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5 COUNTY OF MAUI, STATE OF HAWAII  
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10 BOARD OF ETHICS  
11 REGULAR MEETING  
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16  
17 Held at the Planning Department Conference Room,  
18 250 South High Street, Wailuku, Maui, Hawaii, commencing  
19 at 12:30 p.m., on Wednesday, February 12, 2014.  
20  
21  
22 Reported by: Tonya McDade, CSR, CRR  
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1 ATTENDANCE  
2 BOARD MEMBERS PRESENT:  
3 Michael Westfall, Chair  
4 Randol Leach, Vice-Chair  
5 Lois Prey, Member  
6 Lilah Inaba, Member  
7 Abel Kahooohanohano, Jr., Member  
8 Herman Nascimento, Member  
9 Lei Fagan, Member  
10 BOARD MEMBERS EXCUSED:  
11 Norman Franco, Member  
12 Sydney Kikuchi, Member  
13 STAFF PRESENT:  
14 Linden Joesting, Deputy Corporation Counsel  
15 Lisa Kahuhu, Supervising Law Technician  
16 ALSO PRESENT:  
17 Regina Gormley  
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1 (Wednesday, February 12, 2014, 12:30 p.m.)  
2 \* \* \*  
3 CHAIR WESTFALL: I will call the meeting of  
4 the Maui County Board of Ethics to order for Wednesday,  
5 February 12th, 2014.  
6 The Regular Session agenda items, Number 2,  
7 Review and Approval of January 8, 2014 minutes. Do I  
8 have a motion to approve the minutes?  
9 MEMBER NASCIMENTO: So moved.  
10 MEMBER PREY: Second.  
11 CHAIR WESTFALL: I think Member Leach pointed  
12 out, and Linden maybe can comment on this, we used to  
13 separate out the Regular Session and the Executive  
14 Session and do two approvals. Is it now all one?  
15 MS. JOESTING: You can do all one.  
16 CHAIR WESTFALL: So we all know that this is  
17 both the Executive and Regular Session. Okay. So, I'm  
18 sorry, someone made a motion?  
19 MEMBER NASCIMENTO: I did.  
20 CHAIR WESTFALL: I interrupted. Sorry.  
21 MEMBER PREY: Seconded.  
22 CHAIR WESTFALL: Second, okay. Any  
23 discussion?  
24 (No response.)  
25 CHAIR WESTFALL: All those in favor, signify

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1 by saying "aye."  
2 (Response.)  
3 CHAIR WESTFALL: Any opposition?  
4 (No response.)  
5 CHAIR WESTFALL: Seeing none, those are  
6 unanimously approved.  
7 I don't see any public testimony, so we'll  
8 move on to Old Business.  
9 Financial Disclosures, none.  
10 Communication Items, none.  
11 (c), Review of draft advisory opinion on Dave  
12 Taylor, Director of Water Supply (DWS), request as to  
13 his representation of DWS before the Commission on Water  
14 Resource Management (CWRM) when he owns property in  
15 Wailuku Country Estates, a passive beneficiary of the  
16 CWRM proceedings. And this is 14A-01. I believe all of  
17 us got a copy just a few minutes ago. Did everyone get  
18 a chance to read that or do we want to move that to  
19 later in the agenda?  
20 MS. JOESTING: I was just trying to cluster  
21 all the Executive Session items together.  
22 CHAIR WESTFALL: Is this one in Executive  
23 Session? I think he said he was waiving.  
24 MS. JOESTING: It's just if people had any  
25 questions.

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1 CHAIR WESTFALL: Okay. I see. So I am going  
 2 to defer this for just a moment and we're going to  
 3 cluster it with all the other things we have to go into  
 4 Executive Session. So if you have any questions on it,  
 5 we'll take it up at that point. All right?  
 6 Moving on to Item d, an update on Advisory  
 7 Opinion 13A-03, Russ Ichimaru, Department of Public  
 8 Works may create policy on outside employment and  
 9 possible request for reconsideration.  
 10 MS. JOESTING: I just wanted to let you know  
 11 that I got a call from Russ, and he said that he may  
 12 want to ask for a reconsideration. I haven't seen  
 13 anything yet, otherwise, you would have it before you  
 14 today, but I wanted to give you a heads up that he may  
 15 do that. Then, also, Public Works Department said that  
 16 they're going to start working on policy for the whole  
 17 department. So I think that's a good thing.  
 18 CHAIR WESTFALL: I am going to add sort of  
 19 another thing. Several months ago, the Board asked me  
 20 to go meet with Gladys Baisa, County Council Chair, as  
 21 well as Keith Regan, Managing Director, which I did meet  
 22 with both of them. To stay on the agenda here, I met  
 23 with Keith Regan and David Ching last week and brought  
 24 up, you know, a couple of things, more or less, in  
 25 general. And one of them that I mentioned was that

