

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, July 13, 2011.

Reported by: Tonya McDade, CSR, CRR
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1 ATTENDANCE
 2 BOARD MEMBERS PRESENT:
 Michael Westfall, Chair
 3 Marti Wukelic, Vice-Chair
 Donald Sheridan, Secretary
 4 Rebecca Woods, Member
 Frank Moe, Member
 5 Gene Viglione, Member
 6 STAFF PRESENT:
 Gary Y. Murai, Deputy Corporation Counsel
 7 Angela Andrade, Executive Secretary
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1 "aye."
 2 (A chorus of ayes.)
 3 CHAIR WESTFALL: Any opposition?
 4 (Silence.)
 5 CHAIR WESTFALL: Seeing none, those pass.
 6 Public testimony. I don't see any public
 7 testimony. We have none today.
 8 Old Business: Financial Disclosures, none.
 9 Communication Items, report from the Rules
 10 Review Subcommittee. I'll just say one -- what we did
 11 -- we've had these meetings -- I should say, over the
 12 last several meetings, we've opened this up to sort of a
 13 general discussion. And I believe that we sent out a
 14 memo that we needed to move towards more specific
 15 changes that we might want to make to the rules. So I'm
 16 going to turn it over to Corporation Counsel at this
 17 stage.
 18 MR. MURAI: Okay.
 19 CHAIR WESTFALL: If there are -- I know we
 20 were directed to send questions. And I don't know if
 21 anyone did.
 22 MR. MURAI: No. I haven't gotten any
 23 questions.
 24 CHAIR WESTFALL: Okay.
 25 MR. MURAI: But for the Members, the Members

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1 (Wednesday, July 13, 2011, 12:30 p.m.)
 2 * * *
 3 CHAIR WESTFALL: We'll go ahead and call to
 4 order the Maui County Board of Ethics meeting for
 5 Wednesday, July 13th, 2011.
 6 Attendance today: Michael Westfall, Chair;
 7 Marti Wukelic, Vice-Chair; Don Sheridan, Secretary;
 8 Rebecca Woods; Frank Moe; and Gene Viglione. Did I
 9 pronounce your last name correctly?
 10 MEMBER VIGLIONE: That's fine.
 11 CHAIR WESTFALL: Okay. Close enough. We are
 12 all in attendance. Sheri-Ann Daniels, C. Gretchen Guy
 13 and Sydney Kikuchi are absent today. And I guess they
 14 are absent, and notified us.
 15 MS. ANDRADE: Excused.
 16 CHAIR WESTFALL: Excused.
 17 MS. ANDRADE: Yes.
 18 CHAIR WESTFALL: Thank you. The minutes have
 19 been circulated for June 8th, 2011. Do I have a motion
 20 to accept those?
 21 MEMBER VIGLIONE: So moved.
 22 MEMBER SHERIDAN: Second.
 23 CHAIR WESTFALL: Any discussion?
 24 (Silence.)
 25 CHAIR WESTFALL: All those in favor, say

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1 may recall that the Rules Subcommittee was formed and
 2 did a lot of their work last calendar year. That was --
 3 the Rules Subcommittee were Adrienne Heely, Deputy
 4 Corporation Counsel Adrienne Heely; Mike Westfall; and
 5 Marti Wukelic.
 6 And part of what prompted the rules
 7 revisions -- correct me if I'm wrong, Mike, but there
 8 was a need -- you know, the committee felt that there
 9 was a need to revise our rules for a lot of different
 10 reasons, but also because of the Constitutional
 11 amendment -- I'm sorry -- the amendment to the Charter
 12 which necessitated amendment of our rules to conform
 13 with the filing of financial disclosures for candidates
 14 for elective office. And so that was a good opportunity
 15 for this Board to do a comprehensive review and revision
 16 of the rules. And you all have received draft copies of
 17 the revisions.
 18 And as Adrienne Heely told us at the last
 19 meeting, the chronology of things is once these rules
 20 are approved for public hearing by the Board, they must
 21 -- the notice of the public hearing will be published in
 22 a newspaper of general circulation, which would be, in
 23 our case, The Maui News. The rules require that there
 24 be at least 30-day notice. So we're probably looking at
 25 setting this for review at our September 14th meeting.

