board meeting. Okay. If there are no further testifiers,  
 16 we'll move on to Item Number 5, the election of the new  
 17 Chair, Vice-Chair and Secretary. And I would like to hear  
 18 any motions from the board members if they would like to  
 19 appoint any members to any of those offices, or if we're  
 20 going to follow what has previously been followed where  
 21 Mr. Westfall becomes the Chair.  
 22 We then have a Vice-Chair's position open, and the  
 23 Secretary's position open. Ms. Bouchard and I are going  
 24 to -- we're off the Board as of March 31st. So, can I hear  
 25 any recommendations for -- or, first of all, let's vote on

1 MEMBER WUKELIC: Thank you.  
 2 CHAIR ALULI: We'll note that both votes were  
 3 unanimous. Thank you. Thank you, Gary. And for the  
 4 Secretary's position. Okay.  
 5 Michael, would you like to make a recommendation  
 6 as the new Chair?  
 7 MEMBER WESTFALL: Anyone up for it?  
 8 MEMBER GUY: I'll nominate Don Sheridan.  
 9 MEMBER WUKELIC: I second that. I second that  
 10 nomination.  
 11 CHAIR ALULI: All in favor.  
 12 BOARD MEMBERS: Aye.  
 13 CHAIR ALULI: Good. We've got our new executive  
 14 board members for the 2011-2012 Board of Ethics. Thank you  
 15 very much for that.  
 16 Move on to Item Number 6, Old Business. Financial  
 17 Disclosures. There aren't any. Item B, Communication  
 18 Items. There aren't any. Item C, Report from the Rules  
 19 Review Subcommittee. Michael.  
 20 MEMBER WESTFALL: We don't have a report for this  
 21 meeting. At this stage, the amendments to the rules are  
 22 with Adrienne for review, and I'll check with Adrienne  
 23 before the next meeting to see where we're at with that. Do  
 24 you have anything to add, Gary?  
 25 MR. MURAI: No.

1 the Chair. All those in favor of having Mr. Westfall become  
 2 the Chair of the Board of Ethics effective April 1st, 2011,  
 3 that would like to say or like the vote, say aye.  
 4 BOARD MEMBERS: Aye.  
 5 CHAIR ALULI: Anybody opposed?  
 6 (Silence.)  
 7 CHAIR ALULI: So, Mr. Westfall will be the new  
 8 Chair for the Board of Ethics effective April 1st, 2011. Do  
 9 I have any recommendations for the Vice-Chair for the next  
 10 year?  
 11 MEMBER GUY: Mike, do you have somebody that you  
 12 want to work with?  
 13 MEMBER WESTFALL: Anybody is fine.  
 14 CHAIR ALULI: Can the Chair make a recommendation?  
 15 MEMBER DANIELS: Sure.  
 16 CHAIR ALULI: I would like to recommend Marti as  
 17 the Vice-Chair. She's been involved in our subcommittee and  
 18 is aware of some of the changes that we're putting forth, so  
 19 I think she would make a good Vice-Chair. Can I get a vote?  
 20 All in favor of Marti Wukelic becoming the Vice-Chair.  
 21 MEMBER WESTFALL: I'll make a motion that Marti is  
 22 nominated for Vice-Chair.  
 23 MEMBER GUY: Second.  
 24 CHAIR ALULI: All in favor.  
 25 BOARD MEMBERS: Aye.

1 CHAIR ALULI: Okay. So, I would suspect that  
 2 probably somewhere around the third, or I guess your first  
 3 or second -- your second meeting, the rules will at least be  
 4 refined to the point where they can be reviewed by the  
 5 Board, right?  
 6 MEMBER WESTFALL: Yeah.  
 7 CHAIR ALULI: Okay, good. On to Item 7, New  
 8 Business. The financial disclosures. And we have a large  
 9 number of financial disclosures as the Board Members can  
 10 see. Hopefully, you've had a chance to get through them.  
 11 Are there any questions of any of the financial disclosures  
 12 that were submitted by any of the Board Members?  
 13 MEMBER MOE: I have some observations.  
 14 CHAIR ALULI: Okay.  
 15 MEMBER MOE: Going down the list. Glenn Correa  
 16 did not answer Question Number 10. I'm sure it's an  
 17 oversight, but he checked none of the boxes.  
 18 CHAIR ALULI: Okay. Angela, can you follow up  
 19 with Director Correa?  
 20 BOARD SECRETARY: Yes.  
 21 CHAIR ALULI: And just ask him if he can provide  
 22 you with any information on if there are any gifts. If he  
 23 hasn't, then you can mark that "none". If there are, then  
 24 we're going to have to ask him to resubmit that part of it,  
 25 okay.

