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2 COUNTY OF MAUI, STATE OF HAWAII
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7 BOARD OF ETHICS
8 REGULAR MEETING
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14 Held at the Planning Department Conference Room,
15 250 South High Street, Wailuku, Maui, Hawaii, commencing
16 at 12:30 p.m., on Wednesday, March 13, 2013.
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21 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 Sydney Kikuchi, Member
Randol Leach, Member
5 Norman Franco, Member
Lois Prey, Member
6 Lilah Inaba, Member
7 STAFF PRESENT:
Jeffrey T. Ueoka, Deputy Corporation Counsel
8 Angela Andrade, Executive Secretary
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1 (Wednesday, March 13, 2013, 12:30 p.m.)
2 * * *
3 CHAIR WESTFALL: I will call to order the Maui
4 County Board of Ethics meeting for Wednesday, March
5 13th, 2013.
6 Attendance: Michael Westfall is here, Marti
7 Wukelic, Don Sheridan. C. Gretchen Guy, I think, is
8 expected.
9 MS. ANDRADE: She didn't tell me one way or
10 the other.
11 CHAIR WESTFALL: Okay. Sydney Kikuchi is in
12 attendance, Randol Leach, Norman Franco, Lois Prey and
13 Lilah Inaba.
14 MS. ANDRADE: Lilah.
15 CHAIR WESTFALL: Man, I still can't get it.
16 Okay. Sorry about that.
17 Minutes of February 13th, 2013. Do I have a
18 motion to accept?
19 MEMBER SHERIDAN: I so move.
20 MEMBER PREY: Second.
21 CHAIR WESTFALL: Do I have unanimous consent
22 to approve the minutes?
23 (Response.)
24 CHAIR WESTFALL: Thank you. Any public
25 testimony?

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1 MS. ANDRADE: No.
2 CHAIR WESTFALL: Seeing none, on to Number 5.
3 This is a farewell reading and resolution for Marti and
4 for Carolann or C. Gretchen Guy. Carolann is not here.
5 I guess we need to read this to you. I will have our
6 Secretary serve as the Mayor's representative.
7 MEMBER SHERIDAN: Oh, God.
8 VICE-CHAIR WUKELIC: You want my reading
9 glasses?
10 MEMBER SHERIDAN: I think I can survive.
11 VICE-CHAIR WUKELIC: I wouldn't.
12 MEMBER SHERIDAN: "Dear, Ms. Wukelic."
13 VICE-CHAIR WUKELIC: Wait. Can I just give
14 one last lesson? Three syllables. The first one rhymes
15 with book, Wukelic, no V.
16 MEMBER SHERIDAN: "Congratulations on a job
17 well done! On behalf of the people of the County of
18 Maui, please accept my deepest appreciation and
19 gratitude for your dedication and service on the Board
20 of Ethics. Your efforts and contributions have made a
21 positive difference.
22 I truly believe that it is important for
23 citizens to play an active role within both our
24 community and government. The process of recruiting and
25 selecting nominees for various Maui County boards and

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1 commissions has given me a greater appreciation for
2 volunteerism and community service. I would like to
3 commend you for your willingness to devote your time,
4 energy, resources, and insight to the betterment of Maui
5 County.
6 Once again, thank you very much for doing your
7 part to make our County the best that it can be. I hope
8 your experience has been rewarding and worthwhile.
9 Sincerely, Alan Arakawa, Mayor of the County
10 of Maui."
11 VICE-CHAIR WUKELIC: Thank you very much.
12 (Applause.)
13 VICE-CHAIR WUKELIC: Thank you.
14 MEMBER LEACH: Speech.
15 VICE-CHAIR WUKELIC: Now we can get past me
16 and on to our meeting.
17 CHAIR WESTFALL: I will say a few words. I
18 came on the board the same year as Marti. During your
19 tenure, you've worked on the Rules Subcommittee. Our
20 web page got enhanced because of Marti's efforts. I
21 recently counted a number of things. I think we've
22 reviewed maybe about 400 different financial disclosures
23 during this time. We've had about 30 complaints and
24 we've issued about 40 advisory opinions. So it's been a
25 very productive five years. Thank you, Marti.

