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3 COUNTY OF MAUI, STATE OF HAWAII  
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8 BOARD OF ETHICS  
9 REGULAR MEETING  
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15 Held at the Planning Department Conference Room, 250  
16 South High Street, Wailuku, Maui, Hawaii, commencing at  
17 12:30 p.m., on Wednesday, April 8, 2015.  
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20  
21 Reported by: Tonya McDade, CSR, CRR  
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1 ATTENDANCE  
2 BOARD MEMBERS PRESENT:  
3 Norman Franco, Vice-Chair  
4 Noreen "Dee Dee" Yabuta, Secretary  
5 Abel Kahooohanohano, Jr., Member  
6 Herman Nascimento, Member  
7 Lois Prey, Member  
8 Sara Gadarian, Member  
9 Matthew Macario, Member  
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11 STAFF PRESENT:  
12 Linden Joesting, Deputy Corporation Counsel  
13 Angela Andrade, Executive Secretary  
14 Moana Lutey, Deputy Corporation Counsel  
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1 (Wednesday, November 14, 2015, 12:30 p.m.)  
2 \* \* \*  
3 ACTING CHAIR FRANCO: Calling to order the Maui  
4 County Board of Ethics meeting for this month. We have,  
5 first of all, two new members. Matthew Macario -- this is  
6 Matthew.  
7 MEMBER MACARIO: Hello.  
8 ACTING CHAIR FRANCO: Tell us a little bit about  
9 yourself.  
10 MEMBER MACARIO: Sure. So I grew up on Maui,  
11 lived here until I was about -- just before my junior year  
12 of high school. Went to the mainland with my family, and I  
13 lived there on the mainland for many years, and was an  
14 attorney in Seattle for about 15 years. And then just moved  
15 back to Maui about two years ago. And got a call from  
16 someone at the Mayor's Office saying, "Can you do this?" I  
17 said, "Sure."  
18 ACTING CHAIR FRANCO: Okay. Very good.  
19 MEMBER MACARIO: Nice to meet you all.  
20 ACTING CHAIR FRANCO: Welcome back to Maui.  
21 MEMBER MACARIO: Thank you.  
22 ACTING CHAIR FRANCO: And Sara.  
23 MEMBER GADARIAN: Gadarian.  
24 ACTING CHAIR FRANCO: Gadarian. Sara, how are you  
25 doing?

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1 MEMBER GADARIAN: Fine. Thank you. Good morning.  
2 ACTING CHAIR FRANCO: Tell us about yourself.  
3 MEMBER GADARIAN: I've been living here for 35  
4 years, my husband and I. Myself -- my husband was the  
5 famous or infamous Blackie Gadarian. And we ran a machine  
6 shop, bar and restaurant and all of that for many years.  
7 And now my husband passed away a year and-a-half ago. But  
8 at the time I was -- we were together, he was a member of  
9 the Board of Ethics from 2000 to 2005, and, also, on the  
10 Liquor Commission from 2005 to 2010. So I had the  
11 opportunity to attend the meetings because I was the driver,  
12 and we worked together and read information together. So I  
13 have decided -- currently, I am self-employed. I've decided  
14 to go back to the love of -- one of the things that we did  
15 was produce jazz events. We had jazz at our -- at our --  
16 ACTING CHAIR FRANCO: I remember those things.  
17 MEMBER GADARIAN: At Blackie's Bar many years ago.  
18 So I am still producing some jazz events and have a website  
19 to help people find jazz on the island.  
20 ACTING CHAIR FRANCO: Good. Good. I will be  
21 looking at that. I am a musician myself, so I love jazz.  
22 Okay. Let's see, welcome our two Number Members, and we  
23 appreciate pretty much.  
24 Sydney is not here, okay, but we have a quorum.  
25 Okay.

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1 Item 1 [sic] is review and approval of the March  
 2 11 minutes. Chair is open for a motion for acceptance.  
 3 MEMBER PREY: I make a motion to approve the  
 4 minutes --  
 5 MEMBER KAHOOHANOHANO: Second.  
 6 MEMBER PREY: -- from March 11.  
 7 ACTING CHAIR FRANCO: Motion made by Lois, second  
 8 by Abel. All in favor, say "aye."  
 9 (Response.)  
 10 ACTING CHAIR FRANCO: Public testimony. We have  
 11 some people in the audience for public testimony? No public  
 12 testimony. Okay.  
 13 Old Business. Okay. Let's look at the Financial  
 14 Disclosures. This one is Robert Shimada. Let's see. What  
 15 was the problem with this one?  
 16 MS. ANDRADE: He had blanks. He filled them in.  
 17 ACTING CHAIR FRANCO: Okay. Has anybody looked it  
 18 over, see anything wrong with it? Looks okay?  
 19 MEMBER PREY: Okay.  
 20 ACTING CHAIR FRANCO: Okay. Move for acceptance  
 21 or approval of the disclosure statement. Okay. I need a  
 22 motion to accept.  
 23 MEMBER KAHOOHANOHANO: Motion.  
 24 ACTING CHAIR FRANCO: Moved.  
 25 MEMBER NASCIMENTO: Second.