1 BOARD SECRETARY: Okay. I will.  
 2 MEMBER MOE: Patrick Matsui gave no dollar value  
 3 for Item Number 10.  
 4 CHAIR ALULI: Yes, he did. He put in that column  
 5 A, which is less than \$1,000.  
 6 MEMBER MOE: But that's incorrect. As you'll  
 7 recall, we changed that rule for gifts. Because of  
 8 04-101-31, they have to show a specific dollar amount.  
 9 CHAIR ALULI: That was a change in our rules?  
 10 MEMBER MOE: Yes, we changed that three or two  
 11 meetings ago. In fact, we changed the verbiage on the  
 12 report. And I'll admit it's not very clear, and I think  
 13 it's probably an oversight on the people that did that. And  
 14 there are three of them. But if we are going to comply with  
 15 the 04-101-31, paragraph 9, and 04-101-9(b), they have to  
 16 give a dollar value for the gifts they received. Same thing  
 17 applies to Joseph Pontanilla and Michael Victorino.  
 18 CHAIR ALULI: I've got to admit I don't remember  
 19 us changing that rule, I'm sorry.  
 20 MEMBER MOE: We did. Plus we changed the verbiage  
 21 on the report itself from saying the letter grade to saying  
 22 a specific value.  
 23 MEMBER DANIELS: Was it when they got this? Was  
 24 it in time for them to -- if we changed it, was it in time  
 25 for them to get the corrected form?

1 Deputy Director of what? And I only pointed it out. It's  
 2 not important to me one way or the other, but that's the way  
 3 she completed the form.  
 4 MEMBER BOUCHARD: I know Jan Shishido is Deputy  
 5 Director of Housing and Human Concerns. I don't know if we  
 6 need to have her put that in herself.  
 7 MEMBER MOE: No, that's fine with me.  
 8 CHAIR ALULI: Yeah, we can add that. I don't  
 9 think we need to necessarily go back and have her do that.  
 10 Yeah, okay. The Board can take notice of that fact, and we  
 11 can make that addition to her financial disclosure.  
 12 As for Mr. Savage you said, Frank, right?  
 13 MEMBER MOE: Yes. Under the remarks section, he  
 14 said there were attachments, and there were none.  
 15 CHAIR ALULI: Okay. Angela, could you make a note  
 16 to ask Mr. Savage to provide us with the attachments that he  
 17 made reference to in the remarks section of his financial  
 18 disclosure, please?  
 19 BOARD SECRETARY: Yes, Chair.  
 20 CHAIR ALULI: Thank you. Frank, any other?  
 21 MEMBER MOE: No, those were my observations.  
 22 Thank you.  
 23 CHAIR ALULI: Very good. Thank you very much.  
 24 You took the good time to review these things very  
 25 thoroughly. Are there any other observations or corrections

1 MEMBER MOE: They got the corrected form.  
 2 CHAIR ALULI: Okay. We'll do this. We'll go  
 3 back, review what you've just brought up, make sure that  
 4 that is what should be done. And then we'll have to have  
 5 these financial disclosures resubmitted to answer those  
 6 specific items, okay. Thank you for bringing that up,  
 7 Frank.  
 8 MEMBER MOE: Two other quick items.  
 9 MEMBER WUKELIC: I have a question for Frank  
 10 before you go on.  
 11 MEMBER MOE: Yeah.  
 12 MEMBER WUKELIC: Are you saying the forms those  
 13 individuals filled out is not the current form?  
 14 MEMBER MOE: No, it is the current form and has  
 15 the correction that we made, that Kristi made 90 or 120 days  
 16 ago.  
 17 MEMBER BOUCHARD: I'm sorry, what were the three  
 18 you said? There was three or four?  
 19 MEMBER DANIELS: Pontanilla and Victorino.  
 20 MEMBER BOUCHARD: Got you. Thank you.  
 21 MEMBER MOE: Two other items, not particularly  
 22 important, unless they're important to the Petitioners.  
 23 Jeremiah Savage indicated he had attachments to his report,  
 24 and there were no attachments. And Janice Shishido showed  
 25 her appointment as Deputy Director, but the question is