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1 we've gotten several requests in the last several months  
 2 with respect to employment outside of the County. They  
 3 were unaware of this being an issue, and we sort of  
 4 talked that it seems to be that there's not consistent  
 5 policies or approaches throughout the different  
 6 departments. In the meeting, they said they're going to  
 7 work on a policy for the entire County. And their  
 8 initial thought was that --  
 9 MS. JOESTING: It's not on the agenda.  
 10 CHAIR WESTFALL: Okay. But it's part of this.  
 11 MS. JOESTING: Only if it's part of --  
 12 CHAIR WESTFALL: Well, my next statement will  
 13 maybe fill that in.  
 14 MS. JOESTING: Okay.  
 15 CHAIR WESTFALL: Okay. So they want to have a  
 16 general policy. And then they're going to let each  
 17 department have a separate policy that's more specific  
 18 to each department. So if Public Works has an addendum  
 19 to that, they can possibly do that. Okay. So that's  
 20 all that's there. Any discussion on this?  
 21 MEMBER FAGAN: I just can't believe they  
 22 didn't have anything in place before this. I mean, I am  
 23 sure this has been a problem in other counties for  
 24 years, but, anyways, that's --  
 25 CHAIR WESTFALL: Do you have anything else to

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1 add?  
 2 MS. JOESTING: No.  
 3 CHAIR WESTFALL: Okay. This one is Item e,  
 4 which is review proposed amendments on fair and equal  
 5 treatment to the County Code of Ethics, Maui County  
 6 Charter. This is another one that we're going to go  
 7 into Executive Session to hear some comments from  
 8 Linden, so I will bring that one back in.  
 9 Let's see. New Business.  
 10 Financial Disclosures. And these are the ones  
 11 in open session. Do I have a motion -- I guess you need  
 12 to read the last names of these -- to acknowledge  
 13 receipt of these? Anyone want to attempt that? Go  
 14 ahead.  
 15 MEMBER INABA: I move to acknowledge receipt  
 16 of the financial disclosures, Agsalog, Arakawa, Ching,  
 17 Fujita-Villarosa, Mateo, McLean, Meyer, Murray, Nishita,  
 18 Ridao, Taylor. Ball, Despina, Fagan, Franco,  
 19 Kahooohanohano --  
 20 CHAIR WESTFALL: You don't need to read those  
 21 ones yet, those are going to be in Executive Session.  
 22 MEMBER INABA: Okay.  
 23 CHAIR WESTFALL: Okay. Do I have a second?  
 24 MEMBER NASCIMENTO: I will second.  
 25 CHAIR WESTFALL: Discussion? Any discussion

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1 on any of these?  
 2 MEMBER KAHOOHANOANO: I just had a question  
 3 about --  
 4 CHAIR WESTFALL: Okay.  
 5 MEMBER KAHOOHANOANO: I just -- okay. It  
 6 probably means nothing, but I was just wondering, it  
 7 lists his wife, spouse is retired, but retirement is --  
 8 I was kind of wondering, including his income in that.  
 9 I mean, probably means nothing, but --  
 10 MEMBER PREY: Pardon me. I did not hear you,  
 11 Abe. What did you say?  
 12 MEMBER KAHOOHANOANO: Alan's spouse, listed  
 13 as retired.  
 14 MEMBER PREY: Yes.  
 15 MEMBER KAHOOHANOANO: He lists their income  
 16 between 100 and 190,000 a year.  
 17 MEMBER PREY: Right.  
 18 MEMBER KAHOOHANOANO: If he doesn't -- I  
 19 mean, I mean, I -- when I retire, I not going to make  
 20 that kind money. So --  
 21 MEMBER PREY: Well, it's supposed to be like  
 22 Social Security, really. Maybe she gets other, you  
 23 know --  
 24 MEMBER KAHOOHANOANO: Okay.  
 25 MEMBER PREY: -- plus the Social Security.