1 CHAIR WESTFALL: I will assume what it is, he
2 sold policies that pay out residuals. So he's probably
3 not selling any new insurance; he's got old policies
4 that are still out there that are paying.
5 Norman, you're in the insurance business.
6 That's probably the --
7 MEMBER FRANCO: Yeah, I think he has a helper.
8 I know he last was with Mutual Underwriters, but he
9 still has a email address as Mutual Underwriters. I
10 assume he's still there.
11 CHAIR WESTFALL: Let's see. Since this is
12 under Old Business, do I need a motion to acknowledge
13 this or can I put this under the New Business one? Do I
14 need a separate motion?
15 MR. UEOKA: You should probably treat it
16 separately.
17 CHAIR WESTFALL: Okay. Do I have a motion to
18 acknowledge receipt?
19 MEMBER SHERIDAN: I so move.
20 MEMBER PREY: Second.
21 CHAIR WESTFALL: Do I have unanimous consent?
22 (Response.)
23 CHAIR WESTFALL: For Members, I've been
24 reading my Robert's Rules of Order. Maybe to make
25 things a little faster on some of these, I will just ask

1 VICE-CHAIR WUKELIC: Thank you.
2 CHAIR WESTFALL: And you've served as
3 Vice-Chair for two years.
4 I could say some things about Carolann, but
5 she's not here. Carolann has actually served seven
6 years. Like me, she served a five-year term -- or a
7 two-year term, replacing someone, then was re-nominated
8 for another five years. So if you see Carolann, good
9 job, Carolann, and thanks for your service.
10 VICE-CHAIR WUKELIC: Thank you.
11 CHAIR WESTFALL: Okay. Number 6, Old
12 Business. Financial Disclosures: The first one is just
13 Michael Victorino. I assume this is one that came back.
14 Is that's why it's under Old Business?
15 MS. ANDRADE: It was Old Business because
16 there was questions at the last meeting about whether he
17 was still part of the insurance business.
18 CHAIR WESTFALL: Okay. And I can see --
19 MS. ANDRADE: And he is. And he just forgot
20 to list it.
21 MEMBER PREY: Pardon me. He is an agent?
22 MS. ANDRADE: I am not sure what he is for the
23 insurance business, but he does -- he does earn income
24 with that insurance company as well.
25 MEMBER PREY: Okay. Thank you.

1 for unanimous consent rather than aye. If you don't
2 consent, just raise your hand. Okay?
3 All right. So that one is done.
4 New Business, Item 7. Financial Disclosures:
5 Don, maybe you could read these for us as Secretary?
6 MEMBER SHERIDAN: Danilo Agsalog --
7 CHAIR WESTFALL: Let me rephrase it. Don,
8 maybe you can give us a motion to acknowledge receipt,
9 then we'll go into discussion.
10 MEMBER SHERIDAN: Okay. I move that we
11 acknowledge the receipt. You want me to --
12 CHAIR WESTFALL: If you can just read the last
13 names.
14 MEMBER SHERIDAN: Okay. Agsalog, Ching,
15 Villarosa, Hiromoto, Kushi, Shishido, Taylor, Underwood,
16 Walker.
17 CHAIR WESTFALL: Do I have a second?
18 MEMBER PREY: Second.
19 CHAIR WESTFALL: Thank you. Discussion. Any
20 issues with any of these? Don, did you have an issue
21 with any of these?
22 MEMBER SHERIDAN: No. Just the handwriting
23 could be better.
24 CHAIR WESTFALL: All right. Since there is no
25 discussion, do I have unanimous consent to acknowledge

1 receipt of the aforementioned financial disclosures?
 2 All those in favor? Thank you.
 3 Item (b), Communication Item, Correspondence
 4 from Corporation Counsel Patrick Wong dated March 7th,
 5 2013. I think you all have a copy of that.
 6 We had a similar issue previously where
 7 someone had sent correspondence to Mr. Wong. And we
 8 initiated at that time an investigation to just verify
 9 the facts surrounding the situation. It would appear
 10 that this person has asked that the email be forwarded
 11 to the Board of Ethics. And they're, basically, asking
 12 for an advisory opinion on the bottom question.
 13 I will open this just for the, I guess,
 14 procedure, processes. We don't have a formal request
 15 from this person for an advisory opinion, so
 16 technically, it's not to form. So does any Member have
 17 a thought on how we might handle this? Go ahead, Marti.
 18 VICE-CHAIR WUKELIC: I am just thinking, since
 19 this isn't something that's going on right now, I would
 20 tend to wait until the person came before us, if they so
 21 chose. Because it doesn't appear that that's even
 22 happening, just thinking about it.
 23 MEMBER SHERIDAN: I think Marti's right.
 24 CHAIR WESTFALL: Any other thoughts? Sydney.
 25 MEMBER KIKUCHI: Yeah. I would actually like

