

1 COUNTY OF MAUI, STATE OF HAWAII  
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6 BOARD OF ETHICS  
7 REGULAR MEETING  
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13 Held at the Planning Department Conference Room, 250  
14 South High Street, Wailuku, Maui, Hawaii, commencing at  
15 12:00 p.m., on Wednesday, March 11, 2015.  
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19 Reported by: Tonya McDade, CSR, CRR  
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1 (Wednesday, March 11, 2015, 12:00 p.m.)  
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3 CHAIR LEACH: ...(gavel)... I would like to call  
4 the Maui County Board of Ethics Wednesday, March 11th, 2015  
5 meeting to order. I'd like to thank everyone for attending.  
6 Members, we have a quorum and 100 percent  
7 attendance.  
8 First item on the agenda is to review and approve  
9 the February 11, 2015 minutes. Is there a motion?  
10 MEMBER PREY: I do a motion for the approval of  
11 February 11th, 2015 minutes.  
12 MEMBER NASCIMENTO: Second.  
13 CHAIR LEACH: Any discussion? All in favor, say  
14 "aye."  
15 (Response.)  
16 CHAIR LEACH: Opposed?  
17 (No response.)  
18 CHAIR LEACH: Thank you. Next Agenda Item, 3,  
19 public testimony. Do we have any public testimony today?  
20 MR. HAOLE: Me. Do I have to sign in? Hello,  
21 Members of the Ethics Commission. I work for Councilman Bob  
22 Carroll. My name is Morris. And we had issued that letter  
23 that we had gotten from a constituent in Hana raising a  
24 concern regarding a County employee. And the Councilman had  
25 me draft the letter. And he just wanted a definitive

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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 Kahoohanohano, Jr., Member  
7 Sydney Kikuchi, Member  
8 Herman Nascimento, Member  
9 Lois Prey, Member  
10 Michael Westfall, Member  
11 STAFF PRESENT:  
12 Linden Joesting, Deputy Corporation Counsel  
13 Angela Andrade, Executive Secretary  
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1 opinion, which I believe a previous opinion was issued back  
2 in 2006. And it just stated the -- the limits as to what a  
3 County employee can become involved with government  
4 operations.  
5 This is in regards to Mrs. Dawn Lono. And  
6 Mrs. Lono is an exceptional public employee. She has won  
7 accolades from the County for her hard work and dedication.  
8 And Councilman Carroll does not want a complaint.  
9 This isn't a complaint against Mrs. Lono. He just  
10 wants further clarification of what Mrs. Lono can do, an  
11 opinion of sorts. And I believe you might be able to find  
12 one, Angela might help with an opinion, that was issued back  
13 in 2006.  
14 Thank you.  
15 CHAIR LEACH: Are you going to be staying around?  
16 That's an agenda item that's coming up shortly. Do you want  
17 to stay for questions from the Board when we get to that  
18 item for discussion?  
19 MR. HAOLE: Okay. Yes, fine. Thank you.  
20 CHAIR LEACH: Fine. Thank you. Our next agenda  
21 item is a very special agenda item, a farewell to Michael  
22 Westfall, our previous Chairman and almost two-term Board of  
23 Ethics Member. And just from everyone here I will be  
24 speaking for, we just want to say, Michael, thank you for  
25 your dedication, your professionalism and guidance to the