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1 MEMBER KAHOOHANOHANO: No. I don't think it's  
2 necessary. I like wonder what kind retirement plan you  
3 got. That's really good.  
4 CHAIR WESTFALL: Any other comments or --  
5 MEMBER PREY: Errors?  
6 CHAIR WESTFALL: So we're okay with Alan  
7 Arakawa's? Okay. Seeing no other discussion, all those  
8 in favor of acknowledging receipt of the aforementioned  
9 financial disclosures, signify by saying "aye."  
10 (Response.)  
11 CHAIR WESTFALL: Any opposition?  
12 (No response.)  
13 CHAIR WESTFALL: Seeing none, those are  
14 acknowledged.  
15 6b, Communication Items. None.  
16 6c, Lobbyist Registrations. Do I have a  
17 motion to acknowledge receipt of the Lobbyist  
18 Registrations?  
19 MEMBER PREY: Go ahead.  
20 MEMBER INABA: I acknowledge receipt of the  
21 Lobbyist Registrations for Dos Santos-Tam and McMillan.  
22 MEMBER PREY: Second.  
23 CHAIR WESTFALL: Any discussion -- okay. Any  
24 discussion?  
25 (No response.)

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1 CHAIR WESTFALL: I am just going to make  
2 mention, I know this is not exactly, but it is under  
3 Lobbyist Registration, I think at the next meeting, I am  
4 going to put on the agenda -- I guess I am trying to do  
5 this from my -- we might have a discussion on what the  
6 purpose of this is and how it actually happens. And  
7 there's some issue that there's many, many people that  
8 are lobbying the County, but we don't have a process on  
9 how they actually sign these things. If you notice, the  
10 two today, and most often, these are from people from  
11 Honolulu. Anyway, so that would be the next one.  
12 Any other discussion on Lobbyist  
13 Registrations? Seeing none, all those in favor of  
14 acknowledging those, signify by saying "aye."  
15 (Response.)  
16 CHAIR WESTFALL: Any opposition?  
17 (No response.)  
18 CHAIR WESTFALL: Seeing none, those are  
19 acknowledged.  
20 Item d, this is another one for executive  
21 session. We're going to come back to Item d.  
22 Item e is a proposal to draft a guidance  
23 memorandum to limit gifts over \$50 and aggregate gifts  
24 from a single source over a one-year period of over  
25 \$200. This memo would be based on Charter Section

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1 10-4-1.a. I guess we can have general discussion, and,  
2 if there's questions for you, we can put that in  
3 Executive.  
4 MS. JOESTING: Okay.  
5 CHAIR WESTFALL: I am getting this, all of a  
6 sudden.  
7 Lois, this stems from the many discussions we  
8 had in this. I will say that commissioners going back  
9 as long as I've been here, this has been -- I am sure  
10 with you, too -- this has been a topic, the size of  
11 gifts individually and the aggregate amounts. What  
12 we're looking at here is that the Charter Section  
13 10-4-1.a, basically -- or all it says is that gifts are  
14 prohibited that are meant to influence and reward. So  
15 you have to ask yourself what does influence and reward  
16 mean. What has been suggested -- and this is, actually,  
17 also consistent with the State and Honolulu -- is that,  
18 in general, gifts that are over 50 bucks would fall into  
19 that category, and, in an aggregate, \$200. So what that  
20 means is that if -- let's say Abe wants to take me to  
21 lunch and I am a councilman, he can take me to lunch  
22 four times a year for \$25 a lunch -- I'm sorry -- for  
23 \$50 a lunch. So it's like we figured four times a year,  
24 you go out to lunch at 50 bucks a pop. So that's the  
25 figure we're using. The second part of this is that it