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1 I don't think we'll have it done in time for our August
2 meeting because of the 30-day minimum requirement.
3 At the public hearing, of course, the public
4 is invited to come to the meeting and testify as to, you
5 know, their views or positions on the rules amendments.
6 Assuming that the Board either -- well, assuming there
7 is no public testimony, or there is public testimony,
8 and the Board decides one way or the other to
9 incorporate or not incorporate changes recommended by
10 the public, or whoever else may decide to appear, or
11 assuming that the Board itself concludes that, yes, this
12 is the final form that we want to advance, then we'll be
13 voting on the final version at our September 14th
14 meeting.
15 Assuming that the Board does pass out a final
16 version of our amended rules, it then -- I will probably
17 -- it then has to be approved as to form by the
18 Corporation Counsel's Office. Because, you know, I've
19 been working with the committee and you all intimately
20 with it, assuming there's no changes, I'll just sign off
21 on it right there. Then it goes to my boss, Pat Wong,
22 Corporation Counsel, for a final review.
23 And assuming that Mr. Wong approves it, then
24 it -- then it goes to the Clerk for, I guess,
25 incorporation into our Maui County Administrative Rules.

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1 The new rules get posted on our website, the official
2 version of our rules, and those rules become law.
3 So that's the process. And what we're doing
4 here today is for purpose of today's -- well, when we
5 get to the agenda item, we'll be discussing the changes.
6 I'm available to answer any questions you folks may have
7 about the effect of these rules.
8 And I, myself, have a laundry list of
9 corrections. And these are just relatively minor
10 things, typographical errors, some clarification. And I
11 guess when we -- we'll deal with that when we get to
12 that point.
13 So I'll be glad to field any questions that
14 anybody may have about either the process, about the
15 effect of the changes themselves. But I know that the
16 Chair, Mike, has been intimately involved. In fact,
17 from what I gather, Mike did a lot of the heavy lifting
18 when it came to the actual content, the actual intent,
19 and the reasons for the changes.
20 So, anyway, that's about it as far as the
21 report of the subcommittee goes. And I guess we'll get
22 to the meat of the issue when we get to the agenda item.
23 CHAIR WESTFALL: Okay. I guess we're on that
24 agenda item now.
25 MR. MURAI: Oh, we are? Okay. I'm sorry.

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1 CHAIR WESTFALL: So I'll open it up for any
2 questions. I know some of you have mentioned that you
3 had read the rules and had found typos and things. So
4 I'll open it up if you have any questions.
5 I guess let's start with, does anyone have any
6 sort of substantive question as to the changes? And
7 I'll point out three things in just a second, but I'll
8 let you folks talk first. Any questions?
9 MEMBER SHERIDAN: One thing that I question is
10 it was mentioned somewhere in there that in order to
11 enforce -- to collect -- to collect a fine, we were
12 going to raise the fine up to \$1,000, was it?
13 CHAIR WESTFALL: Keep going. I'm not going to
14 -- just to backtrack here, I did send him a list of
15 several things. And one of my issues was fines.
16 MEMBER SHERIDAN: Yeah.
17 CHAIR WESTFALL: We're a little inconsistent.
18 There's a section where it says \$1,000 and another where
19 it says \$25. So --
20 MEMBER SHERIDAN: Well, okay. \$1,000 or
21 \$2,500.
22 CHAIR WESTFALL: Right.
23 MEMBER SHERIDAN: There is reference --
24 CHAIR WESTFALL: \$25.
25 MEMBER SHERIDAN: -- we have to -- an

