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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 12:00 p.m., on Wednesday, September 9, 2015.
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Page 1

1 ATTENDANCE
2 BOARD MEMBERS PRESENT:
3 Randol Leach, Chair
4 Norman Franco, Vice-Chair
5 Noreen "Dee Dee" Yabuta, Secretary
6 Abel Kahooohanohano, Jr., Member
7 Sydney Kikuchi, Member
8 Lois Prey, Member
9 Sara Gadarian, Member
10 Matthew Macario, Member
11 STAFF PRESENT:
12 Ms. Linden Joesting, Deputy Corporation Counsel
13 Angela Andrade, Executive Secretary
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Page 2

1 (Wednesday, September 9, 2015, 12:00 p.m.)
2 ***
3 CHAIR LEACH: (Gavel.) I would like to call the
4 Maui County Board of Ethics, Wednesday, September 9th, 2015
5 meeting to order. We're in Regular Session.
6 First item on the agenda is to review and approve
7 the August 12, 2015 minutes. Is there a motion to approve?
8 MEMBER PREY: I motion to approve August 12, 2015
9 minutes.
10 CHAIR LEACH: Is there a second?
11 MEMBER KAHOOHANOHANO: Second.
12 MEMBER GADARIAN: I have a small correction.
13 CHAIR LEACH: Any discussion?
14 MEMBER GADARIAN: Thank you. Thank you. On Page
15 6, it makes it clear that, Line 17, where it says, Chair
16 Leach, "Yes. Is there a motion to acknowledge receipt of
17 the letter from," we should insert the man's name, Mr. Hyde.
18 Because then Kahooohanohano said, "So move." So it's not
19 clear as to whose letter you're receiving.
20 CHAIR LEACH: So I want to just -- you're in Page
21 6?
22 MEMBER GADARIAN: Page 6.
23 CHAIR LEACH: What line number?
24 MEMBER GADARIAN: Line Number 17.
25 CHAIR LEACH: Oh, okay.

Page 3

1 MEMBER KAHOOHANOHANO: I think I jumped the gun on
2 that one.
3 MEMBER GADARIAN: Motion to acknowledge receipt of
4 the letter from blank. So it should say Mr. Hyde. That's
5 the Regular Session, August 12th.
6 MS. JOESTING: Instead of --
7 CHAIR LEACH: 5d agenda was the agenda item -- do
8 we have last month's agenda? So, Sara, you want to
9 reference --
10 MEMBER GADARIAN: Just have the end of the
11 sentence read, "Is there a motion to acknowledge receipt of
12 the letter from Mr. Hyde?" And then Member Kahooohanohano
13 said, "So move." So it needs to have --
14 CHAIR LEACH: Well, see, this is a transcript of
15 the meeting. See, on Line 7, it says "letter from
16 Mr. Hyde," right above.
17 MEMBER GADARIAN: Yes. Okay. If it's
18 self-explanatory, then it's fine.
19 CHAIR LEACH: Because this is just a transcript.
20 MEMBER GADARIAN: It didn't have the body of the
21 motion.
22 CHAIR LEACH: Yeah.
23 MEMBER GADARIAN: Being a nitpicker.
24 CHAIR LEACH: Any more discussion? All in favor,
25 say "aye."

Page 4

1 (Response.)
 2 CHAIR LEACH: Opposed?
 3 (No response.)
 4 CHAIR LEACH: Unanimous. Thank you.
 5 Public testimony. Is there any public testimony
 6 today?
 7 MS. ANDRADE: No.
 8 CHAIR LEACH: Moving on to Old Business.
 9 Financial Disclosures, we have none.
 10 Communication Items, we have none.
 11 Agenda Item 4c, continued discussion on gifts and
 12 review of proposed ordinance.
 13 MS. JOESTING: The ordinance is in your pack.
 14 It's a one-page, front-and-back sheet.
 15 MEMBER GADARIAN: I have a question. The draft
 16 that was presented last month had about -- a whole section
 17 about gifts not being more than \$200. Is this omitted on
 18 purpose?
 19 MS. JOESTING: Yes. And I can explain why in
 20 Executive Session, so that I can give you my legal analysis
 21 on that.
 22 CHAIR LEACH: I think this is a good time to move
 23 into Executive Session for some legal advice on this matter.
 24 Is there a motion to do that?
 25 MEMBER KIKUCHI: So moved.