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1 was thought that rather than trying to change the rules  
2 and putting this into either the rules, the ordinances  
3 or the Charter, that this would just be used as a  
4 memorandum as a guide for the Commission. So a year  
5 from now, if the Commission that is in play then, if  
6 they want a higher limit, fine. This is just something  
7 we will draft a memorandum, we will circulate it  
8 throughout the County, we'll try to use it as a guide,  
9 but, once in a while, gifts may be a little more, a  
10 little less. Anyway, I will open it for discussion.  
11 And I guess we'll go around this way. And I will start  
12 with Lois since this was something near and dear to you.  
13 MEMBER PREY: Okay. What we were finding in  
14 the past, that we were receiving gifts as much as two  
15 and three thousand dollars a year in tickets and other  
16 gifts. I don't know if they were lunches, but they were  
17 -- some of them would put the amount down and some  
18 wouldn't. So we thought that, you know, this should be  
19 looked after and make them, you know, sort of simmer  
20 down on their gift taking, and which wasn't fair. So  
21 that's how it all started.  
22 And it caught our eye that it was the Council  
23 Members that were receiving these gifts. And mostly  
24 football tickets. Could be anything, you know, that  
25 they received. So it's better to --

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1 CHAIR WESTFALL: Well, it's been a problem --  
 2 I don't want to say it's been a problem because there is  
 3 no dollar. What's tricky is the rules say that you have  
 4 to disclose gifts over \$50, so there's confusion  
 5 sometimes between that and what dollar -- what gifts can  
 6 be accepted. So you can accept a gift in any dollar  
 7 amount, you just have to report it if it's \$50 or more.  
 8 MEMBER PREY: Yeah. But it was to a point  
 9 where it was some reported two and three thousand  
 10 dollars.  
 11 CHAIR WESTFALL: Right.  
 12 MEMBER PREY: And it was a lot of money to be,  
 13 you know, receiving.  
 14 CHAIR WESTFALL: Okay. Herman, do you have  
 15 any comments or thoughts?  
 16 MEMBER NASCIMENTO: Well, actually, I don't,  
 17 because of the fact that, in my line of work, it was  
 18 common practice you do not accept anything, and even for  
 19 lunches. We don't accept any free lunch. We pay for  
 20 everything that we -- even though we invited by a  
 21 councilman or a developer or contractor, we're not  
 22 allowed to accept anything. We do pay for our own  
 23 meals. So that's the way I was always taught, is just  
 24 don't accept anything. To be safe, just don't accept  
 25 anything.

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1 CHAIR WESTFALL: Lei, do you have anything?  
 2 MEMBER FAGAN: No comment.  
 3 CHAIR WESTFALL: Randol?  
 4 VICE-CHAIR LEACH: Just a little history for  
 5 some of the Board Members. If you looked at Mayor  
 6 Arakawa's financial disclosure, you'll see he did  
 7 disclose the basketball tournament that's in Lahaina,  
 8 \$1,800. I think that's what started some of the  
 9 questions. And just -- I am a basketball fan. I want  
 10 to disclose that. But there is a fine line, I think,  
 11 for being the Mayor of the County and him representing  
 12 the County at the basketball tournament. So, you know,  
 13 I don't know what's right or wrong if he gets invited to  
 14 represent the County. We are opening arms for the  
 15 basketball tournament to come here and helping our  
 16 economy and jobs and things like that. So I don't know  
 17 if there's a way to not --  
 18 CHAIR WESTFALL: There is language in there  
 19 that allows a County official -- we'll use that word in  
 20 general -- if it's part of their job -- like you say, as  
 21 Mayor, he's required to go, you know, he needs to go to  
 22 the basketball tournament -- we view that as part of the  
 23 thing, then, fine, it's not -- it's actually a gift. In  
 24 fact, again, in my meeting with Mr. Reagan, we had quite  
 25 a discussion of gifts to the County. And this is

