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4 COUNTY OF MAUI, STATE OF HAWAII
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9 BOARD OF ETHICS
10 REGULAR MEETING
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16 Held at the Planning Department Conference Room,
17 250 South High Street, Wailuku, Maui, Hawaii, commencing
18 at 12:30 p.m., on Wednesday, September 11, 2013.
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22 Reported by: Tonya McDade, CSR, CRR
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1 ATTENDANCE
2 BOARD MEMBERS PRESENT:
3 Michael Westfall, Chair
4 Randol Leach, Secretary
5 Sydney Kikuchi, Member
6 Norman Franco, Member
7 Lois Prey, Member
8 Lilah Inaba, Member
9
10 BOARD MEMBERS EXCUSED:
11 Abel Kahooohanohano, Jr., Member
12 Herman Nascimento, Member
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14 STAFF PRESENT:
15 Linden Joesting, Deputy Corporation Counsel
16 Angela Andrade, Executive Secretary
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1 (Wednesday, September 11, 2013, 12:30 p.m.)
2 * * *
3 CHAIR WESTFALL: Let's go ahead and get
4 started. I am going to call the meeting of the Maui
5 County Board of Ethics to order. The meeting is of
6 Wednesday, September 11th, 2013.
7 Starting with Item A(1), I just called the
8 meeting to order.
9 Attendance: Michael Westfall, Randol Leach,
10 Sydney Kikuchi, Norman Franco, Lois Prey, Lilah Inaba,
11 are all in attendance. And the other members are absent
12 and excused.
13 Item 3, election of Vice-Chair due to
14 resignation of Don Sheridan. I was just told that I
15 can't go off the record, so we'll just have to say --
16 maybe after the meeting, say something. You want to
17 explain that?
18 MS. JOESTING: Sure. When you have a public
19 meeting like this, there's no on or off the record.
20 Once you convene the meeting, it's an open session and
21 it's open to the public. If you want to have a closed
22 session, it has to meet the requirements of the Sunshine
23 Law to go into a closed session, to either consult with
24 your attorney, to talk about personnel matters and that
25 sort of thing. So once you've convened your meeting,

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1 there's no off the record.
2 CHAIR WESTFALL: You know, I guess I am going
3 off the agenda slightly here. I should introduce you.
4 MS. JOESTING: Yes.
5 CHAIR WESTFALL: We have a new legal advisor.
6 And -- I'm sorry -- why don't you give us a little
7 background?
8 MS. JOESTING: Sure. My name is Linden
9 Joesting. I am from -- actually, I was born and raised
10 on Oahu, but my mom's from Maui. She was born in
11 Puunene and raised in Wailuku. And I've worked with the
12 State for about 15 years. I worked for the State
13 Attorney General, I clerked for a judge, most recently,
14 I worked for the Office of Information Practices, which
15 does all the Sunshine Law complaints and, also, the open
16 records questions. So that's my most recent experience.
17 And I was fortunate enough to be hired by the
18 Corporation Counsel.
19 CHAIR WESTFALL: Thank you.
20 MEMBER PREY: How do spell your last name?
21 MS. JOESTING: Sure. J-O-E-S-T-I-N-G. And
22 the first name is Linden, like the tree, not like the
23 president. L-I-N-D-E-N.
24 MEMBER KIKUCHI: Oh, okay.
25 MEMBER LEACH: L-I-N --

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1 MS. JOESTING: D-E-N.
 2 CHAIR WESTFALL: You know how we like our
 3 rules here, so we've got to ask for a real expert on the
 4 rules.
 5 MS. JOESTING: So if any of you have any
 6 questions, you know, during the meeting, by all means,
 7 you're welcome to ask me, or you can also call me at the
 8 office of the Corporation Counsel or email.
 9 CHAIR WESTFALL: All right. So back to Item
 10 3, Election of a New Vice-Chair.
 11 And just for the record, you know,
 12 Mr. Sheridan is quite ill, so he's decided to resign
 13 from the Board. If you want to stick around after the
 14 meeting, Lois is his good friend and can give you an
 15 update and more information, if you're interested in
 16 that.
 17 So we need to get a new Vice-Chair. So I will
 18 open the floor to nominations. Anyone interested?
 19 MEMBER FRANCO: I nominate Randol Leach.
 20 MEMBER PREY: I second it, or whatever.
 21 MEMBER FRANCO: You've got experience. You've
 22 done it before.
 23 CHAIR WESTFALL: Any discussion?
 24 (No response.)
 25 CHAIR WESTFALL: I think he's an excellent

