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4 COUNTY OF MAUI, STATE OF HAWAII
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9 BOARD OF ETHICS
10 REGULAR MEETING
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12 Held at the Planning Department Conference Room, 250
13 South High Street, Wailuku, Maui, Hawaii, commencing at
14 12:00 p.m., on Wednesday, September 10, 2014.
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1 (Wednesday, September 10, 2014, 12:00 p.m.)
2 * * *
3 CHAIR LEACH: I'd like to call the Board of
4 Ethics, September 10th, 2014 meeting to order. Thank you,
5 Members, for your attendance. And we have a quorum. The
6 first order of business would be just a brief 10-minute
7 recess, just to give everyone an opportunity to go through
8 the packets. There was a problem with the post office and
9 them getting mailed to us before the meeting. So we're just
10 going to take just a quick 10-minute break, and we'll
11 reconvene at 12:10.
12 (Recess, 12:03 p.m. to 12:12 p.m.)
13 CHAIR LEACH: We're back in Regular Session. Item
14 2 on the agenda, Review and Approve the August 13th, 2014
15 Minutes. Is there a motion to approve?
16 MEMBER PREY: I motion to approve.
17 MEMBER KAHOOHANO HANO: Second.
18 CHAIR LEACH: Second. Any discussion? All in
19 favor, say "aye."
20 (Response.)
21 CHAIR LEACH: Opposed?
22 (No response.)
23 CHAIR LEACH: Thank you. Public testimony. Is
24 there any public testimony for Regular Session? Yes.
25 MR. BLUMER-BUELL: Aloha, Chair Leach and Members
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1 ATTENDANCE
2 BOARD MEMBERS PRESENT:
3 Randol Leach, Chair
4 Norman Franco, Vice-Chair
5 Noreen "Dee Dee" Yabuta, Secretary
6 Abel Kahoo hano hano, Jr.
7 Sydney Kikuchi
8 Herman Nascimento
9 Lois Prey
10 Michael Westfall
11 STAFF PRESENT:
12 Gary Murai, Deputy Corporation Counsel
13 Angela Andrade, Executive Secretary
14 ALSO PRESENT:
15 John Blumer-Buell
16 Blossom Feiteira, Executive Director, Friends of Moku'ula
17 Stanford Manuia, Attorney, Friends of Moku'ula
18 Russell Higa
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1 of the Commission. I am John Blumer-Buell, came out from
2 Hana today. And I'd like to ask you just some questions on
3 your protocol, so I am following your rules.
4 Number one, whether you're -- what is the -- how
5 long can you testify for?
6 CHAIR LEACH: Three minutes.
7 MR. BLUMER-BUELL: Okay, three minutes. And is it
8 possible to testify during or before Executive Session or --
9 CHAIR LEACH: If you'd like, we could go through
10 our Regular Session, since you have an agenda Item in
11 Executive Session, we could have you come back then, soon as
12 we finish the Regular Session.
13 MR. BLUMER-BUELL: Okay. What would be your
14 preference? Would it be better for you --
15 CHAIR LEACH: What's most convenient for you?
16 MR. BLUMER-BUELL: Okay. And I can stick around
17 if you have any questions. I think I will just go ahead and
18 try to do this within three minutes.
19 CHAIR LEACH: Okay.
20 MR. BLUMER-BUELL: So aloha, Chair Leach and
21 Commission Members. I am John Blumer-Buell. Today, I've
22 submitted an additional about 30 pages of testimony and
23 evidence in the four complaints that I've filed. And I am
24 going to jump around here.
25 I am going to go on the first page, just read
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1 about four or five paragraphs. It is unfortunate that the
 2 complaints needed to be filed at all. I have worked for
 3 years to solve the problems regarding the proposed Nahiku
 4 community center. There is a clear public record of my
 5 participation. The Arakawa Administration has stonewalled
 6 resolution of the issues with me and more than 75 members of
 7 the Nahiku community who oppose the project as -- as
 8 proposed.