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1 already a policy that if somebody gives a gift over --  
 2 there's a dollar amount, I don't know what it is -- that  
 3 the County Council is supposed to approve it. So they  
 4 were talking about that needs to be looked at, also. So  
 5 what you're -- what you're describing is really a gift  
 6 to the County; it's not so much a gift to him  
 7 individually.  
 8 MEMBER PREY: May I add something? See, the  
 9 Mayor is also invited to several fund-raisers. Okay.  
 10 And there, of course, it's always a dinner, you know,  
 11 which is \$150, you know. It should -- they should pay  
 12 their own way. I mean, you know, if he's invited to  
 13 lunch. And then, of course, he travels, also, so, there  
 14 again, it's, you know, a fine line whether, you know --  
 15 VICE-CHAIR LEACH: Yeah. It's just -- my  
 16 question, too, as the Mayor's role and the  
 17 councilmembers, if they get invited to an annual dinner  
 18 for a nonprofit association and, you know, the real cost  
 19 is \$60 a person, but they're invited as members of the  
 20 County, elected officials, do they have to start  
 21 disclosing those types of dinners. And they do that as  
 22 a part of their job all the time.  
 23 MEMBER PREY: Well, you know, like if they're  
 24 invited to, say, Rotary, you know, our lunches are very,  
 25 very low, aren't they, so it is below the \$25 or

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1 whatever, so -- and they're invited out to lunch several  
 2 times. So, there again, they should be able to pay for  
 3 their own lunch instead of, you know, accepting --  
 4 because sometimes it runs way over the \$50 mark, you  
 5 know.  
 6 CHAIR WESTFALL: I guess let me kind of give  
 7 it another angle here. I would assume that the Mayor  
 8 went to more than just the basketball game last year.  
 9 He's only disclosed one gift, so he's made a distinction  
 10 that all the other stuff was gifts to the County. I  
 11 think what we're trying to do here in the memorandum is  
 12 just clarify that a little bit more in that some of the  
 13 councilmen, for instance, would get a laundry list. So  
 14 they're not making that distinction. Maybe they should.  
 15 So we're just -- again, all we're looking at doing here  
 16 is sending out a memorandum. It's not law. It's -- the  
 17 Commission is not held to -- it's just there's sort of a  
 18 guideline and, basically, mimicking Honolulu and the  
 19 State. So there's someone else that thinks this sort of  
 20 fits.  
 21 MEMBER PREY: So it's just so the Council  
 22 knows, too, that we are aware of, you know, receiving  
 23 these gifts and the amount, you know, in which they are  
 24 disclosing under -- which should be on the disclosure  
 25 reports.

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1 CHAIR WESTFALL: Let's see. Do you have any  
 2 thoughts?  
 3 MEMBER INABA: Well, I just kind of think, if  
 4 it's part of their job and they're representing the  
 5 County, and they're invited to someplace, that's part of  
 6 their job, period. But if it's an outright gift like  
 7 let's go to an amusement park, let's go drink some beer,  
 8 you know, I mean, that kind of stuff, they're just going  
 9 for entertainment purposes, then, yeah, they should be  
 10 paying their own. But if it's like Randol said, if it's  
 11 like a nonprofit -- I mean, I worked nonprofit for the  
 12 last 23 years. And there's many times where we would  
 13 invite the councilmen and stuff to a function and the  
 14 agency actually foots the invited guests' bill, no  
 15 matter who that invited guest is. So --  
 16 MEMBER PREY: So you think the tickets, the  
 17 football tickets, basketball tickets, and things like  
 18 that are all right?  
 19 MEMBER INABA: Well, I think that if they're  
 20 acting in the capacity of their office, that's one  
 21 thing; if it's a weekend and they're just going to have  
 22 fun, that's another thing.  
 23 MEMBER FAGAN: Like we just had the Mayor for  
 24 our 60th Lion's Club anniversary and it was dinners.  
 25 And we invited him and his wife. And that was -- he

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1 gave a proclamation and everything. And, you know, we  
 2 paid for his dinners. We asked him to come and he took  
 3 time out of his schedule, and he was acting as Mayor.  
 4 And it was probably more than 50, and I don't think he  
 5 should have paid for that because it was an honor for us  
 6 to have him, and more people came to see him. And so it  
 7 is a really fine line because, yeah, you know, the  
 8 voters, because of that, you know. But, then again --  
 9 but he was acting as Mayor and read a proclamation. And  
 10 we really appreciated that. And we wouldn't have had  
 11 him pay.  
 12 How do other counties deal with that?  
 13 MEMBER INABA: But then I wouldn't know how to  
 14 define what is job and what is not.  
 15 MEMBER FAGAN: How do the other counties do  
 16 it? What does Oahu do?  
 17 CHAIR WESTFALL: What they have is -- and  
 18 let's see if I can find it -- they came up with -- one  
 19 second. Why don't we hear from Abe while I am looking  
 20 for this?  
 21 MEMBER PREY: Well, I would say no more than  
 22 200.  
 23 CHAIR WESTFALL: What they did is they came up  
 24 with sort of a grid, if you will, a template. So,  
 25 basically, what they say is gifts of aloha or gifts of

