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3 COUNTY OF MAUI, STATE OF HAWAII
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8 BOARD OF ETHICS
9 REGULAR MEETING
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15 Held at the Planning Department Conference Room,
16 250 South High Street, Wailuku, Maui, Hawaii, commencing
17 at 12:33 p.m., on Wednesday, November 14, 2012.
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Page 1

1 ATTENDANCE
2 BOARD MEMBERS PRESENT:
3 Marti Wukelic, Acting Chair
4 Donald Sheridan, Secretary
5 C. Gretchen Guy, Member
6 Sydney Kikuchi, Member
7 Randol Leach, Member
8 Norman Franco, Member
9 Lois Prey, Member
10 Lilah Inaba, Member
11 BOARD MEMBERS EXCUSED:
12 Michael Westfall, Chair
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14 STAFF PRESENT:
15 Gary Y. Murai, Deputy Corporation Counsel
16 Angela Andrade, Executive Secretary
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Page 2

1 (Wednesday, November 14, 2012, 12:33 p.m.)
2 * * *
3 ACTING CHAIR WUKELIC: Aloha. Welcome. Call
4 the meeting of the Maui County Board of Ethics to order.
5 In attendance, we have Norman Franco; Sydney Kikuchi;
6 Donald Sheridan; myself, Marti Wukelic; Lilah Inaba;
7 Randol Leach; Gretchen Guy; and Lois Prey.
8 Going to our Regular Session agenda, did you
9 have time to read the minutes of October 10th? If so,
10 do I hear a motion to accept?
11 MEMBER FRANCO: I move to accept.
12 MEMBER GUY: Second.
13 ACTING CHAIR WUKELIC: Moved and second.
14 Okay, the minutes are accepted.
15 Is there public testimony? No public
16 testimony. I am going to like this meeting today.
17 There are no new financial disclosures.
18 In the Communication Items. Listed is
19 Scheduling of Public Hearing Regarding Amendments to
20 Chapter 04-101, Rules of the Maui County Board of
21 Ethics.
22 MR. MURAI: Thank you, Madam Chair. At the
23 last meeting, we had tentatively set the public hearing
24 on our revised rules for our December meeting.
25 Unfortunately, through a calculation error on my part, I

Page 3

1 missed the publication deadline by one day. So I
2 apologize to the Commissioners, but we need to
3 reschedule our public hearing for our January meeting.
4 And I will assure that our notice, public notice, does
5 get published. Again, my apologies.
6 And I do note that, in your packet for today's
7 meeting, you should have received final draft of our
8 revised rules. And I realize that I didn't expect
9 anyone to review that in its entirety for today's
10 meeting. That's just provided for your information and
11 in anticipation of our public hearing in January. Well,
12 should the Board agree that we may accept the public
13 hearing in January.
14 MEMBER GUY: Mike was advised of that?
15 MR. MURAI: Uh-huh.
16 MEMBER GUY: Before his departure? Good.
17 MEMBER SHERIDAN: I move that we set the
18 public meeting for January.
19 MEMBER FRANCO: I second it.
20 ACTING CHAIR WUKELIC: All in favor?
21 (Response.)
22 ACTING CHAIR WUKELIC: Opposed?
23 (No response.)
24 ACTING CHAIR WUKELIC: Okay. Carried. Thank
25 you. And that happens to a lot of people, a lot. It's

Page 4

1 hard to get in front of a deadline like that.
 2 MR. MURAI: You're too kind, Marti.
 3 ACTING CHAIR WUKELIC: That may be the first
 4 time you've ever said that to me. Any report from the
 5 Rules Review Subcommittee?
 6 MEMBER SHERIDAN: No.
 7 ACTING CHAIR WUKELIC: Okay. Any new
 8 discussion regarding the website, update or changes?
 9 MEMBER SHERIDAN: You know, I looked at it and
 10 I am open to change, but I can't see anything on it that
 11 needs changing.
 12 ACTING CHAIR WUKELIC: Any discussion? In my
 13 opinion, in the five years, four and-a-half years I've
 14 been here, I think that we made some really important
 15 crucial changes, simple, easy. Getting those
 16 disclosures up there were huge. And I would think that
 17 maybe just information, a little bit of educational
 18 facts might be needed. But I tend to agree with you,
 19 just my opinion.
 20 MEMBER SHERIDAN: Marti, you know, it is like
 21 our financial disclosure documents. Same thing. I
 22 think we can change it around until the sun starts
 23 spinning, but people don't read.
 24 ACTING CHAIR WUKELIC: Okay. I don't
 25 necessarily agree what's on the website and that are the