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1 to see us respond to this Mr. Ribao and let him know
 2 that we received the email from Pat and that if we need
 3 more -- if he wants to contact us, he should contact us
 4 directly and provide us with a little more information
 5 or an opinion.
 6 MR. UEOKA: Maybe just in that communication
 7 refer him to your rules and the four sections in the
 8 request for advisory opinion.
 9 CHAIR WESTFALL: I agree with that because,
 10 you know, to be consistent, we had one of these once
 11 where we did not acknowledge it because it wasn't to
 12 form because the rules say you got to be to form. So
 13 maybe if we send some correspondence back to him along
 14 the lines that you just mentioned.
 15 VICE-CHAIR WUKELIC: Courtesy response. Just
 16 a courtesy response.
 17 CHAIR WESTFALL: Everyone okay with that?
 18 Okay. I will get with Gary on that. Gary, he normally
 19 does our correspondence.
 20 MR. UEOKA: Oh, he does? Okay. I will let
 21 him know.
 22 CHAIR WESTFALL: All right. Thank you.
 23 MS. ANDRADE: I will remind Gary.
 24 CHAIR WESTFALL: This is an easy one. We've
 25 given him more difficult ones before.

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1 MS. ANDRADE: That's what he anticipated,
 2 anyway.
 3 CHAIR WESTFALL: Okay. Great. Let's see. To
 4 expedite this, if the Board is okay with this, I will
 5 just communicate with Gary before the next meeting and
 6 sign the letter and have it sent out before the next
 7 meeting rather than having it wait until the next
 8 meeting.
 9 MEMBER SHERIDAN: Good idea.
 10 CHAIR WESTFALL: Are we okay with that? Okay.
 11 Lobbyist Registration, none.
 12 Status of Research Subcommittee. You know
 13 what, Lois, I am going to ask if maybe you want to
 14 report. We had our meeting today, a very productive
 15 one. Put you on the spot here.
 16 MEMBER PREY: Yeah, you are.
 17 CHAIR WESTFALL: You were very helpful.
 18 MEMBER PREY: Okay. We had a meeting this
 19 morning and come to the conclusion that -- as far as
 20 gift receiving that we -- in view of last meeting of the
 21 councilmembers receiving gifts, we came to the
 22 conclusion that there should be some kind of clarity and
 23 limit on what they should receive, because some of those
 24 were really outstanding. So we're asking for more
 25 clarity. And I found on the website what the

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1 commission -- Board of Ethics Commission in Honolulu are
 2 doing.
 3 So I emailed Michael and Don and Norman to
 4 make copies of what -- a question and answer, which was
 5 very, very informative, on what their thoughts were.
 6 And so Michael is going to do a follow-up on that and
 7 get us -- Michael, would you like to add to what I am
 8 saying?
 9 CHAIR WESTFALL: I will go around and I can
 10 maybe finish. Norman -- I'm sorry, if you're finished,
 11 go to Norman, then Don.
 12 MEMBER PREY: In other words, to set a
 13 definite -- which I said \$200, no more than that.
 14 Go ahead, Norman.
 15 MEMBER FRANCO: Well, I think we also
 16 discussed what the proper approach would be to change
 17 our rules. Michael is talking about doing a letter to
 18 the media.
 19 CHAIR WESTFALL: I will kind of fill that in
 20 when it comes around.
 21 MEMBER FRANCO: We had a discussion on the
 22 amount, the limit, the \$200. It bears discussion, but,
 23 also, I think to do a breakdown of the kind of gift they
 24 received and the dollar amount per category for
 25 breakdown might be another approach. So it's still in