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1 choice, having been the Chairman previously. You all
 2 right with that, Randol?
 3 MEMBER LEACH: Yeah.
 4 CHAIR WESTFALL: I should ask.
 5 MEMBER LEACH: I am going to be all right as
 6 long as someone steps up to be Secretary.
 7 CHAIR WESTFALL: That will be the next
 8 question. Randol is currently the Secretary. Should we
 9 go ahead and open nominations for that or do we wait
 10 until the next meeting?
 11 MS. JOESTING: I think you'll have to notice
 12 it on the next agenda.
 13 CHAIR WESTFALL: Do that at the next meeting.
 14 Okay.
 15 Any more discussion on the motion to nominate
 16 Randol Leach to Vice Chairman? Seeing none, we'll go
 17 ahead and vote. All those in favor, signify by saying
 18 "aye."
 19 (Response.)
 20 CHAIR WESTFALL: Any opposition?
 21 (No response.)
 22 CHAIR WESTFALL: Seeing none, congratulations,
 23 Randol, you're new Vice Chair. You can move over to the
 24 hot seat here, if you like.
 25 Note that, at our next meeting, we'll need to

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1 vote for a new Secretary.
 2 MS. JOESTING: Just a quick question. If
 3 Mr. Sheridan wrote in, you might want to ask that be
 4 included with the minutes or some other part of the
 5 record.
 6 CHAIR WESTFALL: So we'll include the letter
 7 of resignation that Mr. Sheridan sent to the Mayor, I
 8 believe, as part of the minutes. It's a sad note that
 9 we're not going to have him any more. He's been a real
 10 strong supporter and has been pushing for a lot of
 11 stuff. Yes.
 12 MEMBER LEACH: Mr. Chair, I think everyone
 13 probably would agree, do we send him a thank you,
 14 appreciation?
 15 CHAIR WESTFALL: Yes. That would be great.
 16 MS. ANDRADE: Do you want me to send something
 17 for everyone?
 18 CHAIR WESTFALL: Who is going to write it?
 19 MS. ANDRADE: Do you want me to email him on
 20 behalf of the Board? How would you --
 21 MEMBER PREY: No. I --
 22 CHAIR WESTFALL: You know what, let's do this:
 23 Let's let -- Lois has been the contact to Don and has a
 24 close relationship. So would you be able to handle that
 25 for us, Lois?

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1 MEMBER PREY: Yes.
 2 CHAIR WESTFALL: A card or something.
 3 MEMBER PREY: I think a card would be
 4 appropriate.
 5 MS. ANDRADE: Okay.
 6 MEMBER PREY: He's requesting no emails or
 7 phone calls.
 8 MS. ANDRADE: Do you want to get a card and
 9 bring it to the next meeting and circulate it?
 10 MEMBER PREY: I will be glad to get the card
 11 so we can sign it and then I can send it to him.
 12 MS. ANDRADE: Okay. Thank you.
 13 MEMBER PREY: Thank you.
 14 MEMBER LEACH: Just another -- sometimes, too,
 15 the Mayor can send a thank you.
 16 MEMBER FRANCO: A certificate or something.
 17 MS. ANDRADE: I can ask him.
 18 MEMBER LEACH: Be nice getting something from
 19 the Mayor, too.
 20 MEMBER PREY: Okay. Thank you.
 21 CHAIR WESTFALL: Item Number 4, minutes for
 22 August 14th, 2013. Do I have a motion to approve those
 23 minutes?
 24 MEMBER FRANCO: So moved.
 25 MEMBER PREY: Second.

