

1  
2  
3  
4 COUNTY OF MAUI, STATE OF HAWAII  
5  
6  
7  
8  
9 BOARD OF ETHICS  
10 REGULAR MEETING  
11  
12  
13  
14  
15  
16 Held at the Planning Department Conference Room, 250  
17 South High Street, Wailuku, Maui, Hawaii, commencing at  
18 12:30 p.m., on Wednesday, April 9, 2014.  
19  
20  
21  
22 Reported by: Tonya McDade, CSR, RPR, CRR, CBC  
23 Certified Shorthand Reporters Maui  
24 2145 Wells Street, Suite 302  
25 Wailuku, Hawaii 96793  
(808)244-3376  
reporters@csrmaui.com

Page 1

1 ATTENDANCE  
2 BOARD MEMBERS PRESENT:  
3 Michael Westfall, Chair  
4 Randol Leach, Vice-Chair  
5 Norman Franco, Secretary  
6 Lois Prey, Member  
7 Lilah Inaba, Member  
8 Abel Kahooahanohano, Jr., Member  
9 Herman Nascimento, Member  
10 Noreen "Dee Dee" Yabuta, Member  
11 BOARD MEMBERS EXCUSED:  
12 Sydney Kikuchi, Member  
13  
14 STAFF PRESENT:  
15 Linden Joesting, Deputy Corporation Counsel  
16 Angela Andrade, Executive Secretary  
17  
18 ALSO PRESENT:  
19 R. Raymond Cabebe  
20  
21  
22  
23  
24  
25

Page 2

1 (Wednesday, April 9, 2014, 12:30 p.m.)  
2 \* \* \*  
3 CHAIR WESTFALL: I would call to order the Maui  
4 County Board of Ethics meeting for Wednesday, April 9th,  
5 2014. What I would ask is a motion if we could suspend the  
6 rules and change the agenda. What we would like to do is  
7 bring up the last item, which is a request for an Advisory  
8 Opinion. Mr. Cabebe is here and he has a schedule that he  
9 needs to meet. So if we can address that first, that would  
10 be helpful to him. Need a motion to suspend the rules.  
11 MEMBER PREY: Second.  
12 CHAIR WESTFALL: All those in favor, signify by  
13 saying "aye."  
14 (Response.)  
15 CHAIR WESTFALL: Any opposition?  
16 (No response.)  
17 CHAIR WESTFALL: Seeing none, we'll go ahead and  
18 move to Item 7(f), review Request for an Advisory Opinion  
19 from R. Raymond Cabebe, on whether, as a sitting member of  
20 the Board of Water Supply, he can perform software  
21 programming work as a vendor hired by the Department of  
22 Water Supply. This is Number 14A-02. What we would like to  
23 do now is go into Executive Session for just a few minutes  
24 to do some housekeeping. So could the audience just step  
25 outside for a second? When we conclude that, Mr. Cabebe,

Page 3

1 we'll have you come back in.  
2 MR. CABEBE: Okay.  
3 (Recess to Executive Session, 12:31 p.m. to 12:37  
4 p.m.)  
5 CHAIR WESTFALL: We're back into Regular Session.  
6 So bring Mr. Cabebe back.  
7 MS. JOESTING: I hope this isn't a confusing  
8 introduction to the Board's activities.  
9 MEMBER YABUTA: No, I am fine. Interesting.  
10 CHAIR WESTFALL: We'll come back to you in a  
11 minute and have you introduce yourself.  
12 Mr. Cabebe, if you could come to the podium.  
13 Thank you for putting in your Request for an Advisory  
14 Opinion. What we would like to do now is have you give us  
15 some background as to what it is you're requesting, then  
16 we'll open it up for questions from the Board.  
17 MR. CABEBE: Okay.  
18 CHAIR WESTFALL: Go ahead, Mr. Cabebe.  
19 MR. CABEBE: Good afternoon, Members of the Board  
20 of Ethics and Chair. Thank you for taking me out of order.  
21 I want to say that, first of all.  
22 And the reason why I put in this request is  
23 because I was appointed to the Board of Water Supply, then,  
24 subsequent to that, the Engineering Program Administrator,  
25 Herb Chang, he called me up and asked me to work on some

Page 4

1 software that I had developed when I was working there  
2 previously. And I told him at the time that, you know, I  
3 was appointed to the Board. So we kind of talked about it.  
4 And he thought it was -- it would be prudent to come to --  
5 before you guys and ask if there was something that was  
6 okay. So that's why I am here.  
7 CHAIR WESTFALL: Okay. We'll open it up to  
8 questions. Let's start with Lois this time.  
9 MEMBER PREY: Pass.  
10 CHAIR WESTFALL: Pass, okay. Herman.  
11 MEMBER NASCIMENTO: By providing software for the  
12 Water -- is it for the Water department?  
13 MR. CABEBE: Yes.  
14 MEMBER NASCIMENTO: And you're on the Water Board?  
15 MR. CABEBE: Yes.  
16 MEMBER NASCIMENTO: Would it be -- in this  
17 position -- would it make any difference in your position as  
18 a member of the board? Would it change any --  
19 MR. CABEBE: I don't believe so. The only contact  
20 I would have with the Department personnel would be with  
21 Herb Chang and maybe asking people around in the Engineering  
22 Division if they -- you know, how the software was working  
23 for them and try to get more information as far as what the  
24 problems were with the software. I don't think it would  
25 influence any kind of decision-making that I'd be doing on

Page 5

1 the Board.  
2 MEMBER NASCIMENTO: Okay.  
3 CHAIR WESTFALL: Dee Dee.  
4 MEMBER YABUTA: How long would this contract -- or  
5 would it be under a contract?  
6 MR. CABEBE: Yeah, it's kind of hard to say  
7 exactly. I think Herb suggested that I just put -- put in  
8 100 hours for initially, may not even take that long, but  
9 that's just in case, you know, something big comes up.  
10 MEMBER YABUTA: And if there's a problem in the  
11 future, would they come back to you, the Board of -- the  
12 Department of Water, and ask you to rectify the problem, you  
13 know, with the -- whatever it was?  
14 MR. CABEBE: Possibly, I guess, yeah.  
15 CHAIR WESTFALL: Any more questions? We'll come  
16 back around again.  
17 VICE-CHAIR LEACH: I have a question.  
18 CHAIR WESTFALL: Wait. Let me go to Lilah.  
19 MEMBER INABA: No.  
20 CHAIR WESTFALL: All right.  
21 VICE-CHAIR LEACH: Thank you for bringing your  
22 request to our attention. The 100 hours, what length of  
23 time would that be spread out?  
24 MR. CABEBE: I would say over the course of maybe  
25 couple of months, at the most, I would think.

Page 6

1 VICE-CHAIR LEACH: Oh, couple months.  
2 MR. CABEBE: But, you know, that's just the most.  
3 I'd say, you know, may take me just a couple weeks to figure  
4 out what's going on with it.  
5 VICE-CHAIR LEACH: Will our water bills go down?  
6 MR. CABEBE: I hope so. No.  
7 VICE-CHAIR LEACH: Thank you.  
8 CHAIR WESTFALL: Abe.  
9 MEMBER KAHOOHANOANO: You know, the only thing I  
10 would ask, I don't know if you can share the information,  
11 but, I mean, what problems are you going to fix? I mean,  
12 would you be, what do you call, able to receive information  
13 that you can use unscrupulously? I mean, I don't know what  
14 the problems are, but, I mean, I guess the question would be  
15 is like, you know, what are you going to fix in the computer  
16 system that might be a conflict of interest for you in your  
17 job? I mean, if there's nothing there, then I -- then I  
18 have no further questions. I mean, I don't -- unless we  
19 know what -- I mean, we don't even know what he's going to  
20 fix in the computer, what information is going to be  
21 available to you.  
22 MR. CABEBE: Okay.  
23 MEMBER KAHOOHANOANO: Are you going to be able to  
24 use that un -- ethically, I guess, you know? But I --  
25 personally, I have no problem with that. I see this as a

Page 7

1 problem that -- you created this system, right?  
2 MR. CABEBE: Yes.  
3 MEMBER KAHOOHANOANO: So they asking you to go  
4 fix it because you know everything about it, yeah.  
5 MR. CABEBE: Uh-huh.  
6 MEMBER KAHOOHANOANO: Personally, I see no  
7 problem with that, but, I mean, if there's no information in  
8 there that you could use to -- for gain, I see no problem  
9 with it.  
10 MR. CABEBE: Let me describe it to you, I guess,  
11 would be the best way to do it. When I started working  
12 there, my primary job was to process building permits. So I  
13 developed this database to track building permits through  
14 the Department. And in doing that, eventually, it expanded  
15 to tracking like subdivisions, water service requests,  
16 things of that sort. So I think a lot of that stuff is  
17 already public information, so it's not anything that's  
18 confidential other than maybe personal addresses or phone  
19 numbers or something like that.  
20 MEMBER KAHOOHANOANO: Obviously, you know more  
21 about computers than I do, so I get no further questions.  
22 CHAIR WESTFALL: Norman.  
23 MEMBER FRANCO: Yeah, couple questions. You're a  
24 self-employed programmer for -- you have a separate  
25 business, you're self-employed as a computer programmer?