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1 ACTING CHAIR FRANCO: Second by Herman. Okay.  
 2 All in favor, say "aye."  
 3 (Response.)  
 4 ACTING CHAIR FRANCO: Communication Items. Can we  
 5 talk about it now or Executive Session?  
 6 MS. JOESTING: I would recommend, Mr. Chair, we go  
 7 into Executive Session.  
 8 ACTING CHAIR FRANCO: We'll take that up in  
 9 Executive Session concerning the case. Okay. Advisory  
 10 Opinion to Dawn Lono regarding her appointment as a County  
 11 aide to a County-sponsored board. This will be taken up in  
 12 Executive Session. Is that right? Okay. We'll put that  
 13 off until Executive Session.  
 14 Item 6, New Business. Financial Disclosures, John  
 15 Kim, Robert Rivera and Mike Victorino. Okay. Let's look at  
 16 Mr. Kim's Financial Disclosure. Questions on this one,  
 17 Angela?  
 18 MS. ANDRADE: No, it's new.  
 19 ACTING CHAIR FRANCO: It's new, okay. Looks  
 20 pretty good. Anybody have any --  
 21 MEMBER PREY: I have one on Victorino.  
 22 ACTING CHAIR FRANCO: Okay. Lois.  
 23 MEMBER PREY: Victorino, Item 9, he omitted.  
 24 ACTING CHAIR FRANCO: Item 9.  
 25 MEMBER PREY: And Item 10, he accepted \$1,800.

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1 Item 10.  
 2 ACTING CHAIR FRANCO: Okay. I guess we never  
 3 really come up with a policy on --  
 4 MEMBER PREY: Yeah.  
 5 ACTING CHAIR FRANCO: -- gifts yet.  
 6 MEMBER PREY: We're going to discuss it further  
 7 next when Randol is back.  
 8 ACTING CHAIR FRANCO: Yeah. Yeah, that's  
 9 something --  
 10 MEMBER PREY: But we did have some kind of a  
 11 policy. I mean, Westfall really worked very hard.  
 12 ACTING CHAIR FRANCO: I know.  
 13 MEMBER PREY: Very hard.  
 14 ACTING CHAIR FRANCO: But we haven't taken it up  
 15 and formally accepted it, right?  
 16 MEMBER PREY: Well, what my question was last  
 17 week, until he said wait with it, was whether the Council  
 18 received any of our recommendations for it. I mean, it was  
 19 never told to us, yes, the Council did -- the Mayor and the  
 20 Council did receive our recommendation on disclosures.  
 21 ACTING CHAIR FRANCO: Yeah.  
 22 MEMBER PREY: So if you know anything about it --  
 23 MS. JOESTING: I don't know that there's been a  
 24 formal recommendation or policy on disclosures.  
 25 MEMBER PREY: I remember trying.

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1 MS. JOESTING: I don't know who it was forwarded  
 2 to.  
 3 ACTING CHAIR FRANCO: I know it's something we  
 4 were working on. And I don't think --  
 5 MEMBER PREY: Well, he did a whole policy which he  
 6 turned over.  
 7 ACTING CHAIR FRANCO: I remember that. Tremendous  
 8 amount of work.  
 9 MEMBER PREY: And he worked very hard on it. Then  
 10 we discussed it. And if I remember right, it was supposed  
 11 to be forwarded to the -- as our recommendation.  
 12 ACTING CHAIR FRANCO: Why don't we follow up at  
 13 the next meeting?  
 14 MEMBER PREY: Right.  
 15 ACTING CHAIR FRANCO: Maybe Linden can check on  
 16 it.  
 17 MEMBER PREY: That was the last, it would be  
 18 forwarded to the Mayor and the Council.  
 19 ACTING CHAIR FRANCO: Right. Yeah, that seems to  
 20 be a problem with some of the people on Council.  
 21 MEMBER PREY: I won't go into it now, but there is  
 22 a definite problem.  
 23 ACTING CHAIR FRANCO: Okay. We're going to be  
 24 working on that at the next meeting on the agenda.  
 25 MEMBER PREY: Okay. That's fine.