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1 CHAIR WESTFALL: Any discussion? Seeing none,
2 all those in favor, signify by saying "aye."
3 (Response.)
4 CHAIR WESTFALL: Any opposition?
5 (No response.)
6 CHAIR WESTFALL: Seeing none, those are
7 approved. We have no public testimony. I don't see
8 anyone here.
9 MS. ANDRADE: No.
10 CHAIR WESTFALL: I am going to ask for a
11 motion to suspend the rules for a moment to do a little
12 housekeeping on the agenda. We need a motion. Norman
13 is making a motion. Do I have a second?
14 MEMBER PREY: Second.
15 CHAIR WESTFALL: All those in favor of
16 allowing us to amend the agenda here, signify by saying
17 "aye."
18 (Response.)
19 CHAIR WESTFALL: Any opposition?
20 (No response.)
21 CHAIR WESTFALL: Seeing none, at the
22 conclusion of our last meeting, I actually met with
23 Mr. Wong for a few moments on some procedural matters.
24 One of the items that he brought up is that -- and, you
25 know, Randol has been around a while, as long as I've

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1 been here, we've always had a Regular Session and then
2 an Executive Session. What he informed me -- and she's
3 confirmed it -- that we don't need to have an Executive
4 Session agenda. Every item should be on the regular
5 agenda. And what we need to do is, when we get to an
6 item that we need to have discussion in Executive
7 Session, we make a motion at that time to hold it to
8 Executive Session. Am I correct there? And you can
9 fill in.
10 MS. JOESTING: Correct. You go into Executive
11 Session, discuss the items on the agenda, then you come
12 back out and take your vote.
13 CHAIR WESTFALL: So as we all know, we've
14 always had a separate agenda. So when we get -- so the
15 amendment to the agenda is taking Items -- let me
16 rephrase this. Taking items from Executive Session, the
17 Sections 4(c) and (d), and moving them to Regular
18 Session under New Business, Section 6. We'll make them
19 (e) and (f). And when we get to them, we'll just have a
20 motion to carry them over to Executive Session.
21 Everyone all right with that? So -- okay.
22 MEMBER LEACH: Mr. Chair, and then the minutes
23 will still be separated?
24 CHAIR WESTFALL: Yes.
25 MS. JOESTING: Correct.

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1 CHAIR WESTFALL: So, essentially, what is
2 happening is we're not changing anything other than it
3 says it's in Regular Session, we have the discussion in
4 Executive Session, the minutes would be Executive
5 Session, we go back and have the vote. And I think for
6 confidentiality, at times, we put a number rather than
7 name, if that's appropriate.
8 MS. JOESTING: So when you first have a
9 complaint or the information from the Office of
10 Information Practices, just to have a number, then when
11 -- as you move further along with your cases, then if
12 the name is already known, it can be put in.
13 CHAIR WESTFALL: Okay. We all sort of
14 understand that? Okay. So do I need a motion to change
15 it? I guess I need a motion -- I have a motion to
16 change the agenda. We've had discussion. Any more
17 discussion?
18 (No response.)
19 CHAIR WESTFALL: Seeing none, all those in
20 favor of making the amendment to the agenda, signify by
21 saying "aye."
22 (Response.)
23 CHAIR WESTFALL: Any opposition?
24 (No response.)
25 CHAIR WESTFALL: Seeing none, that motion

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1 carries. So we'll go back to Item 6, Old Business.
2 Financial Disclosures, none.
3 Communication Items, none.
4 (c), Status of Research Committee, Update.
5 The Research Committee has concluded its review of the
6 various questions that were posed to it. I actually did
7 a written report, which is like ridiculously long --
8 it's like 50-some pages long -- but what you find in it
9 is that there are some items where there's all kinds of
10 regulations, five different places where it's mentioned,
11 and others there's maybe one. What we're going to do
12 with the report today is I am going to email it to our
13 legal representation -- or legal advisors, they're going
14 to review it, give me a call if there's any changes or
15 any comments, and then, at our next meeting, we'll
16 discuss the three items. And our intent is to simply
17 have that discussion and then place something in the
18 record that we had this discussion. There's no
19 obligation that the Board in the future, whatever, would
20 even have to be held to any of this, but I think we did
21 some really good research and answered a lot of
22 questions that have been kind of out there in the past.
23 So any questions on the status of the Research
24 Subcommittee?
25 I am going to -- okay. The Research