1 CHAIR LEACH: Approved -- opposed?
 2 (No response.)
 3 CHAIR LEACH: Unanimous. Thank you.
 4 MEMBER KAHOOHANO HANO: We knew what you meant.
 5 VICE-CHAIR FRANCO: Exercising democracy. It's
 6 been a long road.
 7 MEMBER GADARIAN: Someone wanted to come in out
 8 there.
 9 CHAIR LEACH: Oh, yeah. Angela, there was someone
 10 at the door.
 11 MS. ANDRADE: That's (XXXX XXXX), he's the one
 12 requesting an advisory opinion today.
 13 CHAIR LEACH: Is that him? Okay. Next item on
 14 the agenda, under New Business, 5a, Financial Disclosures
 15 for Carol Reimann. Is there a motion to acknowledge
 16 receipt?
 17 MEMBER KAHOOHANO HANO: So moved.
 18 CHAIR LEACH: Second.
 19 MEMBER PREY: Second.
 20 CHAIR LEACH: Any discussion?
 21 MEMBER GADARIAN: Yes. She had -- according to
 22 this, that she was appointed as of August 10th. And if we
 23 go by the Financial Disclosure, it's supposed to show the
 24 occupation for the previous calendar year. So, currently,
 25 she is the Director of Housing and Human Concerns, but she

1 CHAIR LEACH: Second?
 2 MEMBER PREY: Yeah.
 3 CHAIR LEACH: Any more discussion? All in favor,
 4 say "aye."
 5 (Response.)
 6 CHAIR LEACH: Unanimous.
 7 (Recess to Executive Session, 12:05 p.m. to 12:19
 8 p.m.)
 9 CHAIR LEACH: We're back in Regular Session. Is
 10 there a motion to approve the ordinance, the proposed
 11 ordinance referenced in Item Agenda 4c?
 12 MEMBER PREY: I motion that we approve and forward
 13 a draft of the ordinance.
 14 MS. JOESTING: You should state to whom and what
 15 they will do with it.
 16 CHAIR LEACH: This will be approve the formal
 17 draft to Corporation Counsel for their approval.
 18 MS. JOESTING: To send to the Mayor.
 19 CHAIR LEACH: And to send to the Mayor to be
 20 introduced to the Council.
 21 MS. JOESTING: Thank you.
 22 MEMBER MACARIO: Second.
 23 CHAIR LEACH: Discussion? All in favor, say
 24 "aye."
 25 (Response.)

1 was just appointed August 10th. It should have --
 2 MS. ANDRADE: She corrected that. I have the
 3 first page. I caught it, and I knew you would catch it, so
 4 she corrected it.
 5 MEMBER GADARIAN: Thank you. Oh, my goodness.
 6 You're ahead of me. Okay.
 7 CHAIR LEACH: Any more discussion? All in favor,
 8 say "aye."
 9 (Response.)
 10 MEMBER MACARIO: Do we need a motion to attach the
 11 new page?
 12 MEMBER GADARIAN: Oh, yes, that's correct.
 13 CHAIR LEACH: Yes.
 14 MS. ANDRADE: Actually, she submitted a whole new
 15 form. I just copied the first page because that's the only
 16 thing different. The rest of it was the same, so I just
 17 replaced --
 18 MEMBER GADARIAN: This is the revised form?
 19 MS. JOESTING: You can say you accept the form
 20 submitted on September 8th.
 21 MEMBER GADARIAN: September 8th.
 22 CHAIR LEACH: September 8th, okay. So let's
 23 withdraw the previous motion. We have a new motion to
 24 accept the Financial Disclosure -- acknowledge receipt for
 25 Carol Reimann, her Financial Disclosure dated September 8th,

1 2015, received at Board of Ethics. Is there a motion?
 2 MEMBER MACARIO: So moved.
 3 CHAIR LEACH: Second.
 4 MEMBER PREY: Second.
 5 CHAIR LEACH: Any discussion? All in favor, say
 6 "aye."
 7 (Response.)
 8 CHAIR LEACH: Opposed?
 9 (No response.)
 10 CHAIR LEACH: Unanimous. Thank you.
 11 Next agenda item, Communication Items. I will go
 12 through each Communication Item. And if there's any
 13 discussion, just let me know. We don't need a motion to
 14 acknowledge receipt; they are received items.
 15 Communication Item 1, letter from Michael
 16 Westfall. I would just like to say for the record,
 17 Mr. Westfall was a previous chairman of the Board of Ethics.
 18 He has a lot of knowledge. And you can see that in his
 19 letter. And it's well written. And I would like to thank
 20 him for taking the initiative to write the letter to
 21 Mr. White.
 22 VICE-CHAIR FRANCO: I have one comment. When he
 23 says that the Board of Ethics has no budget or staff,
 24 attached to the Office of Corporation Counsel, do we have
 25 any other self-sustaining ways of, you know, investigative