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1 nominal or minimal value.  
 2 MEMBER FAGAN: Aloha?  
 3 CHAIR WESTFALL: Like cookies or, like you  
 4 say, a 50-dollar lunch, not a problem, don't have to do  
 5 anything, meals, food and drink, in events less than  
 6 \$50. Over that, then they got to pay. Activity-related  
 7 gifts, this is like golf outings and things like that,  
 8 they don't allow those at all. They see that as a --  
 9 but I think you're making a fine distinction. If he's  
 10 going to the golf to turn -- to give a proclamation from  
 11 the County, that has nothing to do with gifts, that's a  
 12 job kind of thing, but if he is going out there just to  
 13 play golf and drive around in a cart, maybe that's a  
 14 little different.  
 15 MEMBER PREY: And then there's not only --  
 16 there's personal gifts, also --  
 17 CHAIR WESTFALL: The other --  
 18 MEMBER PREY: -- to the members.  
 19 CHAIR WESTFALL: The other test, if you will,  
 20 that they used, which I think we had an advisory opinion  
 21 when we started using this test, is there a benefit to  
 22 the County in the function or what he's -- if he is  
 23 going to do something that is in the benefit of the  
 24 County, going to the Lion's, then that doesn't even come  
 25 into this.

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1 MEMBER FAGAN: So that's in there now?  
 2 CHAIR WESTFALL: No. That's -- well, again,  
 3 we're only looking at a memorandum. But I am looking at  
 4 the State and Honolulu, they've incorporated it into  
 5 their rules. So they, basically, say here's this  
 6 template that you look at to determine if something is a  
 7 gift and here's kind of a test to see if it's a gift.  
 8 So if it's a gift, then here's what's allowed, here's  
 9 what's not, here's the dollar limits.  
 10 What -- I am going to repeat myself. I think  
 11 what we're suggesting is rather than making it a hard  
 12 law or rule, we're just going to say, okay, in the  
 13 future -- because every time we review these financial  
 14 things, we get Members making comments going, wow,  
 15 that's a lot, that's a big amount, what's up with that.  
 16 So now we have something we can go back and say, well,  
 17 here's a test, here's sort of a process you can put it  
 18 through. And if the Board at that moment says, yeah,  
 19 that might be -- that might be a little beyond the line,  
 20 that might be influence, that might be reward, then  
 21 maybe we need to send him a letter, you know, a  
 22 cautionary letter. I think that's all the step that  
 23 we're suggesting at this point. So it leaves a lot of  
 24 room to interpret each and every situation. We're not  
 25 -- I don't know. This isn't -- how to say -- I guess

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1 the State, my understanding in reading the newspapers,  
2 is that they basically said no functions anymore. And  
3 everybody in the Legislature got kind of upset because  
4 that's what they do every Friday night.  
5 MEMBER PREY: Well, too, \$1,800, tickets, bag  
6 and a T-shirt. Now, it must be -- that doesn't amount  
7 to \$1,800, so there must be more tickets. More tickets  
8 than a bag and a T-shirt, you know, it doesn't cost  
9 \$1,800, but he doesn't put down the -- how many tickets,  
10 you know. And this is what the Council have been doing,  
11 you know, the amount of how many tickets and so forth.  
12 VICE-CHAIR LEACH: Usually, if I remember  
13 correctly, the \$1,800, I think he gets two passes for  
14 the three-day tournament. And so that would maybe be  
15 \$700 per pass or something like that. It is really an  
16 expensive basketball tournament. So most of that money  
17 is just the three-day pass to go to the games.  
18 CHAIR WESTFALL: So he's not given a  
19 proclamation, he just got some tickets?  
20 VICE-CHAIR LEACH: If I remember correctly, I  
21 think he does welcome and he does do some ceremonial  
22 function. I don't know if it's different every year,  
23 but I think I remember seeing him at center court maybe  
24 awarding to the championship team or something like  
25 that.