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1 Subcommittee believes that because we've answered the
2 three questions that we can go ahead and release the
3 current subcommittee; however -- and this is actually
4 the next item -- I did meet with Mr. White. And I will
5 come back to what the discussion was there. There's
6 going to be some more work for the Research
7 Subcommittee. So we would like -- because Mr. Sheridan
8 was such a strong member of that committee, we would
9 like to see if there's other members that would like to
10 join in on that. Sydney or --
11 MEMBER KIKUCHI: I will do it.
12 CHAIR WESTFALL: You'll join? Great. Okay.
13 Lois, you want to remain?
14 MEMBER PREY: Yes.
15 CHAIR WESTFALL: And Norman, you want to
16 remain?
17 MEMBER FRANCO: Okay.
18 CHAIR WESTFALL: You're all right? You two
19 are okay?
20 MEMBER LEACH: We're okay with them being
21 okay.
22 CHAIR WESTFALL: All right. So we're going to
23 start a new Research Subcommittee. You're more than
24 welcome to attend. We normally meet at about 11:00 or
25 11:30 before this meeting here. So --

1 far as how Honolulu handles it in different
2 jurisdictions. And I did speak to Gary at some length
3 about this. I am not saying something off. You know,
4 more than likely, we already have it covered within some
5 of our rules already. We don't have fair and equal
6 treatment, but we have some rules as far as enriching
7 yourself, and that normally extends to this area. And
8 so if you look at the other jurisdictions -- and you can
9 cut me off any time. If you look at the other
10 jurisdictions, they don't have in their Charter
11 necessarily the term nepotism, but if you go on to their
12 question and answer and memorandums and advisory
13 opinions, they will have advisory opinions that talk
14 about nepotism and say that, under this certain rule,
15 which is a rule we already have, that it's covered.
16 So there will probably be some discussion as
17 to how the Charter would change and how specific the
18 County might want to be or the players that are
19 involved. Election's not until next year, but, clearly,
20 we seem to take years to get these things working. So
21 the subcommittee can start discussing that.
22 I already actually did -- because this meeting
23 took place almost a month ago, actually did a first
24 draft, but I think it's way too long. Most of the
25 changes that I looked at with the Charter were just

1 MS. JOESTING: Can you just clarify for the
2 record, who are the members of the Research
3 Subcommittee?
4 CHAIR WESTFALL: It will be Sydney Kikuchi,
5 Norman Franco, Lois Prey and myself. We've been told
6 that's how many people we can have.
7 MS. JOESTING: I have four people. Okay. And
8 I assume you follow the Sunshine Law when you have
9 meetings? Well, we'll talk about it later.
10 CHAIR WESTFALL: Okay, we'll talk about that
11 later.
12 So now we'll go on to Item (d), which I am
13 going to kind of -- I did meet with Councilman White,
14 Mike White. And this is something you may get involved
15 with us. Mr. White is quite interested in the totality
16 of the Code of Ethics and wants to redraft it and have
17 it as Charter amendment next year when we have an
18 election. I attended the meeting. There was the -- an
19 attorney from the Council as well as his staff were all
20 there. They asked me to go back and do some writing as
21 to what this commission might want in that regard.
22 As you know, his -- his focus, I guess I would
23 say, beyond just the overall Code of Ethics, is
24 nepotism. He has a real issue there.
25 I did do quite a bit of research on that as

1 clarification, similar to the rules, not really changing
2 the rule per se, but maybe some of the wording that's a
3 little confusing. So that would be the charge that's
4 going to the Research Committee is looking at the
5 Charter, Article 10, Code of Ethics, and to see how we
6 might want to redraft that, if we even decide to redraft
7 it. Okay.
8 And we do have Mr. White as a councilperson
9 that -- my understanding -- and please correct me --
10 there is no Charter Commission next year, but the
11 Charter allows for the County Council to put forth
12 Charter changes. So that's what he's suggesting, that
13 he would be the sponsor of the legislation or the --
14 that would put it on the ballot.
15 Any question with anything there? Okay.
16 Do you have anything to add?
17 MS. JOESTING: No, I don't.
18 CHAIR WESTFALL: Okay. On to Item 6, New
19 Business.
20 Financial Disclosures, none.
21 Communication Items, none.
22 Lobbyist Registration, none.
23 Media Policy, (d), I guess we didn't get
24 anyone from the County for this meeting?
25 MS. ANDRADE: He's supposed to be here. I am