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<p>1 Board of Ethics over seven years. You know, thank you very  2 much. And I am going to stand and applaud you for your  3 service.  4 (Applause.)  5 CHAIR LEACH: And with that, we have a letter from  6 the Mayor thanking you for your service and, also, a  7 certificate for your participation that is frameable --  8 MEMBER WESTFALL: Okay.  9 CHAIR LEACH: -- for being a Member of the Board  10 of Ethics for all those years. So thank you very much. And  11 we're going to take a two-minute recess. And Sydney had  12 bought a --  13 MEMBER WESTFALL: Yes. Thank you.  14 CHAIR LEACH: -- special thank you cake that we  15 will partake in, and then we'll reconvene our meeting.  16 MEMBER WESTFALL: I will just say thank you to  17 everyone. I've been on several commissions and lots of  18 boards. This is probably one of the better ones. And as I  19 was mentioning to Sydney, while everyone has different  20 opinions, this group seems to get along very well, share the  21 opinions. We don't always agree, but there's something that  22 makes this group special. And I will always remember it.  23 So thank you.  24 CHAIR LEACH: Thank you. We'll take a brief  25 recess.</p> <p style="text-align: right;">Page 5</p>	<p>1 (No response.)  2 CHAIR LEACH: Thank you.  3 Agenda Item 5b, Communication Items, we have none.  4 Agenda Item 6, New Business, Financial  5 Disclosures, Patrick Wong. Is there a motion to acknowledge  6 receipt?  7 MEMBER PREY: I motion to acknowledge the receipt.  8 CHAIR LEACH: Is there a second?  9 MEMBER KAHOOHANOANO: Second.  10 CHAIR LEACH: Discussion?  11 MEMBER KIKUCHI: If Angela could get Pat to, or  12 write in his date of appointment. That's it.  13 MS. ANDRADE: Okay. You want to bring it back or  14 I can just tell you? It was the reappointment this year, so  15 January 2nd.  16 MEMBER KIKUCHI: Okay.  17 CHAIR LEACH: 2015?  18 MS. ANDRADE: 2015.  19 CHAIR LEACH: Thank you. Duly noted. Any more  20 discussion on Mr. Wong? All in favor, say "aye."  21 (Response.)  22 CHAIR LEACH: Opposed?  23 (No response.)  24 CHAIR LEACH: Thank you. Next item under New  25 Business, 6b, a letter from Councilmember Robert Carroll</p> <p style="text-align: right;">Page 7</p>
<p>1 (Recess, 12:05 p.m. to 12:11 p.m.)  2 CHAIR LEACH: We're back in Regular Session.  3 Agenda Item 5, Old Business, Financial Disclosures. Gladys  4 Baisa, was there a motion to acknowledge receipt?  5 MEMBER KAHOOHANOANO: So move.  6 CHAIR LEACH: Second?  7 VICE-CHAIR FRANCO: Second.  8 CHAIR LEACH: Any discussion? All in favor, say  9 "aye."  10 MEMBER KAHOOHANOANO: Discussion.  11 CHAIR LEACH: Oh, discussion.  12 MEMBER KAHOOHANOANO: Yeah, sorry. You know,  13 this is a redo, right? Didn't we send it back to her for --  14 the only thing I noted, just housekeeping, again, she didn't  15 print her name. So, I mean, I know -- we all know it's  16 Gladys Baisa, but I just thought I would mention it.  17 MS. JOESTING: Okay.  18 CHAIR LEACH: Oh, in the back, yeah. Duly noted.  19 The detail work.  20 MEMBER KAHOOHANOANO: When you retired, you get a  21 chance to read a lot of stuff.  22 CHAIR LEACH: Any more discussion? All in favor,  23 say "aye."  24 (Response.)  25 CHAIR LEACH: Opposed?</p> <p style="text-align: right;">Page 6</p>	<p>1 regarding the appointment of a County aide to a  2 County-sponsored board, dated February 17th, 2015.  3 VICE-CHAIR FRANCO: I have to ask your opinion,  4 Mr. Chairman. Ms. Lono was my client at one time when I  5 sold casualty insurance. So should I recuse myself from  6 discussion?  7 CHAIR LEACH: Well, you have to determine, one, if  8 you think there would be a conflict of interest.  9 VICE-CHAIR FRANCO: She's no longer a client, I no  10 longer sell casualty insurance, but I know her well. I  11 might be a little biased, but I just thought I would tell  12 you my opinion how I feel about that. Maybe I can  13 participate in the discussion, but not vote.  14 MS. JOESTING: Well, if you know her well and you  15 feel you might be biased on her behalf, then perhaps you can  16 recuse yourself.  17 VICE-CHAIR FRANCO: Okay.  18 MS. JOESTING: That would probably -- if you want  19 to testify on her behalf because you know her, you can do  20 that, but as far as discussions as a Board Member, it's sort  21 of all or nothing.  22 CHAIR LEACH: Well, we visited this in the past.  23 You can participate, but recuse yourself from the vote.  24 VICE-CHAIR FRANCO: Okay.  25 CHAIR LEACH: I think that would be acceptable.</p> <p style="text-align: right;">Page 8</p>

1 Anyone else have any input on that?  
 2 MEMBER WESTFALL: I think the term is abstain.  
 3 Recusal would mean you leave, right?  
 4 MS. JOESTING: Oh, he can abstain or recuse, yeah.  
 5 Recuse, he doesn't have to physically leave, he can just not  
 6 participate.  
 7 CHAIR LEACH: Yeah.  
 8 VICE-CHAIR FRANCO: Okay. That's fine.  
 9 CHAIR LEACH: And thank you for bringing that up.  
 10 That's appropriate. Has everyone read the letter? Our  
 11 counsel, Linden, has done some homework regarding this. And  
 12 there are a couple avenues that we can pursue addressing  
 13 this. I am going to briefly mention those, and then Linden  
 14 can fill in. One is we can issue an advisory opinion  
 15 regarding the issue brought up in the letter, we can also  
 16 file a complaint, and we can also acknowledge receipt of the  
 17 letter and dismiss the allegations in the accompanying  
 18 letter. Linden.  
 19 MEMBER PREY: She did get seven letters supporting  
 20 her. And then so we don't know if Mr. Buell -- if this is a  
 21 revenge type thing or not. You know, maybe he didn't like  
 22 her or something like to that effect. I looked over the  
 23 seven letters of supporting her, that she was very, very  
 24 outstanding, you know, in the community. So maybe we can  
 25 keep that in mind.