Page 5

1 same thing.
 2 MEMBER SHERIDAN: Okay.
 3 ACTING CHAIR WUKELIC: But just opinions
 4 bouncing around here.
 5 MS. ANDRADE: Can I say something?
 6 ACTING CHAIR WUKELIC: Yes, ma'am.
 7 MS. ANDRADE: A couple of meetings ago,
 8 remember, we had Susan Underwood here from the MIS
 9 Division, the website. So you guys had questions for
 10 her, and she left, and we had ask she could come back in
 11 December. So just if we can keep that in mind. I was
 12 going to ask her to come back at the December meeting so
 13 that if you guys had a question, you can start
 14 formulating them now.
 15 MR. MURAI: And, Angela, I want to just add to
 16 that. Our Chair, Mike Westfall, I know that -- I can't
 17 recall whether he said this in the meeting, but I know
 18 that he and I have had discussions about he had wanted
 19 to do things like maybe include links to the other
 20 ethics -- like the State Ethics Commission and the other
 21 counties' ethics commissions. So that might be
 22 something that the Chair might want to bring up.
 23 And while Angela is correct in that Susan
 24 Underwood, has agreed to come back again, and so if the
 25 members do have -- I know that if Mike's gonna be here

Page 6

1 in December, he may have other things that he wants our
 2 IT department to do.
 3 ACTING CHAIR WUKELIC: I, actually, was going
 4 to bring that up as we got down to financial disclosure
 5 because that's what we were talking about. That's what
 6 I was going to say. So I am going to jump down to (g).
 7 I would love to see somebody with fresh eyes, who aren't
 8 trying to work from that same form, to start from
 9 scratch and do it. So I am looking forward to seeing
 10 that.
 11 MS. ANDRADE: We also have to figure out, make
 12 a final decision on that financial disclosure form,
 13 because, in January, that's when all the reminder
 14 letters to everybody goes out. I mean, other than
 15 removing that -- I think we decided that everybody is
 16 going to fill it out from top to bottom every year. But
 17 we have to make the final decision on that so they can
 18 go out in January reminder letters.
 19 ACTING CHAIR WUKELIC: Is it possible, and I
 20 don't know if this is possible, but if either of you are
 21 in contact with her, is there any way we could see
 22 something prior to the meeting so that, if necessary, in
 23 December, we can actually --
 24 MS. ANDRADE: I can ask her.
 25 ACTING CHAIR WUKELIC: -- make a decision?

Page 7

1 MS. ANDRADE: I can ask her.
 2 ACTING CHAIR WUKELIC: Even if there was like
 3 a dummy website that we could go to or how you can put
 4 something up temporarily. I don't guess we need these,
 5 do we? And that way, because what happens is -- I am
 6 glad you brought January up -- we see something, we talk
 7 about it, we like it, and then it's the next month
 8 before we move on it. And by that time, it will be too
 9 late.
 10 MS. ANDRADE: I think, right now, she's got it
 11 where we talked about a couple meetings ago, too, where
 12 you can't go on to the next item until you've properly
 13 filled out the first item. So I think that has been
 14 made -- that change has been made. But I will verify
 15 that and I will get her to submit anything else that she
 16 needs before then.
 17 ACTING CHAIR WUKELIC: Thank you so much for
 18 that. Anything else about financial disclosures, since
 19 we skipped down?
 20 (No response.)
 21 ACTING CHAIR WUKELIC: Okay. Where were we?
 22 Formal complaint form. Is that finished? I haven't
 23 been here.
 24 MR. MURAI: You know, we haven't really done
 25 anything about that.

Page 8

1 ACTING CHAIR WUKELIC: We'll continue that.
2 MR. MURAI: Continue that for -- I know that
3 Michael was working on that. So I am not sure what he's
4 done about as far as any changes.
5 ACTING CHAIR WUKELIC: Okay.
6 MEMBER GUY: Madam Chair, following up on your
7 proactive, your bias reaction, is it possible to have
8 these forms distributed in advance so we can make
9 decisions in December and then everything's ready?
10 MS. ANDRADE: They have been, yeah, the last
11 few packets.
12 MEMBER GUY: But no other changes, et cetera,
13 so that we know that we've got the most up-to-date?
14 MS. ANDRADE: Yeah. The most -- the only
15 change that has been made is the removal of that box
16 that says no changes. That one little box, that's the
17 only change that's been made.
18 MEMBER GUY: Okay.
19 ACTING CHAIR WUKELIC: I have a feeling we're
20 going to be stuck with the written form for this next
21 go-around as it is. I don't know. I am just thinking I
22 don't know if --
23 MEMBER GUY: Well, I was also thinking about
24 the formal complaint form.
25 ACTING CHAIR WUKELIC: Oh.