Page 8

1 MR. CABEBE: I have a separate business, yeah, as  
2 a service provider.  
3 MEMBER FRANCO: Okay.  
4 MR. CABEBE: I am employed full-time at Chris Hart  
5 & Partners.  
6 MEMBER FRANCO: And you develop software that's  
7 primarily your responsibility at your place of employment?  
8 MR. CABEBE: At my current employment?  
9 MEMBER FRANCO: Yeah.  
10 MR. CABEBE: No. I am a land use planner,  
11 actually, for Chris Hart.  
12 MEMBER FRANCO: So you designed this program a few  
13 years ago or recently?  
14 MR. CABEBE: It's -- I've been away from the  
15 Department for about 11 years now.  
16 MEMBER FRANCO: 11 years.  
17 MR. CABEBE: So they've been using the same  
18 software since I left. So --  
19 MEMBER FRANCO: So you worked for the Department,  
20 but you left 11 years ago?  
21 MR. CABEBE: Yeah, worked for the Department.  
22 MEMBER FRANCO: You designed this program?  
23 MR. CABEBE: Yes.  
24 MEMBER FRANCO: Can I ask you what kind of  
25 compensation? Is this a contractual arrangement or --

Page 9

1 MR. CABEBE: Yes.  
2 MEMBER FRANCO: So you're not going to be an  
3 employee of the Board of Water Supply?  
4 MR. CABEBE: No.  
5 MEMBER FRANCO: That seems all right.  
6 CHAIR WESTFALL: So just to confirm, you created  
7 the program while you were an employee at the Water  
8 Department?  
9 MR. CABEBE: Yes.  
10 CHAIR WESTFALL: This has nothing to do with your  
11 current employment?  
12 MR. CABEBE: No.  
13 CHAIR WESTFALL: All right. We'll go back around  
14 again. Lois?  
15 MEMBER PREY: I am okay.  
16 CHAIR WESTFALL: Herman?  
17 MEMBER YABUTA: How easy is it for the Water  
18 Department to get another program after they used yours and  
19 they found out, say, year later that they would rather do  
20 something else? Would they have to -- does the Board of --  
21 does the Board that you're on have to get bids for another  
22 program or can someone else in the Department, the Water  
23 Department, just design another program? Or how would that  
24 affect you should they decide not to use it anymore, your  
25 program?

Page 10

1 MR. CABEBE: It's my understanding that the Board  
2 is more of an advisory board. I know it reviews the budgets  
3 for the Department, but as far as any influence on, you  
4 know, going out to bid, I am pretty sure it's just, you  
5 know, something that they do in-house. They have their own  
6 accounting and their own purchasing agent. And so if they  
7 would, you know, want to pursue replacing their software or  
8 -- they can, obviously, do that. But I don't think I have  
9 any influence over that.  
10 MEMBER YABUTA: Thank you.  
11 MEMBER INABA: None.  
12 VICE-CHAIR LEACH: Is it customary with the Water  
13 Department to go outside a bid process to get contract work?  
14 MR. CABEBE: I think if it's under a certain  
15 amount -- I am not sure the rules behind, you know, going  
16 for bid. I know if it's over a certain dollar amount, I  
17 guess they go out for -- you know, you have to get the three  
18 bids at least, minimum three bids.  
19 VICE-CHAIR LEACH: So this could be under the  
20 threshold, I guess?  
21 MR. CABEBE: My understanding is yes.  
22 VICE-CHAIR LEACH: Thank you.  
23 CHAIR WESTFALL: Abel?  
24 MEMBER KAHOOHANOHANO: No questions.  
25 MEMBER FRANCO: Just one question.

Page 11

1 CHAIR WESTFALL: Sure.  
2 MEMBER FRANCO: Are you going to fix an  
3 engineering problem or an accounting problem?  
4 MR. CABEBE: It's an engineering problem.  
5 MEMBER FRANCO: Oh okay.  
6 MEMBER PREY: I do have a question.  
7 CHAIR WESTFALL: Sure.  
8 MEMBER PREY: Nowadays, everyone -- in fact, the  
9 hospital's in the process of updating their system. Would  
10 that -- if they updated their system, then you would have to  
11 do it, am I right? Or do you just do repairs?  
12 MR. CABEBE: It would be updating.  
13 MEMBER PREY: The whole system?  
14 MR. CABEBE: Yeah.  
15 MEMBER PREY: You know, because everything  
16 nowadays, the hospital now is updating their -- their whole  
17 system. Would you be involved in that?  
18 MR. CABEBE: No. That's -- what I would be  
19 involved in is just a particular application or particular  
20 app that tracks building permits and subdivisions and  
21 developments. It wouldn't -- as far as their operating  
22 systems, I wouldn't be involved in anything like that.  
23 MEMBER PREY: Oh, okay. Thank you.  
24 CHAIR WESTFALL: Any other questions? I'm sorry.  
25 Norman.

Page 12

1 MEMBER FRANCO: Since we're talking about a dollar  
2 amount, can you disclose what they're going to pay you if  
3 you do this fixing? Do you have a contract with them, you  
4 agreed to a certain value of your services?  
5 MR. CABEBE: We haven't -- well, we -- it's  
6 nothing in writing, but I think, verbally, we've agreed on  
7 \$50 an hour.  
8 CHAIR WESTFALL: Okay.  
9 VICE-CHAIR LEACH: Just one last question.  
10 CHAIR WESTFALL: Sure.  
11 VICE-CHAIR LEACH: In the last 11 years since you  
12 left, have you been called back to consult at all with the  
13 program?  
14 MR. CABEBE: Yes, once.  
15 VICE-CHAIR LEACH: Was that for remuneration? Did  
16 you get paid for that?  
17 MR. CABEBE: Yes.  
18 VICE-CHAIR LEACH: Okay. Thank you.  
19 CHAIR WESTFALL: Any other Members have any  
20 further questions of Mr. Cabebe? Linden, did you have  
21 questions?  
22 MS. JOESTING: I do.  
23 CHAIR WESTFALL: Go ahead.  
24 MS. JOESTING: What division uses this software?  
25 MR. CABEBE: Engineering Division.

Page 13

1 MS. JOESTING: And did they start using it in '89,  
2 or when did they start using it?  
3 MR. CABEBE: I am trying to think when I started.  
4 Not -- not immediately in '89. Probably around '96.  
5 MS. JOESTING: As part of your contract, will you  
6 be training other people to do the work that you will be  
7 performing under contract?  
8 MR. CABEBE: It's not part of the contract, no.  
9 MS. JOESTING: So you're not going to be training  
10 County employees to replicate the work that you would be  
11 doing on your contract?  
12 MR. CABEBE: No.  
13 MS. JOESTING: Is the contract going out to bid or  
14 is it a sole source?  
15 MR. CABEBE: It's sole source, I believe.  
16 MS. JOESTING: What was the amount you were paid  
17 before when you fixed the software?  
18 MR. CABEBE: I don't really recall. I think it  
19 was like maybe \$500 or something like that.  
20 MS. JOESTING: Was it at the same rate, \$50 an  
21 hour?  
22 MR. CABEBE: Yeah, I believe so.  
23 MEMBER FRANCO: You were employed at that time,  
24 yeah?  
25 MR. CABEBE: No.

Page 14

1 MEMBER FRANCO: At Board of Water Supply? It was  
2 a contract?  
3 MR. CABEBE: Yes.  
4 MS. JOESTING: Do you recall about when, when you  
5 did this prior work?  
6 MR. CABEBE: Maybe 2004, maybe around there.  
7 MS. JOESTING: Were you working for Chris Hart &  
8 Partners at the time?  
9 MR. CABEBE: Yes.  
10 MS. JOESTING: Have you been at Chris Hart &  
11 Partners since about 2002?  
12 MR. CABEBE: Yes.  
13 MS. JOESTING: So correct me if my math is not  
14 correct, if you're going to be paid \$50 an hour for up to  
15 100 hours, is that 5,000?  
16 MR. CABEBE: Yes.  
17 MS. JOESTING: So the maximum value of the  
18 contract would be \$5,000?  
19 MR. CABEBE: Yes.  
20 MS. JOESTING: Okay. Thank you. I don't have  
21 further questions.  
22 CHAIR WESTFALL: Members, any other questions?  
23 MEMBER YABUTA: I have one more. I'm sorry.  
24 CHAIR WESTFALL: Sure.  
25 MEMBER YABUTA: Is the current program that's --

Page 15

1 that they're using right now comparable to -- obviously,  
2 yours would be an upgrade, but the current program is  
3 similar to what you're -- your new program?  
4 MR. CABEBE: It's not going to be a new program.  
5 I am just going to troubleshoot the existing program. So  
6 it's, actually, an old program. It's still running, so --  
7 MEMBER YABUTA: That you're updating or --  
8 MR. CABEBE: I am -- it's not working correctly, I  
9 guess, so I have to just make sure -- or try to get up --  
10 get it up working again. It may be upgrading something.  
11 MEMBER FRANCO: What program system are you using?  
12 MR. CABEBE: Uses a -- it was based on Paradox, on  
13 the database like Borland. And I believe Borland's out of  
14 business right now, so --  
15 MEMBER FRANCO: Like XP right now?  
16 MR. CABEBE: What's that?  
17 MEMBER FRANCO: What Windows did to XP?  
18 MR. CABEBE: Yeah. Yeah, there's no support for  
19 it, so --  
20 MEMBER FRANCO: So you designed the program so you  
21 pretty much the only one that can fix it?  
22 MR. CABEBE: I am sure there's somebody smart  
23 enough to do it, but I guess I know enough about it to be  
24 the only one to do it. So --  
25 MEMBER FRANCO: So you anticipate further upgrades

Page 16

1 down the road?  
2 MR. CABEBE: It may, you know, involve an upgrade  
3 at some point. At this point in time, it's working on -- I  
4 know it works in XP, but XP is going out, too. But --  
5 MEMBER FRANCO: It's on XP?  
6 MR. CABEBE: Yeah.  
7 MEMBER FRANCO: Okay. Easy to be hacked, no  
8 security?  
9 MR. CABEBE: Yeah. But it -- it doesn't run on  
10 the internet or anything like that.  
11 MEMBER FRANCO: Okay. It's an internal --  
12 MR. CABEBE: Yeah.  
13 CHAIR WESTFALL: Okay. Any other questions?  
14 Mr. Cabebe, thank you so much for coming. What we will be  
15 doing now is deliberating. Someone will give you a call  
16 later today to either let you know if we've come to a  
17 decision or if you need additional information.  
18 MR. CABEBE: Okay.  
19 CHAIR WESTFALL: All right. So you're free to go  
20 at this point.  
21 MR. CABEBE: Thank you.  
22 CHAIR WESTFALL: I also need to just note for the  
23 record that Mr. Cabebe was -- requested that we hear this in  
24 open session. So that's why we're in open session.  
25 MR. CABEBE: Thank you.