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1 CHAIR WESTFALL: So at this point, is there a  
2 consensus to go ahead and draft something or --  
3 MEMBER PREY: Yes. I vote yes.  
4 CHAIR WESTFALL: Let's see. Why don't I do a  
5 -- I don't need a motion. Let's just do an informal  
6 raise your hands if you're okay with us drafting  
7 something. Okay. So what we'll do is we'll -- I will  
8 draft something and send it to you so you don't have to  
9 spend too much time on this one. So I will draft  
10 something because we, actually, already did a lot of it,  
11 and I will send it to you, you can take a look at it.  
12 And we'll put it on the agenda for the next meeting.  
13 And if people are comfortable with it, we'll go ahead  
14 and send it out.  
15 MEMBER PREY: Okay. Thank you, Michael.  
16 CHAIR WESTFALL: Okay. Announcements -- I  
17 will come back to -- well, okay. Can I have a motion  
18 now to go into Executive Session under -- this is for  
19 our court reporter -- under HRS 92-5(4), to consult with  
20 the Board's attorney on questions and issues pertaining  
21 to the Board's powers, duties, privileges, immunities  
22 and liabilities. So I just need someone to make a  
23 motion.  
24 MEMBER NASCIMENTO: So moved.  
25 MEMBER PREY: Second.

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1 CHAIR WESTFALL: Do I need to cite the -- do I  
2 need to cite what we're going into Executive Session as  
3 far as the agenda items?  
4 MS. JOESTING: Well, I think you just had a  
5 motion to go into Executive Session.  
6 (Recess to Executive Session, 12:58 p.m. to  
7 1:26 p.m.)  
8 CHAIR WESTFALL: Now we're back in Regular  
9 Session. We have a few items here. The first one would  
10 be voting to approve the draft opinion for Dave Taylor.  
11 Do I have a motion to approve that?  
12 MEMBER NASCIMENTO: So move.  
13 MEMBER PREY: Second.  
14 CHAIR WESTFALL: Okay. All those in favor,  
15 signify by saying "aye."  
16 (Response.)  
17 CHAIR WESTFALL: All those in opposition?  
18 (No response.)  
19 CHAIR WESTFALL: Seeing none, that's approved.  
20 It's going to be circulated, so be sure to sign it  
21 before you leave.  
22 And I think I need to -- we need to have a  
23 motion to approve the financial -- or motion to  
24 acknowledge receipt of the financial disclosures that  
25 were heard in Executive Session. Do we need to repeat

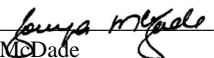
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1 the names? You can put it in the minutes?  
2 (Financial Disclosures of: Ball, Despina, Fagan,  
3 Franco, Kahooohanohano, Long, Shimada)  
4 CHAIR WESTFALL: Okay. Do I have a motion?  
5 MEMBER INABA: I so move.  
6 MEMBER PREY: Second.  
7 CHAIR WESTFALL: All those in favor, signify  
8 by saying "aye."  
9 (Response.)  
10 CHAIR WESTFALL: Any opposition?  
11 (No response.)  
12 CHAIR WESTFALL: Seeing none, those are  
13 acknowledged.  
14 MS. JOESTING: You want to point out that two  
15 Members are abstaining.  
16 CHAIR WESTFALL: Two Members are abstaining  
17 from voting, that would be Abe and Lei.  
18 Any announcements?  
19 MS. JOESTING: Lei and Lilah.  
20 MEMBER INABA: No. I forgot my paper.  
21 CHAIR WESTFALL: Lei and -- actually, well,  
22 Norman is not here, so that doesn't come up. So  
23 Announcements, remember to fill out your financial  
24 disclosure forms.  
25 MS. JOESTING: Thank you to those people who

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1 did. Appreciate it.  
2 CHAIR WESTFALL: And our next meeting is  
3 Wednesday, March 12th, 2014. That would end our  
4 business for today. The meeting is adjourned.  
5 (Meeting concluded, 1:28 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 7th day of March, 2014.  
16  
17  
18   
19 Tonya McDade  
20 Certified Shorthand Reporter #447  
21 Registered Professional Reporter  
22 Certified Realtime Reporter  
23 Certified Broadcast Reporter  
24  
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