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1 investigator would have to be hired. The question I
2 have is, if we ratify everything that we've done here,
3 who is going to put in force hiring an investigator?
4 MR. MURAI: Well, this Board is not budgeted
5 for an investigator.
6 MEMBER SHERIDAN: Right.
7 MR. MURAI: Unlike the State Ethics Commission
8 or Honolulu's Ethics Commission. I guess my response to
9 that is -- well, in response to your question as for who
10 hires the investigator, it's just not in our budget.
11 MEMBER SHERIDAN: Well, then we are barking
12 up --
13 CHAIR WESTFALL: Yeah.
14 MEMBER SHERIDAN: -- a vacant tree.
15 CHAIR WESTFALL: I'll come back and maybe fill
16 this in a little bit.
17 MEMBER SHERIDAN: Okay.
18 CHAIR WESTFALL: I think -- you know, the
19 revisions in the rules are more subtle. I mean, we
20 didn't make wholesale changes. There's only about three
21 significant changes.
22 One of them is, in the general provisions
23 section, we now have a statute of limitations. An
24 individual only has one year after the incident to file
25 a complaint. Right now, we have no statute of

1 limitations. So that's material.
 2 The second one is what you're getting into, is
 3 the notion of fines. And what I noticed in here -- and
 4 I had -- at our last meeting, when Adrienne was here, we
 5 got into a discussion, but I don't know if we had
 6 actually answered it. And I may leave it to you to --
 7 because I'm putting you in an unfair position, asking
 8 you to comment on something without having the backup.
 9 We've used this term that we're now going to have an
 10 administrative fines. And my recollection from what
 11 Adrienne told me is that that's a certain category of
 12 fines and that there is a method to collect those
 13 administratively. What that means, I'm not exactly
 14 sure.
 15 In another section -- in two other sections,
 16 we mention fines, in our Advisory Opinion Section and,
 17 also, in the Complaint Section. The language in those
 18 two sections are a little different. And they speak to
 19 what you're saying, that we've got to go through this
 20 process and, at the end of the process, we'll hire
 21 someone to collect it.
 22 So I put in my notes that maybe we needed to
 23 reconcile the method. And what I'm thinking -- and,
 24 again, anyone can chime in here -- is that at the end of
 25 our process, we, basically, say -- for example, we find

1 the person -- we find that there is reasonable cause
 2 that this person violated the rules and we're going to
 3 fine them 100 bucks or 200 bucks, that's part of our
 4 advisory opinion. Adrienne mentioned that we don't have
 5 to go change any rule because it's already allowed
 6 within the County Charter and the State statutes as far
 7 as categorizing it as an administrative fine. So it's
 8 not a -- it's not -- in the Complaint Section, it
 9 alludes -- it doesn't say it exactly, but it alludes
 10 that what we have to do is go to the prosecutor to get
 11 that fine enforced.
 12 MR. MURAI: Well, that's one.
 13 CHAIR WESTFALL: I'll stop talking and turn it
 14 over to you.
 15 MR. MURAI: That's one avenue. If there was a
 16 criminal prosecution and there are fines attached to the
 17 criminal offense, then the court will order that, okay,
 18 I sentence you to a fine of \$100, or whatever the amount
 19 is. The other way of collecting the fine, for the
 20 County, would be, well, you're going to make -- you
 21 know, demand, okay, we fine you \$100, please pay up. If
 22 they refuse, then -- and the County was -- the Board was
 23 hellbent on collecting that fine, they would have the
 24 option of going to District Court and filing a lawsuit
 25 to get a judgment.