Page 17

1 MEMBER FRANCO: Thank you.  
2 CHAIR WESTFALL: Okay, Members. I will put this  
3 to the Members here. We can either conclude this by going  
4 into Executive Session and doing our deliberations, or we  
5 can go back to the agenda and pick this up at the end. We  
6 do have a couple of people that want to testify on something  
7 else, so --  
8 MEMBER FRANCO: Let's put it away for a while and  
9 come back.  
10 CHAIR WESTFALL: Come back to it. Okay. We'll do  
11 that. We're already in Regular Session, so we're going to  
12 go back. And, Dee Dee, I get to welcome you as a new Board  
13 Member. You got to jump right in. Would you like to say a  
14 few words, give us a little bit about your background?  
15 MEMBER YABUTA: Well, I'd like to start with I am  
16 happy to be here. And, you know, I hope I can learn from  
17 you all, too. And this is exciting for me. I am a retired  
18 Federal Government employee, 31 years. 21 years as a  
19 Federal Agent with Homeland Security Investigations, which  
20 was formerly Immigration and Customs Enforcement, which was  
21 formerly INS. I live on Maui. I am married. I have a  
22 daughter and two grandsons. They live on Oahu. I have -- I  
23 retired in December of 2012, so this is my first time out  
24 into -- it's almost like a job for me now. So when I was  
25 getting dressed, it's just like coming to work. I really

Page 18

1 don't have any plans for any other employment, although my  
2 husband probably would like me to do something else,  
3 probably like to get a dog.  
4 MEMBER FRANCO: Are you related to Police Chief?  
5 MEMBER YABUTA: Yes, that's my husband.  
6 MEMBER FRANCO: Okay. Just wanted to --  
7 MEMBER PREY: He's Police Chief of --  
8 MEMBER YABUTA: Maui County.  
9 MEMBER PREY: Maui County.  
10 CHAIR WESTFALL: All right. Well, thank you and  
11 welcome.  
12 MEMBER YABUTA: Thank you.  
13 CHAIR WESTFALL: Next item is 3, Election of New  
14 Officers. We'll start with, I guess, the Chairman for next  
15 year. Do we have any nominations?  
16 MEMBER KAHOOHANOHANO: Michael Westfall.  
17 CHAIR WESTFALL: I was going to say that I would  
18 prefer not to be Chairman. I would prefer to let somebody  
19 else step up. I've been doing this a long time.  
20 Interestingly enough, this meeting has -- about  
21 three-quarters of all the issues that we've been discussing  
22 for the last three or four years are in this agenda. So I  
23 think I've kind of had a good run here. So if somebody else  
24 wants to step up.  
25 MEMBER PREY: How about Norman?

Page 19

1 MEMBER FRANCO: I rather have Randol.  
2 CHAIR WESTFALL: We go around here.  
3 MEMBER FRANCO: I still green. Maybe Vice-Chair.  
4 CHAIR WESTFALL: Okay. Let's see. I will go  
5 ahead and nominate Randol.  
6 MEMBER FRANCO: Amen. I second that.  
7 CHAIR WESTFALL: You want that?  
8 VICE-CHAIR LEACH: If I can nominate Norman as  
9 Vice-Chair.  
10 CHAIR WESTFALL: Do whatever you want.  
11 MEMBER FRANCO: Sounds like a conspiracy going on.  
12 CHAIR WESTFALL: We'll just say --  
13 MEMBER PREY: There is.  
14 CHAIR WESTFALL: -- a campaign thing. Randol was  
15 chairman previously and guided us through some really  
16 interesting times, to say the least. So he's got a lot of  
17 experience and knows a lot of stuff that's been going on.  
18 So --  
19 MEMBER FRANCO: Yeah.  
20 CHAIR WESTFALL: All right. So let's go back.  
21 And I guess we have a motion to nominate Randol Leach as  
22 Chairman. Do I have a motion to close the nominations for  
23 Chairman?  
24 MEMBER NASCIMENTO: So moved.  
25 MEMBER FRANCO: So moved.

Page 20

1 CHAIR WESTFALL: Any opposition?  
 2 (No response.)  
 3 CHAIR WESTFALL: Seeing none, all those in favor  
 4 of Randol as Chairman, signify by saying "aye."  
 5 (Response.)  
 6 CHAIR WESTFALL: Any opposition?  
 7 (No response.)  
 8 CHAIR WESTFALL: Seeing none, Randol,  
 9 congratulations.  
 10 MEMBER FRANCO: Thank you. Back to the hot seat  
 11 again.  
 12 CHAIR WESTFALL: Now we'll open it up to  
 13 Vice-Chairman.  
 14 VICE-CHAIR LEACH: I move to nominate Norman  
 15 Franco as Vice-Chair.  
 16 MEMBER NASCIMENTO: Second.  
 17 CHAIR WESTFALL: Seconded. Let's see. Do I have  
 18 a motion, any other --  
 19 MEMBER INABA: I move we close the nominations.  
 20 CHAIR WESTFALL: All right.  
 21 MEMBER FRANCO: Open and shut case.  
 22 CHAIR WESTFALL: So all those in favor of closing  
 23 the nominations, signify by saying "aye."  
 24 (Response.)  
 25 CHAIR WESTFALL: Any opposition?

Page 21

1 (No response.)  
 2 CHAIR WESTFALL: Seeing none, all those in favor  
 3 of Norman as Vice-Chairman, signify by saying "aye."  
 4 (Response.)  
 5 CHAIR WESTFALL: Any opposition?  
 6 (No response.)  
 7 CHAIR WESTFALL: Seeing none, Norman,  
 8 congratulations.  
 9 MEMBER FRANCO: Okay. I will have to learn from  
 10 Randol, though. He's the pro.  
 11 CHAIR WESTFALL: The last position is Secretary.  
 12 So we will open nominations for Secretary.  
 13 MEMBER FRANCO: I nominate Lois Prey.  
 14 MEMBER PREY: No. No, I can't take on any other  
 15 -- my plate is full. No. No, thank you.  
 16 MEMBER FRANCO: I withdraw and I nominate  
 17 Mr. Kahooohanohano.  
 18 MEMBER KAHOOHANO HANO: Thank you for the  
 19 nomination, Norman, but you're talking -- I am a mechanic.  
 20 I mean, I got thrown into this job, you know, behind a desk.  
 21 I not good at thinking, being a secretary. So I would  
 22 respectfully decline. Plus, I am pretty new, so give me a  
 23 chance.  
 24 MEMBER PREY: I nominate Dee Dee.  
 25 MEMBER FRANCO: I second it.

Page 22

1 MEMBER INABA: Close 'em.  
 2 CHAIR WESTFALL: And I should, just for the  
 3 record, note that, I appreciate what you said, but all of  
 4 our minutes are transcribed, so we really don't take any  
 5 minutes. I think you just have to certify them, communicate  
 6 with Angela once a month, and that's about it.  
 7 MEMBER KAHOOHANO HANO: I am not good at reading.  
 8 MEMBER FRANCO: We'll put it on audiotape so you  
 9 can --  
 10 MEMBER KAHOOHANO HANO: Show me a picture, I am  
 11 okay.  
 12 MEMBER FRANCO: That's how mechanics are.  
 13 CHAIR WESTFALL: Are you all right with that?  
 14 MEMBER YABUTA: I thought I would --  
 15 CHAIR WESTFALL: You're jumping right in here.  
 16 MEMBER YABUTA: -- you know, be on the Board  
 17 first.  
 18 MEMBER INABA: I move we close the nomination.  
 19 MEMBER PREY: Unless, Lilah, you want to.  
 20 MEMBER INABA: How am I going to get to that?  
 21 MEMBER PREY: I know, my schedule. I would, but I  
 22 can't.  
 23 CHAIR WESTFALL: So I think there's consensus, Dee  
 24 Dee, that you'll be the Secretary.  
 25 MEMBER PREY: Dee Dee, how about it?

Page 23

1 VICE-CHAIR LEACH: We'll help you with anything  
 2 you need.  
 3 CHAIR WESTFALL: Motion to close the nominations  
 4 for Secretary. All those in favor, signify by saying "aye."  
 5 (Response.)  
 6 CHAIR WESTFALL: Any opposition?  
 7 (No response.)  
 8 CHAIR WESTFALL: Seeing none, all those in favor  
 9 of Dee Dee as Secretary of the Board of Ethics, signify by  
 10 saying "aye."  
 11 (Response.)  
 12 CHAIR WESTFALL: Any opposition?  
 13 (No response.)  
 14 CHAIR WESTFALL: Seeing none, congratulations.  
 15 MEMBER PREY: Now you have your job.  
 16 MEMBER YABUTA: I was just going to say, I might  
 17 as well go to work.  
 18 CHAIR WESTFALL: All right. Moving on to Item 4,  
 19 review and approval of March 12th, 2014 minutes. Do I have  
 20 a motion to approve those minutes? And remembering that it  
 21 is both the Regular Session and Executive Session.  
 22 MEMBER KAHOOHANO HANO: So moved.  
 23 MEMBER NASCIMENTO: Second.  
 24 CHAIR WESTFALL: Any discussion? Okay. All those  
 25 in favor of approving the minutes, Executive and Regular