1 following up to find out where he is at.
2 MS. JOESTING: Actually, I spoke to Ron Antone
3 today --
4 MS. ANDRADE: Oh, you did.
5 MS. JOESTING: -- on another matter. He said,
6 you know, someone told me something about this Board of
7 Ethics meeting today. I said, you know, I am advising
8 it, going to the meeting today. He said he was told,
9 initially, that the meeting was not going to take place
10 today, so he had already made a lunch appointment. But
11 he did pass on some information to relay to you.
12 CHAIR WESTFALL: Sure.
13 MS. JOESTING: He is sorry that he couldn't
14 make the meeting today.
15 MS. ANDRADE: Okay.
16 MS. JOESTING: He said that the Mayor's Office
17 is concerned about having the commission perceived as
18 impartial and fair, so, instead of them putting out
19 press releases on your behalf, they're more than happy
20 to provide you with a media list, and they can also
21 provide the clerical support to proofread any kind of
22 releases you want to have. They can provide you support
23 in that nature.
24 CHAIR WESTFALL: Thank you. Any questions?
25 (No response.)

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1 CHAIR WESTFALL: All right. Well, if we make
2 some of these rule changes or some of these, that is an
3 item that we may want to communicate to the Board. So
4 we now have some guidance on how to do that.
5 MS. JOESTING: Good.
6 CHAIR WESTFALL: Okay. On to Item (e), which
7 is the one that's on the other agenda, Review and
8 Approve Advisory Opinion for a County Employee regarding
9 whether there is a conflict in being a building
10 inspector for the County of Maui and having his own
11 contracting business, 13A-03. I need a motion to hear
12 this, the discussion, in Executive Session.
13 MEMBER INABA: I move.
14 MEMBER LEACH: Second.
15 CHAIR WESTFALL: All those in favor, signify
16 by saying "aye."
17 (Response.)
18 CHAIR WESTFALL: No opposition. We'll move
19 that discussion to Executive Session.
20 Then Item (f), Review and Approve Advisory
21 Opinion for Brandon Segal, Esquire, regarding whether as
22 a former employee of Alston Hunt Floyd & Ing in Honolulu
23 and now a Deputy Prosecutor with the Prosecutor's Office
24 on Maui, can continue to work on a case at his old law
25 firm after hours, Number 13A-04. Motion to also hear

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1 that one in Executive Session.
2 MEMBER INABA: Move.
3 CHAIR WESTFALL: Second? Norman seconded.
4 MS. JOESTING: Mr. Chair, may I just clarify
5 this? One of the requirement is you site which section
6 of the Sunshine Law. In other words, why you're going
7 into Executive Session.
8 CHAIR WESTFALL: We have that here.
9 MS. JOESTING: You need to have it down for
10 the minutes.
11 CHAIR WESTFALL: Okay. I am not following
12 you.
13 MS. JOESTING: Are you going to Executive
14 Session to consult with Board's attorney or because it's
15 a personnel matter?
16 CHAIR WESTFALL: Oh, I have to say why?
17 MS. JOESTING: Yes. Because if someone
18 doesn't see the agenda and they're here, they will know
19 why you're going into Executive Session.
20 CHAIR WESTFALL: We're going into Executive
21 Session because the individuals of the subject under our
22 rules have the option to have their advisory opinions
23 heard in Executive Session and be held confidential.
24 And that's what we've asked them at the last meeting and
25 that's why we're doing it now.