9 For your information, I have practical experience
 10 in community land use issues over decades. I served 25
 11 years as the Hana Community Association Board Member, I
 12 served two terms as a member of the Hana Advisory Committee,
 13 the Planning Commission. For those terms, I was appointed
 14 by Hannibal Tavares and Mayor Linda Lingle. And currently
 15 serving a third term, having been appointed by Mayor Alan
 16 Arakawa, as one of 25 Maui island residents appointed to
 17 serve on the Maui General Plan Advisory Committee. I am
 18 just trying to illustrate that I have some practical and
 19 legal experience in land use issues that are part of the
 20 four complaints.

21 I am going to jump down.
 22 I request the Board of Ethics to hire an
 23 independent attorney to advise you in the investigation and
 24 resolution of these complaints. The Maui Corporation
 25 Counsel already has the legal responsibility to represent

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1 the Arakawa Administration. Therefore, there is a clear
 2 conflict of interest in Maui Corporation Counsel advising
 3 the Board of Ethics in the four formal complaints. It is
 4 vital to our democratic process that the Maui County Board
 5 of Ethics maintain its independence and stay away from any
 6 possible conflict of interest or appearance of conflict of
 7 interest.

8 I am concerned that some, if not all of you,
 9 current Board Members of Maui -- the Ethics Board were
 10 appointed by Mayor Arakawa; however, I am not questioning
 11 your integrity or asking you to recuse yourself. And I
 12 thank you for your public service.

13 I request this process to be public and
 14 transparent. I do not want the proceedings to be taken out
 15 of the public and transparent process with the use of
 16 executive session.

17 When former Maui County Council Member Wayne
 18 Nishiki responded to Board of Ethics issues, the proceedings
 19 were broadcast on Akaku television. The proceedings were
 20 not held in executive session. Regardless of what viewer
 21 thought or concluded, the public and process were best
 22 served with the public --

23 MR. MURAI: Three minutes.
 24 MR. BLUMER-BUELL: -- hearing the issues.
 25 MR. MURAI: You can have another minute to wrap

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1 up.
 2 MR. BLUMER-BUELL: Okay. I will do that.
 3 Part of what I submitted to you today is a number
 4 of new exhibits. And the one thing I didn't put, but I -- I
 5 would urge you to read the first exhibit, which is the
 6 letter to Director Aagsalag and Budget Director Baz asking
 7 for a complete financial breakdown of what has happened with
 8 this project.

9 I will make a copy of this, if you like, but this
 10 is a contract signed by the County of Maui, in 2012, for
 11 \$641,000. Nobody seems to know what has happened to this or
 12 where the money is. There doesn't seem to be any money.
 13 The last exhibit that I gave you today, Number 7, shows that
 14 the money they were talking about at that time were
 15 800,000-plus dollars. The figures given over the years are
 16 up to a million dollars. And so we have asked Director
 17 Aagsalag --

18 MR. MURAI: Time.
 19 MR. BLUMER-BUELL: -- and Director Baz to give
 20 this financial breakdown. It's very important to
 21 understanding what has gone on. So I will -- I will leave
 22 it at that. And I will -- I am going to stick around for a
 23 while if you have any questions before the --

24 CHAIR LEACH: Thank you.
 25 MR. BLUMER-BUELL: -- Executive Session. Thanks.

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1 CHAIR LEACH: Appreciate it. Is there any other
 2 public testimony?
 3 Item 4, Old Business.
 4 Financial Disclosures, none.
 5 4(b), Communication Items, none.
 6 4(c), Review and approve advisory opinion for the
 7 Department of the Prosecuting Attorney regarding an
 8 honorarium of \$250 from the Office of Hawaiian Affairs to
 9 Deputy Prosecuting Attorney Tracy Jones, and \$100 to
 10 Victim/Witness Counselor, Gizelle Kuailani. And in your
 11 packets, there is the Advisory Opinion. Is there a motion
 12 to approve the Advisory Opinion?
 13 MEMBER KIKUCHI: So move.
 14 CHAIR LEACH: Second?
 15 MEMBER PREY: Second.
 16 CHAIR LEACH: Any discussion? All in favor, say
 17 "aye."
 18 (Response.)
 19 CHAIR LEACH: Opposed?
 20 (No response.)
 21 CHAIR LEACH: Thank you. Angela will send that
 22 around for --