Page 24

1 Session, of March 12, 2014, signify by saying "aye."  
2 (Response.)  
3 CHAIR WESTFALL: Any opposition?  
4 (No response.)  
5 CHAIR WESTFALL: Seeing none, the minutes are  
6 approved.  
7 Item 5, Public Testimony. Angela, do we have  
8 public testimony?  
9 MS. ANDRADE: No.  
10 CHAIR WESTFALL: Just observing, then? Okay. Old  
11 Business, Financial Disclosures. We have three that we held  
12 back from last time. Maybe, Angela, would you like to give  
13 us the remarks on these?  
14 MS. ANDRADE: David Goode was returned only  
15 because Item 4 was left blank. And he filled that in.  
16 CHAIR WESTFALL: Okay.  
17 MS. ANDRADE: William Spence was returned because  
18 someone said or questioned whether, on Item 7, he owned  
19 other real property. So I asked him about that. And he  
20 said he doesn't actually own anything yet, he's in escrow.  
21 So that was his answer regarding Number 7.  
22 And then as far as Mark Walker, its  
23 self-explanatory because he provided a letter.  
24 CHAIR WESTFALL: Okay. Do I have a motion to  
25 acknowledge receipt of those aforementioned financial

Page 25

1 disclosure forms?  
2 MEMBER FRANCO: I had one question. When he's in  
3 escrow, when does he anticipate the closing of escrow?  
4 MS. ANDRADE: He doesn't know.  
5 MEMBER FRANCO: He doesn't know.  
6 MS. ANDRADE: No.  
7 MEMBER FRANCO: Will you come back and --  
8 MS. ANDRADE: I have the filing of this. He  
9 doesn't own additional property.  
10 MEMBER FRANCO: At this point in time, but he  
11 anticipates closing escrow sometime.  
12 MS. ANDRADE: Yeah.  
13 MEMBER FRANCO: Could he amend his financial  
14 statement at the time of closing?  
15 MS. ANDRADE: He can. They are supposed to, by  
16 rule, any changes, update their Financial Disclosure  
17 Statement.  
18 MEMBER FRANCO: Okay. As long as you're aware  
19 that he has to do that.  
20 CHAIR WESTFALL: Any more discussion on those  
21 three? Do I have a motion to acknowledge receipt of Goode,  
22 Spence, Walker?  
23 MEMBER KAHOOHANOHANO: So moved.  
24 CHAIR WESTFALL: Second?  
25 MEMBER YABUTA: Second.

Page 26

1 CHAIR WESTFALL: All those in favor of  
2 acknowledging receipt on Goode, Spence, and Walker, signify  
3 by saying "aye."  
4 (Response.)  
5 CHAIR WESTFALL: Any opposition?  
6 (No response.)  
7 CHAIR WESTFALL: Seeing none, those are  
8 acknowledged.  
9 Communication Items, none.  
10 The next, (c), (d), (e), (f), (g) and (h) are all  
11 related, and primarily just for your information, your fun  
12 reading at home. And what I would just mention under (c),  
13 the status, we had a discussing at our last meeting, Regina  
14 Gormley, who was the attorney for the Council, has left the  
15 County. So I don't know who is handling this at this point.  
16 I did communicate the Ethics Board's position that we were  
17 -- I can't even recall the wording for it. That we were --  
18 how did I word it?  
19 MS. JOESTING: Something like supported the  
20 concept, but not the way it was written.  
21 CHAIR WESTFALL: Right. So I communicated that to  
22 her. She did tell me that she did make a number of changes  
23 in the language along the lines of what the Members were  
24 discussing, but I haven't seen it, and I -- I don't want to  
25 comment or go into it today.

Page 27

1 What I did hand out is several things. And what I  
2 will start with is -- and this would be Number (d) -- just  
3 to let you know, this thing has a ways to go. It's been  
4 submitted to the Policy and Intergovernmental Affairs  
5 Committee. And I sent out the letter that I received. As  
6 you can see, it goes all the way to July. So this thing  
7 could get changed a number of times more, so I don't think  
8 there's anything for us to be doing there.  
9 Item (e), interestingly enough, at the State  
10 level, as we've mentioned, I think, just briefly, on the  
11 State level, similar legislation is going through. And I  
12 made copies of the comments. And I believe it's actually  
13 passed through the Senate and they've taken in the comments  
14 and redid some of the language.  
15 And Sydney is not here today, but there is --  
16 there was quite a change. And this, I guess, was -- I'm  
17 sorry -- it was your question. And I believe Item (g),  
18 there's quite a narrative as to how they have changed the  
19 description of what a family is. And we have this new term  
20 which is called reciprocal beneficiary. That's sort of, I  
21 guess, a catchall for non husband and wife people that live  
22 together and whatever. But I just wanted to let you know  
23 that this thing is moving along on a State level. It  
24 doesn't affect Maui County in that this is for State  
25 officeholders. But as you can see, there's quite an effort

Page 28

1 going on somewhere else. So I thought it would be  
2 interesting for you folks to take a look.  
3 And any questions or comments on any of that?  
4 VICE-CHAIR LEACH: Just one, Chair.  
5 CHAIR WESTFALL: Sure.  
6 VICE-CHAIR LEACH: Back to the resolution, on the  
7 second page -- let's see. That would be section -- Item G,  
8 the one that -- does that say the Board has power to put on  
9 probation, demote, suspend, discharge an employee?  
10 MS. JOESTING: That is what it says.  
11 CHAIR WESTFALL: Yes, that is what it says.  
12 VICE-CHAIR LEACH: And what's our Corp Counsel  
13 think about that?  
14 MS. JOESTING: I think that was one of the areas  
15 of concern that you folks had. And I expect your Chair  
16 transmitted that concern to the Council Member.  
17 VICE-CHAIR LEACH: Yeah, because we really don't  
18 have that --  
19 MS. JOESTING: Authority.  
20 VICE-CHAIR LEACH: -- authority, yeah. It's in  
21 the resolution. Okay.  
22 MS. JOESTING: Just for background, this was a  
23 resolution that Councilmember White had sent to the Board of  
24 Ethics asking for their comments. And they made some  
25 changes during the discussion that took place over a few

Page 29

1 months. And it was finally sent back with the Board's  
2 comments.  
3 MEMBER YABUTA: Okay. Good.  
4 CHAIR WESTFALL: Yeah. And from your Chairman's  
5 perspective, as I said, there's -- it looks like about two  
6 to three more months that this thing is going to get redid  
7 and hashed out at a different level. So, you know, we  
8 communicated our position. And interestingly enough, you'll  
9 see we took the same position that the State Ethics Board  
10 took with the State legislation. So we're in concert with  
11 what other people have said on these things. So I don't  
12 think there's anything for us to do on this at this point.  
13 MEMBER FRANCO: Mr. Chair, there's a certain  
14 deadline because it says that you have to have it done 75  
15 days prior to election.  
16 CHAIR WESTFALL: Correct. And if you note --  
17 well, I gave you the calendar, the Council's calendar. And  
18 what's happened now is it went from Regina, my  
19 understanding, and now it's in the Policy and  
20 Intergovernmental Affairs Committee. And they will hash it  
21 around, and then it will be -- if it gets to the point, it  
22 goes to the Council for them or that Committee to review.  
23 And then, from there, if it gets -- if it makes it, it goes  
24 to the Council. So there's several months.  
25 MEMBER FRANCO: So it will be put on the ballot

Page 30

1 once they get the language all --  
2 CHAIR WESTFALL: If it gets that far. I'm sorry  
3 if I am chopping this up.  
4 MS. JOESTING: I think the purpose of your putting  
5 all the other memos and things on the agenda is to bring up  
6 there's other ways of doing this rather than a Charter  
7 amendment, that the State is having -- in the process of  
8 doing State law on it and, also, be possible to do a County  
9 ordinance, if that's something that the Board wants to  
10 consider and look at.  
11 CHAIR WESTFALL: Yeah. And, oh, I know what else  
12 was in there, Item (e), which is interesting, is just in the  
13 last month, the State Ethics Board had a complaint that did  
14 not -- well, they do not use the word nepotism because, as  
15 we mentioned, the State has no rules against nepotism, but  
16 the way they got into it, just by looking at this fair and  
17 equal treatment, and, also, enriching yourself, those two  
18 prohibitions. Which essentially what had happened is  
19 somebody recommended that his children get hired, somebody  
20 complained about it, and he, basically, got found in  
21 violation of those two prohibitions. So I included -- they  
22 call it a resolution of charge. And it's, basically, their  
23 analysis on the law.  
24 The newspaper -- how I found this, the newspaper  
25 headline was individual found in violation of nepotism. But

Page 31

1 there is no law against nepotism if you go and you read it.  
2 It was fair and equal treatment and enriching yourself. So  
3 you can read that. That was what we originally proposed to  
4 Mr. White as a way to back into this without having to jump  
5 into nepotism. But I am going on here a little farther than  
6 I wanted to. Anyway, this is just for your information and  
7 you can take a look.  
8 VICE-CHAIR LEACH: Just for a clarification for --  
9 for myself, for a change in the Charter, does the roadmap go  
10 through the County Council and then to the voters and that's  
11 the only way the Charter can be changed?  
12 MS. JOESTING: There's another way the Charter can  
13 be changed, by public coming together like they are with the  
14 GMO initiative and proposing a Charter amendment.  
15 VICE-CHAIR LEACH: And would that go to the --  
16 MS. JOESTING: I am not sure if it goes to the  
17 Council, but, eventually, that would be put on the ballot,  
18 also.  
19 VICE-CHAIR LEACH: So it is a ballot measure.  
20 Thank you.  
21 CHAIR WESTFALL: The third one is the Charter  
22 Commission, which meets every 10 years. All right.  
23 MEMBER FRANCO: I hope we can make the deadlines.  
24 CHAIR WESTFALL: Again, this isn't our work  
25 product; it's the Council's work product. All they asked us