1 Now, I suppose -- now, I'm not positive about
 2 this, but I suppose another thing -- another way the
 3 County may choose to enforce the fine is if the person
 4 who is fined were to come before the County for, say --
 5 I don't know -- a permit of some sort, and then we say,
 6 well, you know, before we can, you know, deal with your
 7 request, you still have outstanding fines to us. Kind
 8 of like how it is when you want to go borrow books at
 9 the library and you've got a fine, you know. I'm not
 10 certain about that, but I think that is one alternative.
 11 Now, I guess the reality is, in the big scheme
 12 of things, collecting a \$25 or \$100 fine is not going to
 13 change the financial fortunes of the County, but I think
 14 it's probably better than having no penalties involved
 15 to violations. And I'm guessing that that's how it is
 16 with many of the fines or violations that, you know,
 17 administrative boards levy.
 18 So, Don, I'm not sure whether I'm answering
 19 your question.
 20 MEMBER SHERIDAN: No. In my memory of what I
 21 reviewed, it talked about doing away with the small
 22 fines because they really don't affect the people that
 23 cause the problem, and they spoke about doing --
 24 imposing larger fines on them. And there was a comment
 25 that we would need to -- an investigator would need to

1 be hired. So that's what my question is. How do we go
 2 about doing that? Who is responsible?
 3 CHAIR WESTFALL: Let me go back and ask a
 4 question of all the Commissioners. Are you comfortable
 5 with the notion that the Board can levy fines?
 6 MEMBER SHERIDAN: Yes.
 7 MEMBER MOE: Yes.
 8 CHAIR WESTFALL: Okay.
 9 VICE-CHAIR WUKELIC: I don't know if you
 10 remember, but I had an issue with the phrase that Kauai
 11 or Honolulu -- or somebody wanted to insert, and I can't
 12 remember the phrase. Do you remember? It almost made
 13 it like go straight to that. Okay. I'm fine.
 14 CHAIR WESTFALL: So we have a consensus that
 15 we want language in here that allows us -- because,
 16 remember, it's an option. We don't have to fine anyone,
 17 it's just an option. I think the question, to go
 18 back -- and maybe we can discuss this at the next
 19 meeting -- is the mechanism on how do we enforce that,
 20 how do we collect it, and maybe a little clarification.
 21 MR. MURAI: Okay. Well, you know, I'm sure
 22 the Members would like to know how -- what process we
 23 can use to collect the fine, but I don't think it needs
 24 to be in our rules.
 25 CHAIR WESTFALL: Right.

1 MR. MURAI: The mechanism for collection
 2 doesn't need to be in our rules because it's not there
 3 for a lot of other boards.
 4 CHAIR WESTFALL: I just want to be careful
 5 that we're not puffing up, so to speak. You know,
 6 Adrienne revealed that she can't find the time when
 7 there's ever been a fine or we've ever referred anybody
 8 to the prosecutor, ever. So I want to make sure that,
 9 you know, what we're saying in here has a little bit of
 10 teeth.
 11 VICE-CHAIR WUKELIC: And it's not a procedural
 12 manual; it's rules.
 13 CHAIR WESTFALL: Right. I had two other
 14 thoughts with the rules, but they're not -- again, it
 15 falls under the same category you just mentioned. I
 16 don't think it needs to be in the rules. I think we
 17 can, actually, just create a page on the website. And
 18 that was expanding the definition or -- because I had
 19 written quite a lot on the definition of a conflict of
 20 interest and what that is. And that's more from the
 21 standpoint of the public understanding that conflicts of
 22 interest are not a violation. They may be the path to a
 23 violation --
 24 MEMBER SHERIDAN: They may be what?
 25 CHAIR WESTFALL: A path to a violation. But

1 the Charter, in ethics violations, doesn't say conflicts
 2 of interest are a violation. It speaks to them being
 3 maybe -- it may be the path to the violation, so to
 4 speak. And I think we got a lot of times we hear people
 5 saying he has a conflict of interest, therefore he is in
 6 violation. And that's something we could probably
 7 clarify a little bit more.
 8 VICE-CHAIR WUKELIC: I agree with you,
 9 particularly the vehicle of having the definition.
 10 CHAIR WESTFALL: Yes. And then the second
 11 area was maybe highlighting the complaint process
 12 separate, so that the public, if they want to file a
 13 complaint, maybe there's a separate website that shows,
 14 you know, here's the process, here's what we're going to
 15 go through, explaining it a little bit more. It's not
 16 necessarily a rule.
 17 And as I noticed in the original draft that we
 18 did -- I spent a lot of time writing lots of pages in
 19 the rules -- Adrienne took it out -- and I'm sure it's
 20 under the same theme -- it's not really rules, it's
 21 procedures. And we can discuss this at a later date.
 22 It doesn't need to be discussed today.
 23 MEMBER WOODS: It should be a link, though,
 24 rather than a separate web page.
 25 CHAIR WESTFALL: Right. However we end up.