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1 ACTING CHAIR FRANCO: But Item 9, there's no  
2 disclosure there, so --  
3 MS. ANDRADE: I will send it back.  
4 ACTING CHAIR FRANCO: Send it back, okay. All  
5 right. Any others we're looking at?  
6 MEMBER KAHOOHANO HANO: Yeah. Just a question  
7 about Mr. Rivera, Robert Rivera. I assume that his  
8 occupation -- we all know he's First Deputy Prosecuting  
9 Attorney.  
10 ACTING CHAIR FRANCO: Yeah.  
11 MEMBER KAHOOHANO HANO: But his spouse, it's just a  
12 name down there.  
13 ACTING CHAIR FRANCO: Yeah, right.  
14 MS. ANDRADE: She's a secretary in the  
15 Prosecutor's Office.  
16 ACTING CHAIR FRANCO: Okay.  
17 MS. ANDRADE: She also works there.  
18 ACTING CHAIR FRANCO: They got the same address,  
19 so -- go ahead, explain that.  
20 MS. JOESTING: No. That's why they have the same  
21 address.  
22 MEMBER KAHOOHANO HANO: Okay.  
23 ACTING CHAIR FRANCO: Mike White talked to us  
24 about nepotism and why there's a problem in the County was  
25 something that we never took up, but there was some concern.

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1 MEMBER PREY: We worked on that, too.  
2 ACTING CHAIR FRANCO: Lot of loose ends here,  
3 guys, and ladies, we have to address.  
4 Okay. Other than that, any other comments? If  
5 not -- Dee Dee.  
6 MEMBER YABUTA: I'm sorry. Are we going down the  
7 line on these?  
8 ACTING CHAIR FRANCO: No. Only the ones in  
9 general session.  
10 MEMBER PREY: Then we go into Executive.  
11 ACTING CHAIR FRANCO: We'll take up the rest --  
12 MS. ANDRADE: It's in the order of the agenda in  
13 your packets.  
14 ACTING CHAIR FRANCO: Just now looking at John  
15 Kim, Robert Rivera and Michael Victorino. Okay.  
16 MEMBER KAHOOHANO HANO: I don't know. My personal  
17 opinion, I mean, that's good enough for me, but it's not  
18 recorded down in the Financial Disclosure, yeah.  
19 ACTING CHAIR FRANCO: Yeah. It should be written  
20 down instead of just giving an address. So later on, you  
21 can tell them to be a little bit more complete, but it's  
22 okay for now.  
23 MS. ANDRADE: Okay.  
24 ACTING CHAIR FRANCO: Okay. Do we need acceptance  
25 of these? Chair opens --

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1 MEMBER GADARIAN: I have a question. So the  
2 disclosure of the spouse with just the address will be shown  
3 just the way it is or --  
4 ACTING CHAIR FRANCO: No. We want more.  
5 MEMBER GADARIAN: Correct.  
6 ACTING CHAIR FRANCO: Changed.  
7 MS. ANDRADE: So you want me to have him change it  
8 and re-submit it for the next meeting?  
9 ACTING CHAIR FRANCO: Yeah. I think it would be  
10 better for the new members that we're trying to have full  
11 disclosure. So we should try to just go through the --  
12 MS. ANDRADE: So you want me to send it back to  
13 him?  
14 ACTING CHAIR FRANCO: Yeah, probably be best.  
15 MEMBER PREY: You said the --  
16 MS. ANDRADE: In the Prosecutor's Office.  
17 ACTING CHAIR FRANCO: Yeah. So she has to add  
18 that in.  
19 MS. ANDRADE: He has to add that in. Okay.  
20 ACTING CHAIR FRANCO: Just so they know, next  
21 time, to be complete and precise. Okay. Any other  
22 questions or comments? Okay. Open for a motion to accept.  
23 MEMBER PREY: I motion that we accept.  
24 ACTING CHAIR FRANCO: Lois has made the motion.  
25 MEMBER KAHOOHANO HANO: Second.

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1 ACTING CHAIR FRANCO: Second by Abel. And all in  
2 a favor, say "aye."  
3 (Response.)  
4 ACTING CHAIR FRANCO: Moving on. Communication  
5 Items, none.  
6 Lobbyist Registration. We have one, David  
7 Jorgensen. David Jorgensen, organization lobbying for  
8 American Resort Development Association. Never heard of  
9 them.  
10 MEMBER PREY: He's a lawyer.  
11 ACTING CHAIR FRANCO: He's a lawyer. Description  
12 of subject matter which you accept -- expect to lobby, laws,  
13 rules, regulations affecting the timeshare industry,  
14 including but not limited to (inaudible). You guys have any  
15 comment on this, any suggestions, or just acknowledging and  
16 filing it?  
17 MEMBER PREY: Just acknowledging it.  
18 ACTING CHAIR FRANCO: Okay. We acknowledge  
19 Mr. Jorgensen. And he's going to be lobbying for American  
20 Resort Development Association. Okay.  
21 Announcements.  
22 Next meeting date discussion. Next meeting, May  
23 13, at 12:00, noon, right here.  
24 Okay. We're going to move into Executive Session.  
25 I need someone to -- well, I can do it, move to Executive