Page 32



1 for -- maybe I need to go back for the record. The only  
2 thing they asked us for was for our comments. It's not our  
3 legislation, it's the Council legislation, and all we've  
4 been asked to do is make comment.  
5 MEMBER FRANCO: Okay.  
6 MEMBER KAHOOHANO HANO: Anybody who thought this  
7 would have been done in a couple months. After all, we  
8 dealing with the government. Don't put that on the record.  
9 Everything goes on the record.  
10 CHAIR WESTFALL: Strike that one.  
11 MEMBER KAHOOHANO HANO: I mean, I never thought  
12 this would be done before the election. It never even  
13 crossed my mind.  
14 CHAIR WESTFALL: Yeah. Like I said, it has quite  
15 a process to go through at this point. We'll just see what  
16 happens.  
17 VICE-CHAIR LEACH: Yeah.  
18 MEMBER KAHOOHANO HANO: Sure.  
19 CHAIR WESTFALL: All right. On to New Business,  
20 Financial Disclosures. And is it appropriate for me to  
21 bring up the question that we had?  
22 MS. JOESTING: Sure.  
23 CHAIR WESTFALL: In reviewing these, we have kind  
24 of a question that we're going to pose to you before we  
25 start on all of these. It's come up. And it has to do with

Page 33

1 Item Number 8. So maybe just grab one of the financial  
2 disclosure forms and look at Item Number 8. And, you know,  
3 we've -- as long as I've been a member, and I am sure others  
4 can say the same, we're always looking at these forms. And  
5 this is another one of them. Item 8 is basically asking,  
6 the subject of the financial disclosures, to disclose if  
7 they're an officer, director or trustee. And in this form,  
8 it says companies or nonprofits. I think, technically,  
9 nonprofits -- you know, a for-profit company can be losing  
10 money. I think they really sort of mean tax exempt, so our  
11 accountant folks that are here know what I mean, the 501(c)  
12 type organizations. But -- and when we look at the Charter,  
13 it basically says, on 10-2, that this Board prescribes the  
14 form of disclosure. So all of this information is coming  
15 from us, what is being requested. And that Item 10-2(e),  
16 our role then is to examine all the disclosure forms, and  
17 that may -- may indicate conflicts of interest.  
18 So the first thing I want to do is sort of  
19 apologize for the last meeting, because Lois brought up some  
20 stuff and I sort of moved on to trying to discuss more of  
21 the nuts and bolts of it. So in reviewing these, it's more  
22 of a -- this is more of a preventive function of the Board.  
23 Okay? We don't have a complaint, we're not having to prove  
24 anything; we're just preventing people from going in that  
25 direction. So in looking at this item, when you look at our

Page 34

1 rules, it talks of -- and I need to get my -- give me a  
2 second here. It talks about that an individual subject to  
3 filing a financial disclosure form needs to indicate if  
4 they're an officer, director or trustee, or a role -- or any  
5 other role in an organization. So the question that we're  
6 having is what -- what would we describe as a role in  
7 another organization for the purposes of disclosure forms.  
8 And where this is sort of coming from is what  
9 we're seeing is that some people list everything and  
10 anything that they're a member of, Boy Scouts, PTA, all of  
11 these things. Other people leave them completely blank,  
12 even though we may have some thought that they might be in  
13 certain things. So the question coming up is what would the  
14 Board of Ethics describe as a role in an organization that  
15 might need to be disclosed in this Financial Disclosure  
16 Form. And maybe I should ask Linden if I articulated it.  
17 MS. JOESTING: You can say that the face of the  
18 form just asking for officer, director and trustee  
19 positions, but the rules implementing this form that the  
20 Board of Ethics has becomes more specific and it asks for a  
21 role in any organization. So some people have listed  
22 membership when they're not an officer, director or trustee,  
23 and some people do not. The question is, do you want to go  
24 and find out and send forms back if they don't list their  
25 membership, or do you want to just leave it at officer,

Page 35

1 director or trustee?  
2 MEMBER PREY: I personally think they should  
3 stipulate it and not omit it. They should state if they're  
4 an officer of an organization.  
5 MS. JOESTING: But if they're just a member, I  
6 think that's the question.  
7 MEMBER PREY: Well, right. It tells you exactly.  
8 A lot of people put member or board member or, you know,  
9 president, and just, you know, in the middle here, so they  
10 should stipulate it. Type of position is -- it's in the  
11 middle, your type of position, in the organization, and then  
12 the nature of the organization. They should fill all that  
13 out.  
14 CHAIR WESTFALL: I think the question here is not  
15 so much officer, director or trustee, because we know these  
16 people are fiduciaries, so there's -- those are easy. It's  
17 more where a person might be on an advisory commission, they  
18 don't have a fiduciary role, but they certainly have an  
19 influential role, or they're on a -- some kind of committee,  
20 but they're not necessarily an officer of the organization.  
21 And I think that's -- it's splitting hairs, but it's going  
22 to -- it's coming up is what is happening. Go ahead.  
23 MEMBER YABUTA: What about if it was compensatory?  
24 I mean, like you said, if they're an officer or they have  
25 influence, but, also, if they're receiving something. You

Page 36

1 know, I could be an officer on the Boys and Girls Club, but  
 2 it's strictly volunteer.  
 3 CHAIR WESTFALL: Right.  
 4 MEMBER YABUTA: But I could be a member of, you  
 5 know, First -- I'm sorry -- another organization, say  
 6 trustee the First Hawaiian Bank, then, of course, I am  
 7 receiving compensation. So should we --  
 8 MEMBER PREY: Stipulate it.  
 9 MEMBER YABUTA: -- limit that to --  
 10 VICE-CHAIR LEACH: That might fall under Item 2,  
 11 too. Have that already --  
 12 CHAIR WESTFALL: I am not sure we're articulating  
 13 this well. I am speaking hypothetically here. You have an  
 14 automobile club, okay. So you're not -- but you're on the  
 15 Hawaii State Advisory Board for the Automobile Club, you  
 16 don't get paid, you're just an advisor to that board. Is  
 17 that something that should be -- and the backward way around  
 18 it is if you have influence in that organization, then there  
 19 might be someone -- again, these are -- these are preventive  
 20 documents, so to speak, that maybe you have influence on how  
 21 that organization spends its money, even though you're not  
 22 getting it.  
 23 MEMBER FRANCO: It's what kind of leadership role  
 24 they have in these organization instead of just membership.  
 25 You could be a member for a gun club and whatever, doesn't  
 Page 37

1 have any relevance, but if they're president or vice  
 2 president of something, have a leadership role, then you say  
 3 that they have some influence on that organization and might  
 4 be a conflict to County ordinances or other things the  
 5 County's considering. So I think it should be just left  
 6 alone. Item 8 seems pretty clear, says officers, director  
 7 or trustee positions.  
 8 CHAIR WESTFALL: Well, I guess where we're having  
 9 -- see, where the issue is and why it's coming up is because  
 10 while officer, director and trustee are mentioned on the  
 11 form, the rules actually extend to any other role in any  
 12 organization. So the question is should the rules -- you  
 13 know, we want to limit it to just those, and probably need  
 14 to change the rules at some point and cross that out in the  
 15 rules. But that isn't stated on the form and what we're  
 16 getting is some confusion as to what needs to be put in  
 17 these boxes.  
 18 VICE-CHAIR LEACH: We don't want to eliminate  
 19 this.  
 20 CHAIR WESTFALL: Right. Those are set.  
 21 VICE-CHAIR LEACH: Make it broader to cover that.  
 22 CHAIR WESTFALL: Yeah. So -- and I am -- I will  
 23 just read it to you. This is item -- this is contents of  
 24 disclosure, 04-101-42 and it just says a description of each  
 25 officer, director, trustee or other fiduciary office or role  
 Page 38

1 currently held in any organization or business. So it's  
 2 that third, you know, any role currently held. We don't  
 3 have room for this on the -- on the form. People are  
 4 reading this and sort of questioning what does that mean.  
 5 Does that mean I -- I am coaching my kids soccer group.  
 6 MEMBER KAHOOHANO: Well, it's a financial  
 7 disclosure form, right, so I don't think they have to put  
 8 down their team mom or, you know, with the Boy Scouts, group  
 9 leader, or whatever, because you're not getting any  
 10 financial gain. Unless the Boy Scouts are going to build  
 11 you a house or something, then, you know, it might be  
 12 probably something that you're getting something financial  
 13 from that. But, I mean I don't think the intent was to  
 14 include everything. I think the intent was like if you  
 15 getting financial compensation for it, then it should go  
 16 down on the form. That's what I think. It would be crazy  
 17 to put down everything that you belong to.  
 18 MEMBER PREY: Officer, director, trustee or big  
 19 kahuna.  
 20 CHAIR WESTFALL: Something like that.  
 21 MEMBER PREY: I mean, what more is there to say?  
 22 I mean, you know --  
 23 CHAIR WESTFALL: Maybe what we should just do and  
 24 leave this, and we can come back to it at another time,  
 25 Members can discuss it. What you're going to see when we  
 Page 39

1 start going through these, it will come up. So it's just  
 2 another one of these many things that we have that there's  
 3 subtle things and -- all right. So we'll move on, on this.  
 4 Just keep it in the back of your mind some day. Okay.  
 5 So we'll do -- we'll start with the financial  
 6 disclosures that are not -- that don't have asterisks. The  
 7 other ones we have to do in Executive Session. So what I am  
 8 going to do is go through the Regular Session and then --  
 9 actually, I think everything else after we do this will be  
 10 in Executive Session. So can I get a motion to acknowledge  
 11 receipt of, and you can just read the last names? Go ahead.  
 12 MEMBER INABA: I make a motion that we acknowledge  
 13 receipt of the Ginoza, Hiromoto, Kay, Kim, Miyamoto, Nava,  
 14 Pontanilla, Raatz, Silva, Taguchi, Tom, Underwood and Wong.  
 15 CHAIR WESTFALL: Okay. Do I have a second?  
 16 MEMBER PREY: Second.  
 17 MEMBER FRANCO: Second.  
 18 CHAIR WESTFALL: Discussion. Lois, I will look at  
 19 you first.  
 20 MEMBER PREY: Okay. Wait a minute. I got turned  
 21 around here. How about Alana Kay, Alana Kay, I found that  
 22 she didn't check her filing if it's the first, second or  
 23 whatever. Then Items 3, 4, 5, 7, 8 and 9 and 10, I don't  
 24 see any marking whatsoever.  
 25 MS. JOESTING: That's correct.  
 Page 40

1 MEMBER PREY: Pardon me?  
2 MS. JOESTING: That's correct.  
3 MEMBER PREY: Yeah.  
4 MS. JOESTING: Yeah.  
5 MEMBER PREY: So on that one, I have a whole page  
6 here that I found through the group. Let's see, who is  
7 next? Fred Nava, he didn't mark whether it's first, second  
8 -- whatever.  
9 MS. ANDRADE: They're candidates for public  
10 office, that's why.  
11 MEMBER PREY: Right. I was going to follow up on  
12 that. Are they candidates? Okay. Frank Silva, spouse, he  
13 didn't mark the amount for spouse for Social Security.  
14 MS. JOESTING: Correct.  
15 MEMBER PREY: Borge, Patrick Borge, all items  
16 checked "none" from Item 2 on.  
17 VICE-CHAIR LEACH: That's Executive Session.  
18 MEMBER PREY: Oh, excuse me. Okay. Thank you.  
19 Gwen -- oh, executive, the next one.  
20 MEMBER FRANCO: I have a question on Patrick Wong.  
21 It's okay, we talked about him.  
22 CHAIR WESTFALL: Wait a second. Let's let Lois  
23 finish, then I will come back to you.  
24 MEMBER PREY: There are stars among the other  
25 ones, so I will wait.