1 I'm a little off the agenda here, but it is part of the
 2 subcommittee's discussion that we have a better -- a
 3 better approach towards informing the public of how we
 4 operate and what the results are.
 5 VICE-CHAIR WUKELIC: Sort of the educational
 6 component.
 7 CHAIR WESTFALL: One of the vehicles is
 8 through the web page, which we've started to enhance.
 9 MR. MURAI: You know, right now, on the web
 10 page, there is a button you click for the complaint
 11 form.
 12 CHAIR WESTFALL: Right.
 13 MR. MURAI: So maybe that would meet -- you
 14 know, if I'm wrong, what you're envisioning is expanding
 15 that.
 16 CHAIR WESTFALL: Right. And, again, I'm
 17 plagiarizing. If you go to Honolulu, you click on the
 18 form, it has another click and it explains, okay, once
 19 you file this, it's 14 days for them to review it,
 20 here's what they are looking for. And, you know, you
 21 got to have some substantiation or you're not going to
 22 get too far. You know, it's more opinionated.
 23 MR. MURAI: Like an instruction sheet.
 24 CHAIR WESTFALL: Exactly. So, again, that's
 25 maybe a separate thing we can come back to.

1 MEMBER SHERIDAN: Sounds like a good idea.
 2 CHAIR WESTFALL: So any other, I guess,
 3 substantive questions as to the rule changes?
 4 (Silence.)
 5 CHAIR WESTFALL: Okay. How about any sort of
 6 grammar things? I see Mr. Moe over there.
 7 MEMBER MOE: Yeah. This document is 47 pages
 8 long, I think. You know, maybe we should hear Gary's
 9 list first. But I hope you can tell us what page it's
 10 on because, I didn't make a list, I just marked stuff as
 11 I went through. For instance --
 12 MR. MURAI: You know what, I'll do my best to
 13 point out a page, but I had made a laundry list for
 14 myself.
 15 MEMBER MOE: Right.
 16 MR. MURAI: And I refer to it by chapter.
 17 MEMBER MOE: And that's confusing to -- I'm
 18 not speaking for Gene or Don necessarily, but like
 19 myself, who hasn't been around here very long, and the
 20 chapters are -- it's hard to find them, especially in
 21 this document, you know.
 22 CHAIR WESTFALL: We changed the chapters.
 23 MR. MURAI: If you'll allow me to go through
 24 them, I'll do the best I can to make sure that we stay
 25 on track. If we get off track, just stop me. The

1 problem is that these pages --
 2 MEMBER MOE: Are consecutive.
 3 MR. MURAI: They're consecutive. And what I
 4 will do is I'll refer to the number at the bottom of the
 5 page because I don't -- does everyone have the copy that
 6 looks like this?
 7 MEMBER WOODS: No.
 8 VICE-CHAIR WUKELIC: No. That's what we
 9 needed from last month.
 10 CHAIR WESTFALL: This only got circulated
 11 once.
 12 MS. ANDRADE: Yeah, that was a while ago.
 13 MR. MURAI: It was a while ago.
 14 MS. ANDRADE: I think it was sent by email.
 15 VICE-CHAIR WUKELIC: That's okay. We'll
 16 share.
 17 MR. MURAI: You know what, that's going to be
 18 a problem, then.
 19 CHAIR WESTFALL: Maybe we should --
 20 MR. MURAI: Can we just take a recess and run
 21 some copies?
 22 MS. ANDRADE: Okay. I provided what we went
 23 over last month.
 24 CHAIR WESTFALL: Why don't we -- since you're
 25 going to go -- we can just continue the meeting.