Page 9

1 MEMBER GUY: Get our forms done. Okay.
2 ACTING CHAIR WUKELIC: Did we have a
3 subcommittee on that? We didn't?
4 MR. MURAI: No, there was no subcommittee. I
5 know that we had -- I recall that we had earlier
6 discussions and there were some changes that were
7 discussed, such as adding like a more formal attestation
8 on something like an affidavit, and some relatively
9 minor, you know, stylistic changes, but we never
10 formally adopted them.
11 ACTING CHAIR WUKELIC: So --
12 MR. MURAI: So if the Board wants to do that
13 for December meeting, I will make a note to myself to
14 maybe bring those changes we had discussed before back
15 again and circulate them prior to the meeting.
16 ACTING CHAIR WUKELIC: Absent a subcommittee,
17 is it okay, Sunshine Law wise, that I contact Michael
18 directly and say -- and ask him about the changes?
19 MR. MURAI: Yes, it's all right.
20 ACTING CHAIR WUKELIC: Okay. I will do that,
21 then, just so we can do what Carolann said.
22 And I got a little confused with (f) and (g).
23 Are we finished discussing financial forms or the
24 statements?
25 MEMBER SHERIDAN: Again, I don't disagree with

Page 10

1 making any changes, but looking at what just came in,
2 you can't make 'em read.
3 ACTING CHAIR WUKELIC: Okay. Let's move on to
4 New Business. There are -- this is going to warm my
5 heart to say this: There are no new financial
6 disclosure statements.
7 Communication Items, none.
8 And we do have one Lobbyist Registration from
9 Carol Reimann.
10 MEMBER SHERIDAN: Resigning.
11 ACTING CHAIR WUKELIC: I'm sorry. Yes, I was
12 going to say. Do we accept those or do we acknowledge
13 them? We acknowledge those, right?
14 MR. MURAI: I suppose we could. I am not sure
15 that -- in my time with the Board, this is the first
16 time I've ever dealt with a new registration or a
17 resignation. I think we just -- again, we just
18 acknowledge receipt of it.
19 ACTING CHAIR WUKELIC: Okay. Just to keep
20 things -- it seems even silly to take a vote on it,
21 yeah?
22 MR. MURAI: No. No, I don't think we need to
23 take a vote. All we need to do is note for the record
24 that Carol Reimann has resigned her position as
25 Executive Director of the Maui Hotel and Lodging

Page 11

1 Association, therefore, she has asked to be removed as a
2 lobbyist effective October 5th, 2012.
3 ACTING CHAIR WUKELIC: Thank you.
4 MEMBER SHERIDAN: So moved.
5 ACTING CHAIR WUKELIC: Thank you.
6 Announcements, none.
7 Our next meeting date will be Wednesday,
8 December 12th, 2012.
9 MEMBER GUY: 12-12-12.
10 ACTING CHAIR WUKELIC: Huh?
11 MEMBER GUY: 12-12-12.
12 ACTING CHAIR WUKELIC: 12-12-12, that's right.
13 Maybe we should celebrate.
14 MR. MURAI: We could have some apocalyptic
15 date.
16 ACTING CHAIR WUKELIC: No. 21st. Numbers are
17 reversed. And we are now going to go into Executive
18 Session if somebody would like to -- Mr. Sheridan?
19 MEMBER SHERIDAN: With reference to the agenda
20 items listed below, one or more executive meetings are
21 anticipated. In particular, the Board of Ethics
22 anticipates it will consider the evaluation, dismissal
23 or disciplining of an officer or employee of the County
24 of Maui where considerations matter affecting privacy
25 will be involved. The Board may also consult with the

Page 12

1 Board's attorney on questions and issues pertaining to
2 the Board's powers, duties, privileges, immunities and
3 liabilities. Therefore, pursuant to Hawaii Revised
4 Statutes, HRS, Section 92-5(a)(2) and (4), the following
5 items may be considered in Executive Session. The Board
6 may also convene in adjudicatory session pursuant to HRS
7 Section 92-6.

8 ACTING CHAIR WUKELIC: Thank you.
9 (Recess to Executive Session, 12:45 p.m. to
10 1:00 p.m.)

11 ACTING CHAIR WUKELIC: We now return to
12 regular session. In regular session, any new
13 announcements? This meeting is adjourned.

14 (Meeting adjourned, 1:00 p.m.)
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1 CERTIFICATE
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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 6th day of November, 2012.
16
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18 _____
19 Tonya McDade
20 Certified Shorthand Reporter #447
21 Registered Professional Reporter
22 Certified Realtime Reporter
23 Certified Broadcast Reporter
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