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1 CHAIR LEACH: Thank you. Mr. Haole --  
 2 MR. HAOLE: Yes.  
 3 CHAIR LEACH: -- could you come up to the podium?  
 4 MR. HAOLE: Of course.  
 5 CHAIR LEACH: Thank you again for coming today.  
 6 We're going to ask you some questions, if that's okay.  
 7 Linden.  
 8 MS. JOESTING: Was Ms. Lono appointed to the  
 9 advisory committee?  
 10 MR. HAOLE: She was, I believe, yes.  
 11 MS. JOESTING: So she was confirmed?  
 12 MR. HAOLE: She was confirmed, yeah.  
 13 MS. JOESTING: So she's a present member?  
 14 MR. HAOLE: Right.  
 15 MS. JOESTING: The reason I asked that is because  
 16 if the request for an opinion is only as to past conduct,  
 17 then there's no basis to issue an opinion, but if she's  
 18 presently a member of the committee, then that raises a  
 19 question whether there's any potential conflict.  
 20 MEMBER KIKUCHI: Was she appointed to the  
 21 committee before she was hired as an aide or after?  
 22 MR. HAOLE: Oh, her term of office doesn't come up  
 23 until April 1st.  
 24 MS. JOESTING: Thank you.  
 25 MEMBER WESTFALL: I think I am a little confused

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1 with the letter. Are you asking for, I guess, an advisory  
 2 opinion as to how -- because you mentioned this in your  
 3 earlier testimony, on how the -- the Charter, Code of  
 4 Ethics -- or not the Code, just the Charter, how it applies  
 5 to County employees versus having us look at all these  
 6 allegations. I mean, I am sure what it is that you're --  
 7 MR. HAOLE: I think the councilman really wanted  
 8 initially to get an opinion as --  
 9 MEMBER WESTFALL: I'm sorry. I am not being very  
 10 clear in my question. An opinion as to the rules as they  
 11 pertain to County employees or an opinion as to the content  
 12 of Mrs. Lono? You know, because all of this substantiation  
 13 is about conduct, but the cover of this says -- seems to be  
 14 more specific to the rule. And I will just jump to it. The  
 15 rule basically is, which I think you were replying to  
 16 earlier, Section 13, Number 7, that just says employees and  
 17 officers of the State and the County shall be eligible to  
 18 serve on boards and commissions provided that their service  
 19 does not result in a conflict of interest.  
 20 MR. HAOLE: Yes. Yes.  
 21 MEMBER WESTFALL: So, to me, that's kind of  
 22 answering the question.  
 23 MR. HAOLE: I know. I think the councilman just  
 24 wanted to get further clarification, just the opinion.  
 25 MEMBER WESTFALL: Thank you.

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1 MR. HAOLE: So that in case Mr. Buell contacted  
 2 us, we could say we did take the appropriate steps to go  
 3 before you guys and get clarification.  
 4 CHAIR LEACH: Any other questions? Okay. Thank  
 5 you.  
 6 Michael, for the benefit of everyone again, you  
 7 referenced in the Code. Could you read that again so  
 8 everyone is clear?  
 9 MEMBER WESTFALL: Sure. This is not in the Code  
 10 of Ethics, this is just Article 13, General Provisions. And  
 11 it's Number 7, which it says employees and officers of the  
 12 State or County shall be eligible to serve on boards and  
 13 commissions provided that such services does not result in a  
 14 conflict of interest. I might just add -- I'm sorry, my  
 15 last meeting, I get to ramble -- the Code of Ethics, while  
 16 there are some areas that there are prohibitions against  
 17 conflict of interest, doesn't mean conflict of interest in  
 18 the broader category is a prohibition. So, for instance, if  
 19 I lived in Kihei, you know, is that a conflict if I am  
 20 voting for something in Kihei? That may or may not be. So  
 21 the letters all talk about conflict of interest, but it  
 22 doesn't say specifically as to the Code of Ethics what is  
 23 being violated.  
 24 CHAIR LEACH: Yeah. And this Board will look at  
 25 Dawn Lono's financial disclosure as a commission/board