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1 Session. With reference to the agenda items listed below,  
2 one or more executive meetings are anticipated. In  
3 particular, the Board of Ethics anticipates it will consider  
4 the evaluation, dismissal or discipline of an officer or  
5 employee of the County of Maui where considerations of  
6 matters affecting privacy will be involved. The Board may  
7 also consult with the Board's attorney on questions and  
8 issues pertaining to the Board's powers, duties, privileges,  
9 immunities, and liabilities. Therefore, pursuant to Hawaii  
10 Revised Statutes, HRS, Section 92-4, 5(a)(2) and(4), items  
11 marked with an asterisk we'll consider in Executive Session.  
12 The Board may also convene in adjudicatory session pursuant  
13 to HRS Section 92-6. There may also be anticipated  
14 Executive Sessions if a matter arises which the Board wishes  
15 to consult with its attorney pursuant to the Sunshine Law.  
16 HRS Section 92-4, 5(a)(4).  
17 Okay. Chair calls to order Executive Session of  
18 the Maui Board -- Maui Board of Ethics. First matter on the  
19 item is --  
20 MS. JOESTING: Wait Mr. Chair, you need to have a  
21 motion.  
22 ACTING CHAIR FRANCO: Oh, I need a motion.  
23 MS. JOESTING: You made a motion. Now you need to  
24 vote.  
25 MEMBER PREY: I motion that we accept approval of

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1 the minutes on March 11th.  
2 MS. JOESTING: No. No.  
3 ACTING CHAIR FRANCO: I need a motion to call to  
4 order Executive Session.  
5 MEMBER PREY: Oh, excuse me. I'm sorry. Call to  
6 order the Executive Session.  
7 ACTING CHAIR FRANCO: I am looking for --  
8 MS. JOESTING: A second.  
9 MEMBER NASCIMENTO: Second.  
10 ACTING CHAIR FRANCO: Second. All in favor,  
11 say --  
12 (Response.)  
13 ACTING CHAIR FRANCO: All right.  
14 MS. JOESTING: But you have to have everyone  
15 leave.  
16 ACTING CHAIR FRANCO: Yeah. Those people have to  
17 leave. Angela will take care of that. Take care, Angela.  
18 We'll call them later on. Just hang out there, Morris.  
19 MR. HAOLE: Thank you, Norman.  
20 ACTING CHAIR FRANCO: We're going to be calling  
21 you.  
22 (Recess to Executive Session.)  
23 ACTING CHAIR FRANCO: Moving back to general, no  
24 announcements. Okay.  
25 So all in favor of adjourning the Executive

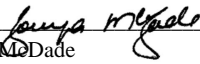
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1 Session?  
2 MEMBER PREY: All in favor, "aye."  
3 MEMBER YABUTA: Second.  
4 ACTING CHAIR FRANCO: Motion by Lois, seconded by  
5 Dee Dee. All in favor, say "aye."  
6 (Response.)  
7 ACTING CHAIR FRANCO: Okay. Moving on to general  
8 session. Let's see, where are we? General session, there's  
9 no announcements.  
10 Our next meeting would be May 13, 2015. We'll get  
11 the boss back here again. Hopefully, do a better job than I  
12 did.  
13 MEMBER KAHOOHANOHANO: You did a good job.  
14 MEMBER YABUTA: You did a good job.  
15 ACTING CHAIR FRANCO: Thank you. Thank you.  
16 Appreciate it.  
17 MEMBER KAHOOHANOHANO: It's not easy.  
18 ACTING CHAIR FRANCO: Yeah. Well, we didn't have  
19 anything really controversial, so it was pretty easy. Okay.  
20 Have a motion to adjourn?  
21 MEMBER PREY: Adjourn, I motion. I motion we  
22 adjourn.  
23 ACTING CHAIR FRANCO: Second, Lois. All in favor,  
24 say "aye."  
25 (Response.)

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1 ACTING CHAIR FRANCO: Thank you for coming.  
2 Looking forward to Sara and Matthew at our next meeting.  
3 MEMBER KAHOOHANOHANO: Nice to meet you guys.  
4 Welcome aboard.  
5 (Meeting adjourned, 1:09 p.m.)  
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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 6th day of May, 2015.  
15  
16  
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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