Page 41

1 CHAIR WESTFALL: All right. Norman.  
2 MEMBER FRANCO: On the first page, Item 1, we know  
3 he's an attorney, he's working for the County, but it says  
4 any compensation. I don't know if that's an I or an F.  
5 MS. ANDRADE: An F.  
6 MEMBER FRANCO: An F.  
7 MEMBER PREY: What one are you looking at, Norman?  
8 VICE-CHAIR LEACH: I thought it was an I.  
9 MEMBER FRANCO: Kind of looks like an I to me.  
10 Okay. So it's an F. Okay. That's okay, then. And then on  
11 the second page, apparently, he's a gambler, gambling  
12 winnings. A little bit concerned about public attorney  
13 being -- I mean, you can't stop any person from gambling,  
14 but I don't know if this all profits or negative, maybe.  
15 Maybe he's in the red, who knows. It says gambling  
16 winnings. It's kind of unique. I just -- I guess that's as  
17 far as we can get from him is Item G. So, apparently, he's  
18 a pretty big gambler because it's a range of 200,000 to --  
19 CHAIR WESTFALL: I guess what I would frame it as,  
20 if you think that leads to one of the prohibitions, that's  
21 where we would go. It's just -- you know, gambling is not  
22 -- it's not really applicable to us.  
23 MEMBER FRANCO: Sometimes, you know, some public  
24 people get into a gambling situation where they have to sell  
25 their home or do something, or if they're -- you know, have

Page 42

1 a marker, and that can be dangerous thing for any public  
2 official to get involved in. But, you know, there's guys on  
3 the positive side. He must be a damn good gambler. And  
4 he's in a pretty high bracket of \$200,000. He probably gets  
5 pretty red carpet treatment from -- from the gambling  
6 institution if he's playing games and winning that kind of  
7 money. I just got a concern.  
8 CHAIR WESTFALL: Okay. I guess you need to frame  
9 it -- though, if you have concern, how is that a concern for  
10 the -- for the prohibitions?  
11 MEMBER FRANCO: Well --  
12 CHAIR WESTFALL: I understand what you're saying  
13 in another light, but that's --  
14 MEMBER FRANCO: As a Prosecuting Attorney [sic],  
15 it could be something that compromises his position if  
16 there's anything come up related to gambling in the County.  
17 You know, it's always happening. You realize cockfighting  
18 or -- so I wonder if he would have to excuse himself.  
19 MS. ANDRADE: He's not a Prosecuting Attorney.  
20 MEMBER FRANCO: Corp Counsel, right?  
21 MS. ANDRADE: Yeah.  
22 CHAIR WESTFALL: Any Members have any other  
23 comments on what Norman is bringing up?  
24 MEMBER INABA: I thought we were just looking at  
25 his papers to see if he filled them out; we cannot judge

Page 43

1 anybody else's.  
2 CHAIR WESTFALL: I personally feel -- I understand  
3 where -- your personal feeling. I believe it's beyond our  
4 scope.  
5 MEMBER FRANCO: Okay.  
6 CHAIR WESTFALL: But, Members, we'll move on here  
7 or --  
8 MEMBER FRANCO: I don't know if you want to send  
9 him a letter.  
10 CHAIR WESTFALL: I'm sorry?  
11 MEMBER YABUTA: This is a onetime thing. I mean,  
12 you know, like did he go to Vegas and win \$500,000 and now  
13 he has to write it down rather than, you know, every month  
14 or whatever. I mean, that's just my question because I have  
15 my own financial disclosure form here. So I have to look at  
16 this as a guide, but, you know, is this something that  
17 everyone has to do?  
18 MS. JOESTING: Either appointed or elected fill  
19 out financial disclosures. Some of them are public. The  
20 ones that you're looking at right now are public. And some  
21 are confidential.  
22 MEMBER YABUTA: And is that every year?  
23 MS. JOESTING: Correct.  
24 MEMBER YABUTA: Okay.  
25 CHAIR WESTFALL: Yours would be private.

Page 44

1 MEMBER YABUTA: If he just won all that money at  
2 once, I was just curious.  
3 MEMBER FRANCO: I don't know if we should send him  
4 a letter and say if there's a conflict of interest, just,  
5 you know, a precautionary. Mr. Chair, I don't know. You  
6 know we send those out.  
7 CHAIR WESTFALL: Right, cautionary letter. Well,  
8 I will just go back to the Members. Do we believe that we  
9 need to send something here on this issue?  
10 MS. JOESTING: Just as a point of information, I  
11 believe he submitted a financial statement last year that  
12 also showed gambling winnings. And I will also say he's my  
13 boss. So I don't think it's just this year. I think it was  
14 the prior year, also.  
15 MEMBER KAHOOHANO HANO: I need to hang out more  
16 with him.  
17 MEMBER FRANCO: Yeah, I like to know his method.  
18 MEMBER KAHOOHANO HANO: But, personally, I see -- I  
19 mean, I see nothing ethically wrong with it. I mean, you  
20 know, it's just a statement that he made this money  
21 gambling. He might be very good at gambling, I mean, but  
22 that's his preference. I mean, I am okay with that. I  
23 don't -- personally, I feel -- I don't think it's necessary  
24 to pursue it.  
25 CHAIR WESTFALL: Anyone else?

Page 45

1 MEMBER INABA: I don't think it's necessary unless  
2 there's something that happens along the way.  
3 CHAIR WESTFALL: Anyone else have comments on  
4 this? I don't personally see it as -- I understand the  
5 issue.  
6 MEMBER FRANCO: I just make that --  
7 MEMBER KAHOOHANO HANO: I understand the potential  
8 what you're talking about, yeah.  
9 MEMBER FRANCO: Right.  
10 MEMBER KAHOOHANO HANO: But, I mean, it's his  
11 statement, and that's what he is saying that he got. So I  
12 don't know. Would we have a right to say it was ethically  
13 wrong?  
14 CHAIR WESTFALL: I think that's outside of our  
15 scope.  
16 MEMBER KAHOOHANO HANO: Yeah.  
17 MEMBER FRANCO: Okay. Just mentioned it to see.  
18 CHAIR WESTFALL: Okay. All right. We'll move on,  
19 on this.  
20 MEMBER FRANCO: Okay.  
21 CHAIR WESTFALL: Any other comments on any of the  
22 public financial disclosure forms? Yes, Lois.  
23 MEMBER PREY: Did we go into the ones with the  
24 star yet?  
25 CHAIR WESTFALL: Not yet. Just the public ones.

Page 46

1 So no more comments?  
2 MS. JOESTING: Mr. Chair, sorry to interrupt, but  
3 I think John Kim's financial disclosure did not show the  
4 percent ownership on Item 3.  
5 CHAIR WESTFALL: Okay. I don't have it in front  
6 of me, but --  
7 VICE-CHAIR LEACH: Here.  
8 MS. JOESTING: -- some of it appears to be public  
9 stock, but others appear to be private companies.  
10 CHAIR WESTFALL: Yes. So we'll need to send that  
11 back for clarification. So, Angela, can you follow up on  
12 that?  
13 MS. ANDRADE: Sure.  
14 CHAIR WESTFALL: Okay. Any others? That's a mark  
15 there.  
16 MS. JOESTING: Yes.  
17 CHAIR WESTFALL: Any others?  
18 MS. JOESTING: No. I'm sorry. I thought you were  
19 talking to the Board.  
20 CHAIR WESTFALL: Okay. So I have a motion and a  
21 second. All those in favor of acknowledging receipt of all  
22 the aforementioned financial disclosures with the exception  
23 of John Kim, which we will ask for clarification, and Alana  
24 Kay. Those two we will pull, have them on the agenda for  
25 the next meeting.

Page 47

1 I should also mention that we do have a couple of  
2 financial statements that we pulled at the last meeting that  
3 should be on the next agenda. They just didn't get here in  
4 time for that. I think the Mayor and there's one other. So  
5 we'll have those at the next one.  
6 MS. ANDRADE: The Mayor wasn't pulled. There was  
7 only one.  
8 MS. JOESTING: For clarification.  
9 CHAIR WESTFALL: Clarification. I'm sorry.  
10 Anyway, we'll deal with those at the next meeting. Okay.  
11 So --  
12 MS. JOESTING: I think Lois mentioned that  
13 Franklyn Silva's spouse did not have her compensation  
14 listed.  
15 CHAIR WESTFALL: So we need that one to have  
16 clarification. Okay. So let me restate this so I don't  
17 confuse the court reporter. We will acknowledge receipt of  
18 all of the aforementioned financial statements except Alana  
19 Kay, John Kim and Franklyn Silva. Okay. All those in  
20 favor, signify by saying "aye."  
21 (Response.)  
22 CHAIR WESTFALL: Any objections?  
23 (No response.)  
24 CHAIR WESTFALL: Seeing none, those are  
25 acknowledged.