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1 MS. JOESTING: So it's for the privacy of the
2 persons involved?
3 CHAIR WESTFALL: You know, I'd have to go back
4 in the -- maybe this is -- I am conferring with her, so
5 not for the record. The rules for advisory opinions say
6 that the person asking has the option of having it
7 heard --
8 MS. JOESTING: In closed session.
9 CHAIR WESTFALL: -- in closed session. So
10 both of these people said they wanted it held in closed
11 session.
12 MS. JOESTING: I am going to assume that you
13 mean for that as a personnel matter, because they're
14 employed by the County.
15 CHAIR WESTFALL: I am not sure why, but just
16 because that's what they asked for and that was their
17 option.
18 MS. JOESTING: Okay. I hate to be technical,
19 but might as well. I will be up front and be clear.
20 Even if you have rules saying one thing or another,
21 that's not going to set aside Sunshine Law. So you
22 still are going to have to meet the requirements of
23 Sunshine Law to go into Executive Session. And right
24 now, there hasn't been a reason prescribed that would
25 allow you to do that.

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1 CHAIR WESTFALL: I see. Okay. So I know
2 that's -- there's like three reasons, correct? I think
3 you're looking at them right there.
4 MS. JOESTING: I am. There's -- actually,
5 there's eight. You know, like public safety or
6 security. Normally, it's to consult with your attorney
7 about an opinion. Authority of person designated by the
8 Board to conduct labor negotiation, that's not it. I am
9 looking at 92-5.
10 CHAIR WESTFALL: Let's go to move this
11 forward. We're going to go into Executive Session under
12 Rule 92-5 of the Hawaii Revised Statutes, Number 2.
13 MS. JOESTING: I would suggest that it sounds
14 like privacy is involved because there are potential
15 charges against a County officer or employee.
16 CHAIR WESTFALL: Okay.
17 MS. JOESTING: I mean, is that accurate?
18 CHAIR WESTFALL: There's no charges against
19 him.
20 MS. JOESTING: It has the potential.
21 CHAIR WESTFALL: I see what you're saying,
22 because violation of the rules. Sorry, Members.
23 MS. JOESTING: Does that make sense, folks?
24 CHAIR WESTFALL: This is -- I'm sorry. This
25 is a new procedure here to have to make mention of. So

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1 are we -- did I make -- did I say that correctly? I am
2 fumbling here today.
3 MS. JOESTING: So it's 92-5(a)(2).
4 CHAIR WESTFALL: Got that? Okay. So now
5 we're going to move into Executive Session. So I need
6 someone -- and maybe you can -- we're sort of redoing
7 the way we do this. Normally, when we did it, we would
8 go into Executive Session and we would read this
9 preamble --
10 MS. JOESTING: Okay.
11 CHAIR WESTFALL: -- before we went into it.
12 MS. JOESTING: Oh, yeah. That's fine.
13 CHAIR WESTFALL: So would someone like to read
14 the -- Sydney.
15 MS. JOESTING: You just had that discussion,
16 now, if you want to, you're certainly welcome to read
17 it, but that was --
18 CHAIR WESTFALL: We don't need to have that
19 read anymore.
20 MS. JOESTING: That's what I was trying to aim
21 for. I didn't know your practice was to go --
22 MS. ANDRADE: Can I clarify something? I
23 think what is happening is -- just to clarify -- Linden
24 came from the Office of Information Practices.
25 CHAIR WESTFALL: Right.

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1 MS. ANDRADE: So I think maybe we were not
2 doing it correctly before.
3 CHAIR WESTFALL: I don't think we've -- not
4 for the -- no one has ever asked about this.
5 MS. ANDRADE: Right. You're going by the way
6 it's always been done. That's not necessarily to say
7 that was the correct way.
8 CHAIR WESTFALL: Thank you for that. No, no.
9 That's fine. We want to do this correctly. So just for
10 clarification, I just need to cite which part of the
11 92-5?
12 MS. JOESTING: Exactly. That is the
13 predicate, if you will, for why or the justification as
14 to why we're going into Executive Session. So we no
15 longer need to read this for the minutes. That's fine.
16 CHAIR WESTFALL: Okay. So we actually saved
17 ourselves some time here, Members. Okay? All right.
18 (Recess to Executive Session, 12:56 p.m. to
19 1:14 p.m.)
20 CHAIR WESTFALL: I will repeat that we had two
21 votes in Regular [sic] Session. It would be on Item
22 6(e), and the vote is to defer the matter to our next
23 meeting, and, on Item 4(f), the matter -- the vote is to
24 approve the matter.
25 I will now take a motion to adjourn the