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1 discussion. We haven't decided exactly what to do yet.
 2 Donald, what do you --
 3 MEMBER SHERIDAN: Okay.
 4 MR. UEOKA: Are you guys working with Gary on
 5 this, Murai?
 6 MS. ANDRADE: They just started it.
 7 MR. UEOKA: I will keep my comments to myself.
 8 MEMBER LEACH: I'd be interested in hearing
 9 you.
 10 CHAIR WESTFALL: We want to hear you.
 11 MEMBER PREY: Yeah, we want to hear you.
 12 MR. UEOKA: I am just curious. The Charter's
 13 clear on what the prohibitions are for the Code of
 14 Ethics, you know. So any additional prohibitions by
 15 this Board, I don't know how much --
 16 CHAIR WESTFALL: Yeah. I don't think it's a
 17 prohibition.
 18 MR. UEOKA: Okay. I heard prohibitions.
 19 CHAIR WESTFALL: How to say it. In
 20 discussion, we use words incorrectly.
 21 MR. UEOKA: Because if you were to say no one
 22 can accept gifts of more than \$200, I don't think that
 23 would -- I am not sure -- that might be a conflict with
 24 the Charter.
 25 CHAIR WESTFALL: Maybe I will clarify, so it

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1 makes it a little easier. I think what we were looking
 2 at, not the Charter so much as our current rules, we
 3 have a subchapter titled Financial Disclosures.
 4 MR. UEOKA: Okay.
 5 CHAIR WESTFALL: And the financial disclosure
 6 part of it is fine, but, buried in it, is a description
 7 of what is a gift.
 8 MR. UEOKA: Okay.
 9 CHAIR WESTFALL: So when we went to the State
 10 Ethics Commission, you know, they've got three or four
 11 different -- Lois mentioned, three or four different
 12 papers that are really helpful defining what is a gift.
 13 So our rules as well as the Charter, we use the word
 14 "gift," but we never really -- we have a definition, but
 15 it's really confusing. And so when we looked at what
 16 they've written, it's pretty clear.
 17 MR. UEOKA: Okay.
 18 CHAIR WESTFALL: So it stays within what
 19 you're describing. The Charter doesn't change.
 20 MR. UEOKA: Okay.
 21 CHAIR WESTFALL: It's really a better
 22 description of what is a gift. Now, that might change
 23 the way some people -- some of their practices.
 24 MR. UEOKA: If it's an amendment to your
 25 rules --

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1 CHAIR WESTFALL: We're not looking at the
 2 Charter.
 3 MR. UEOKA: Well, please do look at the
 4 Charter because you have to stay within the Charter.
 5 CHAIR WESTFALL: Yes.
 6 MR. UEOKA: But, yeah, I'm sorry. I just
 7 heard prohibitions, gifts over \$200, and I went --
 8 CHAIR WESTFALL: What we're trying to do is
 9 have a better description of what are gifts, when are
 10 they appropriate, when are they not. And we're
 11 following the existing rules that are already -- let me
 12 clarify. We are following the existing Charter. It's
 13 looking at our own rules and defining these terms
 14 clearly. However, we're following the State Ethics
 15 Commission. And some of their descriptions --
 16 MR. UEOKA: Yeah. Gary will work with you on
 17 this, so I am not real concerned. Just from a little
 18 bit of what I am thinking here is the Charter is kind of
 19 clear on when they are appropriate and when they are not
 20 appropriate. If they're intended to influence, they are
 21 not appropriate.
 22 CHAIR WESTFALL: I might disagree with you on
 23 that.
 24 MR. UEOKA: Okay. Well, we can agree to
 25 disagree, but, you know --

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1 CHAIR WESTFALL: I think most of the members
 2 here would disagree with you.
 3 MR. UEOKA: Well, it's clear to me, though,
 4 that there's a definition in there. If you guys expand
 5 upon that, that's fine, but, yeah, prohibition, very
 6 careful with that. And the State Ethics Commission
 7 might also be working along -- I know, as a county, we
 8 follow the HRS. But just keep that in mind, that our
 9 Charter does control a lot of what we do, also.
 10 CHAIR WESTFALL: I don't mean to be
 11 argumentative, but I will just -- where the members have
 12 an issue is our Charter talks about gifts, and the gift
 13 is something that is intended to influence. And that's
 14 all that's written in there. Well, anytime you get
 15 anything of any dollar amount, I think the members
 16 thought is that is meant to influence. So we want a
 17 better description of what a gift is and when we meet
 18 the standard of influence. Right now, it's confusing.
 19 MR. UEOKA: Okay.
 20 CHAIR WESTFALL: Anyway --
 21 MR. UEOKA: We could sit here and argue about
 22 that all day long.
 23 CHAIR WESTFALL: All right. Any other
 24 comments on where we're going with that? Okay.
 25 Announcements, none.