Page 48

1 Now I will need a motion -- I guess do I need --  
 2 I'm sorry. Let me clarify something with her. The rest of  
 3 the agenda is all Executive Session stuff. Do I need to  
 4 just ask for a motion and then we vote, or do I need to say  
 5 something about --  
 6 MS. JOESTING: I have a sheet you can read from,  
 7 if you want.  
 8 CHAIR WESTFALL: I have that, I think, at the  
 9 bottom of this.  
 10 MS. JOESTING: Yes.  
 11 CHAIR WESTFALL: All right. So now I need a  
 12 motion to go into Executive Session under Hawaii Revised  
 13 Statutes 92-5(a)(4) to consult with legal counsel on  
 14 questions and issues pertaining to the powers, duties,  
 15 privileges, immunities, and liabilities of the County, the  
 16 Council and the Committee. I need --  
 17 MEMBER PREY: I motion we go into Executive  
 18 Session.  
 19 MS. JOESTING: Also, privacy, too.  
 20 MEMBER FRANCO: Second.  
 21 CHAIR WESTFALL: We can add to that statement  
 22 privacy.  
 23 MS. JOESTING: For the privacy of the individuals  
 24 involved.  
 25 CHAIR WESTFALL: Okay. So I have a motion, I have  
 Page 49

1 a first and a second. All those in favor of going into  
 2 Executive Session, signify by saying "aye."  
 3 (Response.)  
 4 CHAIR WESTFALL: Any opposition? Seeing none, we  
 5 have consensus to go into Executive Session.  
 6 (Recess to Executive Session, 1:35 p.m. to 2:00  
 7 p.m.)  
 8 CHAIR WESTFALL: We're now back in Regular  
 9 Session. And what I am going to ask for again is if we can  
 10 suspend the rules so that we can just stay on this topic  
 11 rather than going back to Item D. So we'll just stay on  
 12 this topic. Do I have a motion?  
 13 MEMBER NASCIMENTO: So move.  
 14 MEMBER FRANCO: Second.  
 15 CHAIR WESTFALL: All those in favor of the motion  
 16 to suspend the rules, and we'll just stay on Item (d),  
 17 signify by saying "aye."  
 18 (Response.)  
 19 CHAIR WESTFALL: Any opposition?  
 20 (No response.)  
 21 CHAIR WESTFALL: Seeing none, okay. So let's stay  
 22 on -- I'm sorry -- Item (f). So we can continue this  
 23 discussion. Norman.  
 24 MEMBER FRANCO: Well, I think because the dollar  
 25 amount of the contract, it might require a bid process.  
 Page 50

1 There are other programmers that just do programming, and  
 2 maybe the County could get better served and maybe totally  
 3 -- because he's talking about XP. XP is history as of last  
 4 night. Okay. But it's internal. But, at the same time,  
 5 you lose some tech support because no longer XP is going to  
 6 be around and you won't get tech support, although he says  
 7 it's an internal program. But I just probably would like to  
 8 see other people get a chance at it, you know, just for  
 9 following the proper procedure on procurement. That's all.  
 10 CHAIR WESTFALL: Abel.  
 11 MEMBER KAHOOHANO HANO: You know, I think my  
 12 opinion, I think, is a little different because he was the  
 13 one that put the program together. So I am thinking that  
 14 the best possible solution for them is to get the guy that  
 15 did it to go fix the problems. And I think it's as simple  
 16 as that. Even if you think that -- if you start thinking  
 17 that, well, you know, maybe he set himself up, then he would  
 18 have set himself up in the beginning. In other words, I am  
 19 going to make a program that only I can fix, then they going  
 20 to call me back all the time. And I don't think that was  
 21 the intent or what he did in the beginning. I just think he  
 22 put together the program and the County is saying, well,  
 23 instead of going and find out, go through all this other  
 24 people, try and see, get this fixed, we know you can get it  
 25 fixed. But that's what I think they asked him to do it.  
 Page 51

1 But I understand what Norman is saying, is it's like  
 2 shouldn't be a slam dunk when you just tell him, okay, we  
 3 gonna award the contract to you.  
 4 My question is still -- he gotta do 'em. I mean,  
 5 he's going to do it when he's not working for the County.  
 6 But I put in 12-hour days, I mean, I don't get paid for 12  
 7 hours.  
 8 MEMBER INABA: He doesn't work for the County.  
 9 MEMBER FRANCO: He's appointed.  
 10 MEMBER INABA: He's only on the Board of Water  
 11 Supply. He sits on a board like we do.  
 12 MEMBER KAHOOHANO HANO: Oh, okay. Yeah.  
 13 MEMBER FRANCO: Yeah, but he's also employed by a  
 14 planner, you know.  
 15 MEMBER INABA: Chris Hart.  
 16 MEMBER FRANCO: Yeah, and they do a lot of work  
 17 with the County. So he's got more than one hat.  
 18 MEMBER KAHOOHANO HANO: And I don't want to cloud  
 19 the issue. All I am saying is that I think that it was the  
 20 best choice -- best decision they could make. Just go fix  
 21 the problem is what they told him, you did it, go fix the  
 22 problem.  
 23 MEMBER FRANCO: I agree with Abel. It's probably  
 24 most expedient he does it because he put the program  
 25 together, but I just want to be sure that we following  
 Page 52

1 protocol, proper procurement procedures. That's all.  
 2 CHAIR WESTFALL: Randol.  
 3 VICE-CHAIR LEACH: You know, there's two sides to  
 4 this, when we want the problem fixed with the water, but is  
 5 there an appearance, which sometimes we don't really look  
 6 at, of a conflict. It would be similar to one of us  
 7 contracting with Corp Counsel to fix something regarding the  
 8 Board of Ethics, which we happen to be on. I don't know  
 9 what side of the fence I am on right now. It's just -- I  
 10 read the prohibitions, and it doesn't fit into anything  
 11 exactly.  
 12 MEMBER INABA: I do know that they didn't have to  
 13 go out to bid for this contract, if I remember correctly,  
 14 because -- you know, I follow the bid process, too. And --  
 15 but I think that the County is prudent in trying to get him  
 16 to come in and fix it because until they decide to upgrade  
 17 the whole system and -- and get a better system in place,  
 18 they're really going to need him, especially if, you know,  
 19 he developed the program. And I am sure that when he  
 20 developed the program, he thought he was going to be working  
 21 for the County for a long time. I mean, most people do.  
 22 MEMBER FRANCO: It's what's called built-in  
 23 obsolescence. He's -- he made a system that he knows is  
 24 going to be needed down the road. You know, it's okay, but  
 25 I just want to make sure that, you know, we follow proper

Page 53

1 procedures.  
 2 CHAIR WESTFALL: Let me keep going around. I will  
 3 come back to you. Dee Dee.  
 4 MEMBER YABUTA: I was confused initially, then,  
 5 because I thought he was putting in a whole new program,  
 6 but, now, he's just fixing the old one that he put in 11  
 7 years ago. And which is fine to me except that he mentioned  
 8 he wasn't going to show anyone else how to do it. I mean, I  
 9 don't understand that. And are they ever going to upgrade  
 10 the system with the bids later on, like next year or two  
 11 years from now? So, I mean, if the County has to fix it  
 12 now, I can see, you know, where, you know, it's expedient to  
 13 do that. But I have these questions.  
 14 MS. JOESTING: You can always ask the Department.  
 15 CHAIR WESTFALL: Yeah. I was going to say, you  
 16 know, in this case we didn't have anyone from the  
 17 Department, so we really don't know what their position is  
 18 on this. They may have just -- well, I don't want to  
 19 speculate. Anyway, Herman.  
 20 MEMBER NASCIMENTO: I have no problem being the  
 21 fact that he created the program. And I think, at this  
 22 point, he's the most qualified person to fix whatever  
 23 problems they have.  
 24 CHAIR WESTFALL: Okay.  
 25 MEMBER NASCIMENTO: So I have no problem.

Page 54

1 MEMBER PREY: I agree that someone else should be  
 2 trained to do -- because what if he gets in an accident or,  
 3 God forbid, he dies or something, no one would know, you  
 4 know, what to do, which is bad.  
 5 MEMBER INABA: I think that would be a separate  
 6 contract.  
 7 MEMBER PREY: Very bad management in my -- in my  
 8 opinion. And then like I mentioned before, what if they  
 9 decide to upgrade the program, he wouldn't know how, I doubt  
 10 -- would he know how to put in a new -- new program updating  
 11 the new program? I don't know. I mean, I am still on the  
 12 fence with it, also.  
 13 CHAIR WESTFALL: I guess I am a little  
 14 uncomfortable, maybe more from an academic standpoint than,  
 15 you know, of just the appearance, which we're not looking at  
 16 the appearance, but it would suggest lots of hedging towards  
 17 some of the violations or some other prohibitions. But  
 18 maybe what we should do -- I am just going to make a  
 19 suggestion -- is maybe, for the next meeting, we can get  
 20 someone from the Department and, at the same time, maybe we  
 21 can look to see if there's any opinion. This seems sort of  
 22 like an emergency situation to me, where there's an  
 23 exception to the rules. You know, bring the -- this is the  
 24 best qualified guy and maybe there's some issues with this  
 25 other stuff, there might be an exception. And I don't know,

Page 55

1 maybe, Linden, you could see if there's any other advisory  
 2 opinions where the conclusion was, yes, you may be heading  
 3 towards violation of the prohibition, but the overriding  
 4 emergency nature of what it is you're doing would outweigh  
 5 that. I don't know if that's -- anyway.  
 6 MEMBER FRANCO: One thing, we can follow that line  
 7 of thought, but in that, we say, in the future, put out your  
 8 work for bid if it meets a certain dollar amount. If it's  
 9 an emergency, okay, let him fix it, but -- and as far as if  
 10 they have somebody from the Department of Public Works to  
 11 discuss their whole IT --  
 12 CHAIR WESTFALL: Department of Water.  
 13 MEMBER FRANCO: Department of Water, yeah, look at  
 14 their IT needs. And if they're looking at outside people  
 15 depended on what they need, computer services.  
 16 CHAIR WESTFALL: So, Members, we're all right  
 17 holding this one back and get some more information? Now,  
 18 my only question is, I don't know if the Department is  
 19 expecting this guy to show up next week, this is some  
 20 immediate thing that they need done, or if we can hold it  
 21 over. So we'll just have to go with holding it over. All  
 22 right? So we'll just hold this one over for additional  
 23 information and we'll try to arrange for someone from the  
 24 Department of Water that has some kind of management  
 25 capacity over this -- this situation at the next meeting.