Page 9

1 work and stuff like that, or are we totally reliable on --
 2 relying on Corp Counsel's Office?
 3 MS. JOESTING: You can always ask our office for
 4 investigative support.
 5 VICE-CHAIR FRANCO: So we don't have our own
 6 project per se to initiate any kind of investigation?
 7 MS. JOESTING: No.
 8 VICE-CHAIR FRANCO: Anyway, I see Mike just about
 9 every other day. He swims at the Kokua Pool. And he passed
 10 on his alohas to all of us. He thinks we're doing a great
 11 job.
 12 MEMBER PREY: Say hello.
 13 CHAIR LEACH: Say hello to him for us. He was
 14 trying to be at the meeting today, too, but something came
 15 up.
 16 VICE-CHAIR FRANCO: Probably at Kokua Pool getting
 17 exercise. Yeah, he's a good man.
 18 CHAIR LEACH: Thanks, Norman. Anything else on
 19 Communication Item 1?
 20 Communication Item 2, letter from Mike White. I
 21 will just go down through each one.
 22 Communication Item 3, letter from Mitsuru Hirano.
 23 Discussion?
 24 Just one question, Angela. What's the status of
 25 the lobbyist registration?

Page 10

1 MS. ANDRADE: The list has been put up on the
 2 website already. It was up like soon as I -- I was not here
 3 at the last meeting. Soon as I got back, it was into the IT
 4 Department and it's already up. So I will make these
 5 changes and then I will forward them a new list and replace.
 6 CHAIR LEACH: That was my question. When we get a
 7 resignation for being a lobbyist, when would that be taken
 8 off the website? After the Board of Ethics meeting --
 9 MS. ANDRADE: Yeah.
 10 CHAIR LEACH: -- or when you receive it?
 11 MS. ANDRADE: After it's been approved by the
 12 Board of Ethics. It won't actually -- if you go and look at
 13 it yourself, their name won't be removed. There's a column
 14 that says when their letter of resignation was accepted and
 15 when they were -- there's different columns. And it will
 16 provide the dates for those, but their name will still be
 17 there.
 18 CHAIR LEACH: But it's not updated until after we
 19 acknowledge the letter?
 20 MS. ANDRADE: Yeah.
 21 MEMBER GADARIAN: So we do need to acknowledge
 22 that.
 23 CHAIR LEACH: Acknowledge receipt, yeah, I think
 24 we should do that.
 25 MS. JOESTING: For the people who register or

Page 11

1 resign.
 2 CHAIR LEACH: Yeah. So let's go through those and
 3 then we'll do those in bulk, acknowledge receipt.
 4 Any discussion on letter from Kimberly Ribellia?
 5 Any discussion on a letter from John White,
 6 Executive Director?
 7 Any discussion on letter from John Monis?
 8 MEMBER GADARIAN: It's the termination of the same
 9 person who dated her letter August 17th. So I presume that
 10 we would take the first letter from Kimberly as precedent.
 11 CHAIR LEACH: Then there's Number 3, too, Hirano's
 12 lobbyist registration termination, Kimberly Ribellia, and
 13 the letter from John White referencing Mike Kido. So is
 14 there a motion to acknowledge receipt of the resignation of
 15 lobbyists Hirano, Ribellia and Kido?
 16 MEMBER KAHOOHANOHANO: So moved.
 17 CHAIR LEACH: Second.
 18 MEMBER PREY: Second.
 19 CHAIR LEACH: Discussion? All in favor, say
 20 "aye."
 21 (Response.)
 22 CHAIR LEACH: Opposed?
 23 (No response.)
 24 CHAIR LEACH: Unanimous. Thank you.
 25 Next agenda item, under New Business, 5c, Lobbyist

Page 12

1 Registration for Croly and McCrory. Is there a motion to
2 acknowledge receipt?
3 MEMBER KAHOOHANOHANO: So moved.
4 CHAIR LEACH: Second?
5 MEMBER PREY: Second.
6 CHAIR LEACH: Any discussion? All in favor, say
7 "aye."
8 (Response.)
9 CHAIR LEACH: Opposed?
10 (No response.)
11 CHAIR LEACH: Thank you. Angela, too, those two
12 new lobbyists, they would be added to the form?
13 MS. ANDRADE: Yes.
14 CHAIR LEACH: After our meeting?
15 MS. ANDRADE: Yes.
16 CHAIR LEACH: Thank you.
17 Agenda Item 6, Announcements, we have none.
18 Our next regular Board of Ethics meeting will be
19 Wednesday, October 14th, 2015.
20 That's the end of our Regular Session. We will
21 now move into Executive Session.
22 MEMBER GADARIAN: Sorry, Mr. Chairman. We have
23 not addressed going forward in the long run with
24 recommending a cap on gifts to be added to the Charter,
25 which is the seven-year process, but at least beyond --