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1 meeting.
2 MEMBER LEACH: So move.
3 CHAIR WESTFALL: Second?
4 MEMBER KIKUCHI: Second.
5 MS. JOESTING: Did you say adjourn the
6 meeting? I think you want to take a vote on those two.
7 CHAIR WESTFALL: You just told me all I had to
8 do was repeat the vote. I need to take another vote?
9 MS. JOESTING: You need to take a vote in open
10 session.
11 CHAIR WESTFALL: Okay. I'm sorry. I
12 misunderstood you. I thought you said all I needed to
13 do was restate what the vote was in Executive Session.
14 Okay. Sorry.
15 Let's go back to item -- I am sure you're
16 having a fun day today. I apologize. We're going to go
17 back to Item 4(e), which is the review and approve
18 advisory opinion for County employee regarding whether
19 there's a conflict between a Building Inspector for the
20 County of Maui and having his own contracting business,
21 13A-03. I'd ask for a motion to defer this matter to
22 the next meeting.
23 MS. JOESTING: Do you mean 6(e) rather than --
24 CHAIR WESTFALL: What did I say? I am reading
25 on --

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1 MS. JOESTING: I know it's confusing.
 2 CHAIR WESTFALL: I am confusing myself here.
 3 6(e). We moved it to (e).
 4 MEMBER FRANCO: All right. Okay.
 5 MS. JOESTING: When the agenda was amended.
 6 CHAIR WESTFALL: I got the letter right and
 7 the number wrong. We had moved the two items -- what
 8 we're doing here is we're in Regular Session. What
 9 we've been counseled is that we need to take any vote --
 10 any item that we discuss in Executive Session needs to
 11 be voted on in Regular Session. So we moved the two
 12 items to New Business, 6(e) and (f). So we're now
 13 taking votes on those items again. So do I have a
 14 motion on Item 6(e) to defer the matter to the next
 15 meeting?
 16 MEMBER INABA: I motion.
 17 MEMBER PREY: Second.
 18 CHAIR WESTFALL: All those in favor, signify
 19 by saying "aye."
 20 (Response.)
 21 CHAIR WESTFALL: Any opposition?
 22 (No response.)
 23 CHAIR WESTFALL: Seeing none, that motion
 24 passes.
 25 Now we have Item 6(f) which is review and

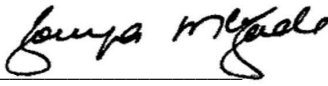
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1 approve advisory opinion for Brandon Segal, Esquire
 2 regarding whether, as a former employee of Alston Hunt
 3 Floyd & Ing in Honolulu and now a deputy prosecutor with
 4 the Prosecutor's Office on Maui, he can continue to work
 5 on a case with his old law firm after hours, Item
 6 13A-04. Do I have a motion to approve this advisory
 7 opinion?
 8 MEMBER INABA: I make the motion.
 9 MEMBER PREY: Second.
 10 CHAIR WESTFALL: All those in favor, signify
 11 by saying "aye."
 12 (Response.)
 13 CHAIR WESTFALL: Any opposition?
 14 (No response.)
 15 CHAIR WESTFALL: Seeing none, that item is
 16 approved.
 17 Announcements, none.
 18 Adjournment, do I have a motion to adjourn
 19 this meeting?
 20 MEMBER FRANCO: I move.
 21 MEMBER PREY: Second.
 22 CHAIR WESTFALL: So Lois makes the motion,
 23 Norman seconds. All those in favor, signify by saying
 24 "aye."
 25 (Response.)

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1 CHAIR WESTFALL: Any opposition?
 2 (No response.)
 3 CHAIR WESTFALL: Seeing none, the meeting is
 4 over. Thank you for your patience.
 5 (Meeting adjourned, 1:17 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 3rd day of October, 2013.
 16
 17 
 18
 19 Tonya McDade
 20 Certified Shorthand Reporter #447
 21 Registered Professional Reporter
 22 Certified Realtime Reporter
 23 Certified Broadcast Reporter
 24
 25

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