Page 56

1 So can you communicate to Mr. Cabebe that we're still  
2 deliberating?  
3 MS. ANDRADE: Sure.  
4 CHAIR WESTFALL: All right. So now back to Item  
5 (d), which is review proposed memorandum regarding gift  
6 guidance. And so I just -- for sake of this meeting, as I  
7 mentioned, this is an issue and topic that's been going on  
8 since the beginning of time. And I went back and looked.  
9 And even in October of 2012, we had on our agenda discussing  
10 drafting this memorandum. The memorandum is, basically,  
11 similar to what the State has issued, the State Ethics  
12 Commission, and the City and County of Honolulu has issued.  
13 It doesn't change any law. It doesn't change the way  
14 someone -- that they go to an event, it doesn't change  
15 anything. All it is, is a suggestion of these activities  
16 might lead towards someone perceiving that there might be a  
17 violation of a prohibition, and, therefore, you might want  
18 to think about it before you do those things.  
19 At the last meeting, we kind of went around on a  
20 lot of things. So I thought, for today's meeting, really we  
21 have sort of three options at this point: We can do nothing  
22 and just continue how we have been doing; we can work on a  
23 memorandum; or we can work on changing the laws. Now,  
24 remembering that, at this point, the laws would be in the  
25 Charter. So we're already too late for the election for

Page 57

1 this year, those already had to have gone in. So we're  
2 talking like two years from now we would be changing the  
3 laws. So long time, basically, to do that one. And that's  
4 the reason we thought maybe the first step would be a memo  
5 just so people get an idea of different things.  
6 So discussion. And I will go around. Lois, I  
7 know you've had frustrations. And I apologize.  
8 MEMBER PREY: I don't think it should be dropped.  
9 And you said two years from now?  
10 CHAIR WESTFALL: That's how long it would take to  
11 a Charter -- a new Charter amendment to go into effect.  
12 MEMBER PREY: Yeah.  
13 CHAIR WESTFALL: Although, there's another  
14 possibility that we could look at ordinances, which are just  
15 the County Council. But, again, we have to get a councilman  
16 to sponsor that. Anyway, go ahead.  
17 MEMBER PREY: I hate to drop it, I really do,  
18 because we worked so hard on it. And so why don't we try to  
19 -- your suggestion was to do an ordinance on it?  
20 CHAIR WESTFALL: No, no. My suggestion -- and as  
21 I look back in my minutes, this goes back almost two  
22 and-a-half years.  
23 MEMBER PREY: Yeah, right.  
24 CHAIR WESTFALL: Was let's start just sending out  
25 a memorandum so people get an idea what the issues are.

Page 58

1 MEMBER PREY: All right. All right.  
2 CHAIR WESTFALL: It's not telling them they  
3 have --  
4 MEMBER PREY: I don't want to drop it completely,  
5 and the two years is too far. So let's send out --  
6 CHAIR WESTFALL: And I want to make sure I have a  
7 consensus here.  
8 MEMBER PREY: Some kind of, I think, a memorandum  
9 should be sent out so they are aware of the situation, you  
10 know. That's what I think.  
11 CHAIR WESTFALL: Okay. Herman.  
12 MEMBER NASCIMENTO: I kind of agree with Lois.  
13 They should be made aware of what we're looking at.  
14 CHAIR WESTFALL: Okay. I know this is your first  
15 meeting, so you didn't get a chance to look at it.  
16 MEMBER YABUTA: No.  
17 CHAIR WESTFALL: But you can comment.  
18 MEMBER YABUTA: I think we should continue.  
19 MEMBER PREY: Yes.  
20 CHAIR WESTFALL: What the issue is, is that we see  
21 all levels of monetary value for gifts, we see different  
22 quantities for gifts, and the rules only say that gifts  
23 meant to influence or reward are not allowed. But that's --  
24 that's a subjective term. So we're trying to work on a  
25 memorandum or something that gives people a better idea of

Page 59

1 what influence and reward might mean.  
2 MEMBER YABUTA: For County employees and members  
3 of boards?  
4 CHAIR WESTFALL: Yes.  
5 MEMBER YABUTA: For everyone across the board?  
6 MEMBER PREY: Yeah, everyone across the board.  
7 MEMBER YABUTA: Oh, I always thought there was  
8 like a monetary limit.  
9 CHAIR WESTFALL: There is not.  
10 MEMBER YABUTA: No? Or, you know, tickets to the  
11 whatever.  
12 VICE-CHAIR LEACH: Disclosure over 50 was the --  
13 MEMBER YABUTA: Okay.  
14 CHAIR WESTFALL: You're getting a good baptism  
15 here today on a lot of topics, but, yeah. So --  
16 MS. JOESTING: They have to disclose, but they can  
17 accept any amount.  
18 MEMBER YABUTA: Oh, I didn't know that. I am  
19 surprised, actually.  
20 MEMBER INABA: I agree with Lois.  
21 VICE-CHAIR LEACH: Same.  
22 MEMBER KAHOOHANOHANO: I agree.  
23 MEMBER FRANCO: Yeah, we should continue working  
24 on it.  
25 CHAIR WESTFALL: Okay. So I did this once before

Page 60

1 and I got consensus, but I don't know, maybe I should take a  
 2 motion so we have it on record that everyone is voting to go  
 3 forward with the memo.  
 4 MEMBER PREY: Just awareness of it.  
 5 CHAIR WESTFALL: So can I have a motion that we're  
 6 going to continue to work on a memorandum on the acceptance  
 7 of gifts?  
 8 MEMBER FRANCO: So move.  
 9 MEMBER PREY: I move.  
 10 MEMBER FRANCO: She made the motion. I second.  
 11 MEMBER PREY: Second.  
 12 CHAIR WESTFALL: Okay. All those in favor of  
 13 continuing to work on a memorandum on gifts, signify by  
 14 saying "aye."  
 15 (Response.)  
 16 CHAIR WESTFALL: Any opposition?  
 17 (No response.)  
 18 CHAIR WESTFALL: Seeing none, that passes. I  
 19 think for the next meeting -- and we'll have a new  
 20 Chairman -- and you can figure out how that might happen.  
 21 The one that I drafted, as I said, I, basically, copied the  
 22 State and the City and County of Honolulu. So, all right.  
 23 Any announcements?  
 24 This is my last meeting as Chairman. And I just  
 25 wanted to thank Angela and Linden and Tonya. There's a lot

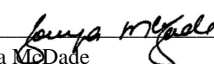
Page 61

1 of work that goes on behind the scenes for these meetings,  
 2 getting the packet together and sending out emails. So I  
 3 want to thank the people behind the scenes for all that.  
 4 MEMBER PREY: This is your last meeting?  
 5 CHAIR WESTFALL: No. No, as Chairman, then I get  
 6 to sit over there and I can just yell at him.  
 7 MEMBER PREY: No. Is this your last meeting?  
 8 CHAIR WESTFALL: As Chairman.  
 9 MEMBER PREY: As Chairman, yeah. I thought you  
 10 were not leaving until March.  
 11 CHAIR WESTFALL: Next year, but I will be a  
 12 member. I won't get to speak, so I have to be on my good  
 13 behavior. So, anyway, the next meeting is Wednesday, May  
 14 14th, 2012. Do I have a motion to adjourn the meeting?  
 15 MEMBER FRANCO: One thing. We should all  
 16 appreciate what Michael has done because he's gone through a  
 17 volume of research. And really appreciate your knowledge  
 18 and background.  
 19 CHAIR WESTFALL: Thank you.  
 20 MEMBER FRANCO: Want to just thank you.  
 21 CHAIR WESTFALL: Thank you, Norman.  
 22 MEMBER PREY: You worked real hard, Michael.  
 23 CHAIR WESTFALL: Thanks. I think there's still a  
 24 lot of -- lots of volumes still left to go, as we can see.  
 25 So all right. Any other announcements or thoughts? All

Page 62

1 right. Thank you. Meeting is adjourned.  
 2 (Meeting adjourned, 2:17 p.m.)  
 3  
 4  
 5  
 6  
 7  
 8  
 9  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25

Page 63

1 CERTIFICATE  
 2  
 3  
 4 I, TONYA MCDADE, Certified Court Reporter of the  
 5 State of Hawaii, do hereby certify that the proceedings  
 6 contained herein were taken by me in machine shorthand and  
 7 thereafter was reduced to print by means of computer-aided  
 8 transcription; and that the foregoing represents, to the  
 9 best of my ability, a true and accurate transcript of the  
 10 proceedings had in the foregoing matter.  
 11 I further certify that I am not an attorney nor  
 12 an employee of any of the parties hereto, nor in any way  
 13 concerned with the cause.  
 14 DATED this 7th day of May, 2014.  
 15  
 16  
 17   
 18 Tonya McDade  
 19 Certified Shorthand Reporter #447  
 20 Registered Professional Reporter  
 21 Certified Realtime Reporter  
 22 Certified Broadcast Reporter  
 23  
 24  
 25

Page 64