1 that any other Board Members need to make? Okay. Can I ask  
 2 the Board Member -- well, I don't know if we have a -- do  
 3 you have a list of all the exceptions that we --  
 4 MEMBER BOUCHARD: I do.  
 5 CHAIR ALULI: Okay, good. Can you make the motion  
 6 then?  
 7 MEMBER BOUCHARD: I will. I would like to make a  
 8 motion that we accept receipt of the financial disclosures  
 9 of Andaya-Dagdag, Arakawa, Baisa, Carroll, Cochran, Couch,  
 10 Fujita-Villarosa, Fukuoka, Ginoza, Goode, Hiramoto, Hokama,  
 11 Johnson, Kushi, Mateo, McLean, Meyer, Miyamoto, Murray,  
 12 Regan, Ridao, Rivera, Shimada, Shishido, Spence, Taguchi,  
 13 Takamori, Taylor, Underwood, White and Yabuta and that we  
 14 seek further clarification or information from Correa,  
 15 Matsui, Pontanilla and Savage and Victorino.  
 16 MEMBER WUKELIC: Second.  
 17 CHAIR ALULI: All in favor.  
 18 BOARD MEMBERS: Aye.  
 19 CHAIR ALULI: Thank you very much. We'll submit  
 20 the approved ones. And Angela will follow up on the other  
 21 ones that we need clarification on. Okay. Let's move on to  
 22 Item Number 7(b), Communication Items. There aren't any.  
 23 Item C is lobbyist registration. And we've been in receipt  
 24 of just one letter from Mr. Richard C. Botti advising us  
 25 that he -- of his retirement from the Hawaii Food Industry

1 Association. Any questions or comments about Mr. Botti's  
 2 letter? No. Thank you very much.  
 3 Item 8, Announcements. A, distribution of 2011  
 4 financial disclosure statement forms and instructions.  
 5 Angela.  
 6 BOARD SECRETARY: I left those face down on the  
 7 chairs.  
 8 CHAIR ALULI: That's for the Board Members?  
 9 BOARD SECRETARY: Yes, the Board Members.  
 10 CHAIR ALULI: So, all the Board Members have their  
 11 financial disclosure forms that need to be filled out and  
 12 returned. And the deadline is?  
 13 BOARD SECRETARY: April 15th.  
 14 CHAIR ALULI: April 15th. All right. Thank you  
 15 very much. Item 9 is our next scheduled meeting, which is  
 16 Wednesday, March 9, 2011. And I will -- that will be my  
 17 last session as the Chair for the Board of Ethics. That is  
 18 the end of our Regular Session.  
 19 Can I have a motion to move us into Executive  
 20 Session? Jocelyn, you want to move us into Executive  
 21 Session?  
 22 MEMBER BOUCHARD: Yes. With reference to the  
 23 agenda items listed below, one or more executive meetings  
 24 are anticipated; in particular, the Board of Ethics  
 25 anticipates it will consider the evaluation, dismissal or

1 CERTIFICATION  
 2  
 3 I, RACHELLE PRIMEAUX, Notary Public for the State of  
 4 Hawaii, certify:  
 5 That the proceedings contained herein were taken by me in  
 6 machine shorthand and were thereafter reduced to print under  
 7 my supervision by means of computer-aided transcription;  
 8 that the foregoing represents, to the best of my ability, a  
 9 true and accurate transcript of the proceedings had in the  
 10 foregoing matter.  
 11 I further certify that I am neither attorney for any of the  
 12 parties hereto nor in any way concerned with the cause.  
 13 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011.  
 14  
 15  
 16  
 17 \_\_\_\_\_  
 18 NOTARY PUBLIC, State of Hawaii  
 19 My commission expires 6/14/2012  
 20  
 21  
 22  
 23  
 24  
 25

1 disciplining of an officer or employee in the County of Maui  
 2 where considerations of matters affecting privacy will be  
 3 involved.  
 4 The Board may also consult with the Board's  
 5 attorney on questions and issues pertaining to the Board's  
 6 powers, duties, privileges, immunities and liabilities.  
 7 Therefore, pursuant to Hawaii Revised Statute Section  
 8 92-5(a)(2) and (4), the following items may be considered in  
 9 Executive Session. The Board may also convene in  
 10 adjudicatory session pursuant to HRS Section 92-6.  
 11 CHAIR ALULI: Thank you very much. I'm going to  
 12 have to ask the people in the meeting hall who are not Board  
 13 Members to please leave. Thank you very much.  
 14 (Whereupon the Board went into Executive Session).  
 15  
 16 REGULAR MEETING RESUMES  
 17  
 18 CHAIR ALULI: And a motion to move us out of  
 19 Regular Session.  
 20 MEMBER BOUCHARD: So moved.  
 21 CHAIR ALULI: All in favor.  
 22 Board Members: Aye.  
 23 CHAIR ALULI: Motion carries. Thank you very  
 24 much, ladies and gentlemen.  
 25 (The meeting ended at 4:19 p.m.)