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1 member, you know, coming up. Do we look for --  
 2 MS. ANDRADE: Actually, we don't review the  
 3 Financial Disclosure Statement for the Hana Advisory. It's  
 4 not one of the boards that's required to submit.  
 5 CHAIR LEACH: Oh, thank you. I didn't know that.  
 6 VICE-CHAIR FRANCO: May I make a suggestion? I  
 7 think we should have a description of her job as an aide and  
 8 what it entails so we know what her official capacity is.  
 9 We know her involvement in the community. And the letters  
 10 support her integrity and everything. She's a very good  
 11 person. I won't speak for her because I know her  
 12 personally. But if there's any conflict, it would probably  
 13 be the definition of her work and how that interfaces with  
 14 her involvement in the community. And I don't really know  
 15 what a Council aide does or what kind of -- what is her job  
 16 description, Morris?  
 17 MR. HAOLE: She does many different things on  
 18 behalf of the community. She's like Bob's secretary in  
 19 Hana. So she answers the phone, she does letters, she meets  
 20 with people on all kinds of things, even a lot of State  
 21 stuff because her office is sort of like a central  
 22 depository for State documents, sort of like notices, she  
 23 puts out notices everywhere, and she receives a lot of the  
 24 residents and business people that come in. So it's really  
 25 such a hub of activity, it's broad ranging.

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1 VICE-CHAIR FRANCO: Yeah.  
 2 MR. HAOLE: Yeah.  
 3 VICE-CHAIR FRANCO: Some of that work requires  
 4 more than a 9:00 to 5:00 type of --  
 5 MR. HAOLE: Yes.  
 6 VICE-CHAIR FRANCO: She's there sometimes after  
 7 hours --  
 8 MR. HAOLE: Yes.  
 9 VICE-CHAIR FRANCO: -- to assist people?  
 10 MR. HAOLE: Yeah.  
 11 VICE-CHAIR FRANCO: How long she's been doing this  
 12 kind of work?  
 13 MR. HAOLE: Oh, Dawn goes all the way back to Tom  
 14 Morrow, when Mr. Morrow was alive and he hired her  
 15 initially, and then there was Kalani English and then Bob.  
 16 So she's been involved in government and being a great  
 17 public advocate for such, such a long time.  
 18 VICE-CHAIR FRANCO: Okay.  
 19 CHAIR LEACH: The Members of that advisory  
 20 committee in Hana, who appoints them?  
 21 MR. HAOLE: The Council.  
 22 CHAIR LEACH: Okay, the Council. And do those  
 23 names come through the Mayor's Office to the Council?  
 24 MR. HAOLE: Yes.  
 25 CHAIR LEACH: So it's from the Mayor's Office

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1 approved by the Council?  
 2 MR. HAOLE: Yes.  
 3 CHAIR LEACH: Okay. Any other questions?  
 4 MEMBER KAHOOHANO HANO: No.  
 5 MEMBER WESTFALL: I guess the question for me is  
 6 sort of, as you were alluding to, kind of the path we take.  
 7 Is he asking for an advisory opinion or is he asking for  
 8 review of a complaint. I guess that needs to be, I guess,  
 9 clarified.  
 10 MS. JOESTING: It sounds to me like he's asking  
 11 for an advisory opinion.  
 12 MR. HAOLE: Yes.  
 13 MEMBER PREY: It sounds like it, too.  
 14 MS. JOESTING: We can discuss recommendations and  
 15 the path to follow in Executive Session if you want.  
 16 CHAIR LEACH: Thank you.  
 17 MR. HAOLE: Okay.  
 18 CHAIR LEACH: Next Agenda Item, 6c, Lobbyist  
 19 Registration, we have none.  
 20 Agenda Item 7, Announcements, we have none.  
 21 Our next scheduled meeting will be Wednesday,  
 22 April 8th, 2015, at noon, in the Planning Commission room.  
 23 That ends our Regular Session. We're going to go  
 24 into Executive Session. Is there a motion to move into  
 25 Executive Session?

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1 MEMBER PREY: Motion we move into Executive  
 2 Session, please.  
 3 CHAIR LEACH: Is there a second?  
 4 VICE-CHAIR FRANCO: Second.  
 5 CHAIR LEACH: Discussion? All in favor, say  
 6 "aye."  
 7 (Response.)  
 8 (Recess to Executive Session.)  
 9 CHAIR LEACH: We go back to Regular Session. Is  
 10 there a motion to adjourn Regular Session?  
 11 MEMBER KAHOOHANO HANO: So moved.  
 12 CHAIR LEACH: Second?  
 13 MEMBER NASCIMENTO: Second.  
 14 CHAIR LEACH: Any more discussion? All in favor,  
 15 say "aye."  
 16 (Response.)  
 17 CHAIR LEACH: Meeting adjourned. ...(gavel)...  
 18 (Meeting adjourned, 12:58 p.m.)

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1	CERTIFICATE
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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 30th day of March, 2015.
15	
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18	<hr/> Tonya McAdade <i>Tonya McAdade</i>
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