Page 13

1 VICE-CHAIR FRANCO: We should go on record.
2 MEMBER GADARIAN: On record.
3 VICE-CHAIR FRANCO: State the position. Do that
4 in Executive Session.
5 MS. JOESTING: Well, it was part of the discussion
6 in Executive.
7 MEMBER GADARIAN: Overall.
8 MS. JOESTING: That was about legal matters, but
9 if you want a motion --
10 MEMBER GADARIAN: It was on gifts for quite a
11 while.
12 MS. JOESTING: Yeah. If you want something done
13 separately on the Charter Commission, you can do that in
14 open session.
15 CHAIR LEACH: Okay.
16 MS. JOESTING: Which is what we are back into now.
17 CHAIR LEACH: We're now back into Regular Session.
18 We had Executive Session, but we are still in Regular
19 Session.
20 VICE-CHAIR FRANCO: Since I brought it up, I
21 thought maybe we should make it as a motion.
22 MEMBER GADARIAN: Yes.
23 VICE-CHAIR FRANCO: That we're on record saying
24 that we would like to propose an amendment to the Charter
25 limiting the gift amount to \$250.

Page 14

1 MEMBER GADARIAN: 250.
2 VICE-CHAIR FRANCO: 250. And bring it up at the
3 appropriate time, whenever the Charter is going to be
4 reviewed.
5 MEMBER GADARIAN: Second.
6 CHAIR LEACH: Any discussion? Okay. All in
7 favor, say "aye."
8 (Response.)
9 CHAIR LEACH: Opposed?
10 (No response.)
11 CHAIR LEACH: Unanimous. Thank you, sir, Norman,
12 for bringing that up. That ends our Regular Session. Is
13 there a motion to move into Executive Session?
14 MEMBER PREY: I motion we move into Executive
15 Session.
16 CHAIR LEACH: Second?
17 MEMBER KIKUCHI: Second.
18 CHAIR LEACH: Any discussion? All in favor, say
19 "aye."
20 (Response.)
21 CHAIR LEACH: Opposed, "no." Okay. Good.
22 (Recess to Executive Session, 12:32 p.m. to 1:29
23 p.m.)
24 CHAIR LEACH: We're now in Regular Session. Is
25 there a motion to adjourn?

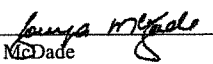
Page 15

1 MEMBER YABUTA: Oh, I have one quick question.
2 Angela, did we have a date for November because --
3 CHAIR LEACH: We're going to look at that next
4 month.
5 MEMBER PREY: Next month. I sent an email. So
6 it's going to be next month, not -- Randol doesn't want to
7 discuss it this month. Next month.
8 CHAIR LEACH: I want to just wait to see if we
9 have a workload. I don't want to automatically postpone --
10 MEMBER YABUTA: Because it's Veterans Day.
11 CHAIR LEACH: Is Veterans Day October?
12 MEMBER YABUTA: November.
13 MEMBER PREY: It's a Wednesday.
14 CHAIR LEACH: What I am saying, not postpone the
15 meeting, just move another date, if we have a workload, or
16 we can postpone the meeting, too. So let's just wait until
17 next month to see --
18 MEMBER PREY: And we'll discuss.
19 CHAIR LEACH: -- what we'll do. It definitely
20 won't be on that day.
21 MS. ANDRADE: No.
22 CHAIR LEACH: So we won't have the meeting or move
23 it to the day before or day after. Angela can check on --
24 MEMBER PREY: We'll discuss it in October and,
25 also, December, about December.

Page 16

1 CHAIR LEACH: Yeah. Then we'll look as we get
2 closer to December, too. I don't want to cancel any
3 meetings way ahead. Okay. So is there a motion to adjourn?
4 MEMBER PREY: I motion we adjourn.
5 MEMBER KAHOOHANOHANO: Second.
6 CHAIR LEACH: Any discussion? Meeting adjourned.
7 (Gavel.)
8 (Meeting concluded, 1:30 p.m.)
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Page 17

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 4th day of October, 2015.
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18 Tonya McDade
19 Certified Shorthand Reporter #447
20 Registered Professional Reporter
21 Certified Realtime Reporter
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Page 18