1 hearing?
 2 MS. ANDRADE: August is the next --
 3 MR. MURAI: August --
 4 MS. ANDRADE: August 10th.
 5 MR. MURAI: Okay. Well, because it requires
 6 30 days' notice, it would be possible, I think, as long
 7 as we can send -- get the public notice published by
 8 Maui News 30 days before the September 14th hearing. So
 9 that gives us like a four-day window to get it published
 10 in the newspaper. It's possible. We could do it -- we
 11 could still have a further meeting on this in August and
 12 make it in time for the September --
 13 MEMBER WOODS: I think that's a great idea.
 14 Also, it gives the individuals who aren't here the
 15 opportunity to review it.
 16 CHAIR WESTFALL: Mr. Moe, for example, he
 17 would be emailing out a version that has marked up all
 18 of the changes. So you could just match yours rather
 19 than --
 20 MR. MURAI: Actually, I tell you what, because
 21 there has been no approved version yet, we could even --
 22 I could even make the revisions to the draft that's on
 23 the computer now. Because I was under the mistaken
 24 impression that everyone had this version that has the
 25 little stamp on the top that says "Draft."

1 MR. MURAI: Yeah. What we need to do, then,
 2 we'll ask for a vote to suspend the rules that will
 3 allow us to take this out of order, and we can deal with
 4 the financial disclosures and then come back to it when
 5 we have enough copies for all the Members. Is that
 6 amenable? Then, Mike, what you need is for --
 7 CHAIR WESTFALL: Okay. I will ask a
 8 rhetorical. Is this the most efficient way, or should
 9 we have you mark up and send it out and we'll talk about
 10 this next meeting?
 11 MR. MURAI: We could do that. We could do
 12 that.
 13 MEMBER SHERIDAN: Is that not delaying?
 14 CHAIR WESTFALL: Well, that's --
 15 VICE-CHAIR WUKELIC: Yeah.
 16 CHAIR WESTFALL: I don't know if it's delaying
 17 anything.
 18 MEMBER SHERIDAN: Well, I mean, would it not
 19 put us off schedule since we're trying to get this done
 20 by September?
 21 MR. MURAI: Well, there's no magic to the
 22 September date. That was just my -- you know, assuming
 23 we were able to get through this today, that would be
 24 the most practical date to have the public hearing. If
 25 we put this off to the -- what's the date of the next

1 VICE-CHAIR WUKELIC: Maybe I do, and I just
 2 don't have it.
 3 MR. MURAI: But, Marti, even if you have
 4 yours, others may not. So what we'll do is I'll -- as
 5 you can see, I have a list that's two pages long of just
 6 minor things, typos and things that just need
 7 clarification. And I can go ahead and make these so
 8 that we don't have to go through the process of Page 1
 9 where it says "Hawaii State Constitution" that needs to
 10 be changed from all caps to lower case, or you need to
 11 take the word "of" out and substitute "and." Those are
 12 the nature of my changes.
 13 MEMBER WOODS: Okay.
 14 MR. MURAI: They didn't change anything
 15 substantively; they were just grammar, form and things
 16 like that.
 17 So, Mr. Chair, whatever the pleasure of the
 18 Board would be.
 19 CHAIR WESTFALL: Are the rest of the Members
 20 all right with that? Or do you want to just move
 21 forward today?
 22 MEMBER MOE: Excuse me. I'm gone next month.
 23 So I guess I can give Gary my sheet, and he can try to
 24 translate for the next 30 days the stuff I've marked.
 25 Some of which now I can see is -- I don't know.