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1 Next meeting, Wednesday, April 10th, 2013.
 2 We will now go into Executive Session. Let's
 3 see, I will pick on Randol. Would you be able to read
 4 the preface?
 5 MEMBER LEACH: Yes, in honor of Marti.
 6 CHAIR WESTFALL: Actually, I should let Marti
 7 read it.
 8 VICE-CHAIR WUKELIC: I read it last month.
 9 CHAIR WESTFALL: Are you sure, not just one
 10 last time?
 11 VICE-CHAIR WUKELIC: No. I learned how to say
 12 "adjudicatory" and I am fine.
 13 MEMBER LEACH: Since I have the floor, I would
 14 like to thank Marti for her dedication and hard work and
 15 filling in for our Chair, also, you did an admirable job
 16 as Chairperson. Thank you.
 17 With reference to the agenda items listed
 18 below, one or more executive meetings are anticipated.
 19 In particular, the Board of Ethics anticipates it will
 20 consider the evaluation, dismissal or disciplining of an
 21 officer or employee of the County of Maui where
 22 considerations of matters affecting privacy will be
 23 involved. The Board may also consult with the Board's
 24 attorney on questions and issues pertaining to the
 25 Board's powers, duties, privileges, immunities, and

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1 liabilities. Therefore, pursuant to Hawaii Revised
 2 Statutes, Sections 92-5 (a)(2) and (4), the following
 3 items may be considered in Executive Session. The Board
 4 may also convene in adjudicatory session pursuant to HRS
 5 Section 92-6.
 6 (Recessed to Executive Session, 12:49 p.m. to
 7 12:53 p.m.)
 8 CHAIR WESTFALL: We will go back into regular
 9 session.
 10 Do I have any announcements?
 11 We will have our subcommittee meeting again
 12 next April 10th, Wednesday, at 11:30. So if we could
 13 get the room open at 11:30.
 14 And I guess that's it.
 15 MS. ANDRADE: Can I say something real quick?
 16 CHAIR WESTFALL: Sure.
 17 MS. ANDRADE: Can I remind everyone, since
 18 we're down two members, if you can let me know for sure
 19 one way or the other?
 20 CHAIR WESTFALL: Have they appointed two
 21 members?
 22 MS. ANDRADE: I haven't seen anything, so we
 23 won't have two members by next meeting. We'll only have
 24 five -- sorry -- seven. If you will let me know so I
 25 know if we have quorum or not.

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1 VICE-CHAIR WUKELIC: I just want to thank
 2 everybody. This has been quite an experience. We had
 3 six-and-a-half-hour meetings, we had 19-minute meetings.
 4 And I just -- it's amazing how you come into it going,
 5 "Okay, sure, I will try figure out what this is," and
 6 then you do. So thank you.
 7 CHAIR WESTFALL: Thank you.
 8 MEMBER FRANCO: Thanks for your service.
 9 Appreciate it.
 10 CHAIR WESTFALL: I will just remind everybody,
 11 including myself, get our financial disclosures.
 12 MS. ANDRADE: Yes, those of you who haven't.
 13 CHAIR WESTFALL: We don't want to file a
 14 complaint against any members.
 15 Do I have a motion to adjourn the meeting?
 16 VICE-CHAIR WUKELIC: I so move.
 17 CHAIR WESTFALL: Unanimous consent?
 18 MEMBER FRANCO: I can vote on that one, right?
 19 CHAIR WESTFALL: All right. Meeting is
 20 adjourned.
 21 (Meeting adjourned, 12:55 p.m.)
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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 2nd day of April, 2013.
 16
 17
 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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