23 MS. ANDRADE: This is for everyone to sign,
 24 please.
 25 CHAIR LEACH: -- the Members to sign. Item Agenda

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1 5, New Business.
 2 Financial Disclosures, none.
 3 Communication Items, 5(b), a Letter to Maui County
 4 Board of Ethics from Russell Higa dated August 26th, 2014.
 5 That's in the packet. Mr. Higa?
 6 MR. HIGA: Yes.
 7 CHAIR LEACH: Did you want to address the Board or
 8 anything?
 9 MR. HIGA: I just wanted to let you know, after I
 10 sent off that letter, I did receive the communication from
 11 the Director's Office, couple days later. So I just wanted
 12 to let the Board know that I --
 13 CHAIR LEACH: Oh, okay. Mr. Higa, we have a
 14 letter for your response.
 15 MR. HIGA: Okay. Thank you.
 16 CHAIR LEACH: You could review that. If you have
 17 any questions, just let us know. We're going to move on the
 18 agenda.
 19 MR. HIGA: Perfect. Thank you.
 20 CHAIR LEACH: Thank you for coming. Item 5(c),
 21 Lobbyist Registration, none.
 22 Announcements, Number 6, none.
 23 Our next meeting will be Wednesday, October 8th,
 24 at noon. That's the end of the Regular Session. Is there a
 25 motion to adjourn from Regular Session?

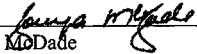
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1 MEMBER PREY: I motion that we adjourn from
 2 Regular Session.
 3 MEMBER KAHOOHANO HANO: Second.
 4 CHAIR LEACH: All in favor?
 5 (Response.)
 6 CHAIR LEACH: Opposed?
 7 (No response.)
 8 CHAIR LEACH: Okay. We're now going to go into
 9 Executive Session. If I could ask the audience to go
 10 outside for a little bit, then we'll call you in.
 11 MEMBER WESTFALL: I move that we go into Executive
 12 Session.
 13 MEMBER KAHOOHANO HANO: Second.
 14 MEMBER PREY: I just -- didn't I just say that?
 15 CHAIR LEACH: That was to adjourn out of Regular
 16 Session. Now we got to move into where we're going.
 17 MEMBER PREY: Okay. Sorry.
 18 CHAIR LEACH: Any discussion? All in favor, say
 19 "aye."
 20 (Response.)
 21 MR. MURAI: Unanimous.
 22 CHAIR LEACH: Thank you, Mr. Parliamentarian.
 23 (Recess to Executive Session, 12:13 p.m. to 1:33
 24 p.m.)
 25 CHAIR LEACH: Okay. We've adjourned from

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1 Executive Session. We're now in Regular Session. Is there
 2 a motion to adjourn Regular Session?
 3 MEMBER KAHOOHANO HANO: So move.
 4 CHAIR LEACH: Second.
 5 MEMBER PREY: Yes.
 6 CHAIR LEACH: All in favor?
 7 (Response.)
 8 CHAIR LEACH: Meeting's adjourned.
 9 (Meeting adjourned, 1:33 p.m.)

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1 CERTIFICATE
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 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 30th day of September, 2014.
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 17 
 18 Tonya McDade
 19 Certified Shorthand Reporter #447
 20 Registered Professional Reporter
 21 Certified Realtime Reporter
 22 Certified Broadcast Reporter
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