1 MR. MURAI: Frank, what I could suggest to you
 2 is if you could -- if you're not going to be here at the
 3 next meeting --
 4 VICE-CHAIR WUKELIC: Can you tell him the
 5 changes now to see that they match up?
 6 MR. MURAI: Okay. Well, actually, I don't
 7 have enough copies for everybody, but I could give
 8 Frank --
 9 VICE-CHAIR WUKELIC: No. I mean can -- Frank,
 10 how many changes do you have?
 11 MEMBER MOE: Well, it depends. I got a lot of
 12 marks. On Page 101-17, it says, attend informal
 13 "probably cause" hearings. And I'm sure you mean
 14 "probable cause."
 15 MR. MURAI: And that's the nature of -- now,
 16 another thing that's fairly standard that all Deputy
 17 AG's ask for, whether it's at the end of a council
 18 meeting where they're drafting legislation or a board
 19 meeting, is -- let's say, for the sake of discussion, we
 20 proceeded with the meeting today and with review today,
 21 and the Board approved it. At the end, the Deputy Corp
 22 Counsel's final request is, we would like permission
 23 from the board to make nonsubstantive changes for sake
 24 of clarity, grammar or form. In other words, as I said
 25 earlier, you know, words that need to be capitalized,

1 stray marks -- I caught a couple of stray punctuation
 2 marks that got stuck in there -- things you like you
 3 pointed out, "probable" cause from "probably," words
 4 "preview" where we meant "purview," "censure" when we
 5 meant -- when it says "censor," things like that.
 6 So if you would like, Frank, you can email us,
 7 you know, your comments. And I'll bet you most of them
 8 are probably identical to the ones I caught.
 9 MEMBER MOE: Well, I'm leaving tomorrow so
 10 that's not going to happen. So I will leave the draft
 11 with you and you can look over what I've highlighted.
 12 MR. MURAI: That will be fine. That will be
 13 fine.
 14 MEMBER MOE: Throw it away, if you choose to.
 15 MR. MURAI: As I say, I bet you a lot of them
 16 are the same.
 17 MEMBER MOE: I imagine. Okay.
 18 CHAIR WESTFALL: So everyone's all right with
 19 us moving the rest of the rules revision to the next
 20 meeting? And we're only going to be talking about
 21 clarification on spelling and grammar. The substantive
 22 stuff is pretty much done.
 23 MS. ANDRADE: Can I ask a question?
 24 CHAIR WESTFALL: Yes.
 25 MS. ANDRADE: If we're moving it to the next

1 meeting, who besides Marti would need another copy? You
 2 need one, also? Okay.
 3 MR. MURAI: You know what, I'm sorry, what I
 4 think we'll do is, Adrienne has the original electronic
 5 file of this draft, I think I'll go ahead and make my
 6 changes and then we'll email that to all the members.
 7 MS. ANDRADE: Okay. A new corrected version?
 8 MR. MURAI: A second draft.
 9 MS. ANDRADE: Okay.
 10 MR. MURAI: Is that okay, Mike?
 11 CHAIR WESTFALL: That's fine with me.
 12 Everyone else okay with that?
 13 MR. MURAI: But I do want to point out,
 14 though, that things that you received at the last
 15 meeting, like, you know, this sheet, the one that
 16 compares our new rules to the other jurisdictions,
 17 Adrienne's summary, that one-page summary, those, I
 18 think, still apply. Because I don't think we're talking
 19 about making any substantive changes to the draft: these
 20 are just clarifications and typographical and grammar
 21 errors. Is that pretty much -- okay.
 22 CHAIR WESTFALL: All right. We'll move on
 23 with the agenda, to New Business.
 24 Financial disclosures, none.
 25 Communication items: Palm beach County

1 Commission on Ethics 2010-2011 Annual Report. We've
 2 been circulating that. It's over there.
 3 And then the next item is Preparation of
 4 Annual Report. Again, this goes under the thought of
 5 enhancing communication with the public.
 6 Several months back, we had had a discussion
 7 about issuing an annual report for our Commission, along
 8 the lines of what Honolulu does. It's simply one page,
 9 basically says we had 10 complaints. You know, it's
 10 very brief, but what we would do is just simply maybe
 11 release that to The Maui News and then put it on the
 12 website. It's just another way of communicating to the
 13 public. Certainly, we're not in the league where we
 14 would be producing a glossy thing with all of our
 15 pictures and whatnot.
 16 MEMBER MOE: We could pay for Don's
 17 investigator with that.
 18 CHAIR WESTFALL: There is a nice chart in
 19 there as to the complaint process. But this would
 20 simply be a quick report as to what transpired in the
 21 last year. And I guess we would use the fiscal year
 22 because that's the calendar for the County. So I'll
 23 work on that with you, Gary, and we'll get that out in a
 24 month or so.
 25 Let's see.

1 VICE-CHAIR WUKELIC: I just want to say I
 2 really like that idea.
 3 CHAIR WESTFALL: I think the Police Commission
 4 already does that, if I'm not mistaken.
 5 MEMBER SHERIDAN: Yeah.
 6 CHAIR WESTFALL: The next item is Scheduling
 7 of Public Hearing Regarding Amendments to Chapter
 8 04-101, Rules of the Maui County Board of Ethics. I
 9 think we covered that already.
 10 MR. MURAI: Yeah. I think what we'll do is,
 11 tentatively, we'll schedule it for September 14th,
 12 subject to the Board's review and approval of the draft
 13 on August 10th.
 14 CHAIR WESTFALL: Okay. Announcements, none.
 15 Schedule of next meeting: Wednesday, August
 16 10th, 2011.
 17 That ends the Regular Session. On to the
 18 Executive Session. Would anyone like to volunteer to
 19 read the preamble?
 20 MEMBER SHERIDAN: With reference to the agenda
 21 items listed below, one or more executive meetings are
 22 anticipated. In particular, the Board of Ethics
 23 anticipates it will consider the evaluation, dismissal
 24 or disciplining of an officer or employee of the County
 25 of Maui, where consideration of matters affecting

1 CERTIFICATE
 2
 3
 4 I, TONYA MCDADE, Certified Court Reporter of
 5 the State of Hawaii, do hereby certify that the
 6 proceedings contained herein were taken by me in machine
 7 shorthand and thereafter was reduced to print by means
 8 of computer-aided transcription; and that the foregoing
 9 represents, to the best of my ability, a true and
 10 accurate transcript of the proceedings had in the
 11 foregoing matter.
 12 I further certify that I am not an attorney
 13 nor an employee of any of the parties hereto, nor in any
 14 way concerned with the cause.
 15 DATED this 3rd day of August, 2011.
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Tonya McDade
 Certified Shorthand Reporter #447
 Registered Professional Reporter
 Certified Realtime Reporter
 Certified Broadcast Reporter

1 privacy will be involved. The Board may also consult
 2 with the Board's attorney on questions and issues
 3 pertaining to the Board's powers, duties, privileges,
 4 immunities and liabilities. Therefore, pursuant to
 5 Hawaii Revised Statutes ("HRS") Sections 92-5(a)(2) and
 6 (4), the following items may be considered in Executive
 7 Session. The Board may also convene in Adjudicatory
 8 Session pursuant to HRS Section 92-6.
 9 CHAIR WESTFALL: Thank you, Don.
 10 (Recess to Executive Session, 1:00 p.m. to
 11 1:06 p.m.)
 12 CHAIR WESTFALL: So we're back in Regular
 13 Session. Do I have a motion to adjourn the meeting?
 14 MEMBER SHERIDAN: I so move.
 15 CHAIR WESTFALL: And a second. All those in
 16 favor, "aye."
 17 (A chorus of ayes.)
 18 CHAIR WESTFALL: Any opposition?
 19 (Silence.)
 20 CHAIR WESTFALL: Seeing none, meeting is
 21 concluded.
 22 (Meeting adjourned at 1:06 p.m.)
 23
 24
 25