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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,  
16 250 South High Street, Wailuku, Maui, Hawaii, commencing  
17 at 12:00 p.m., on Wednesday, January 13, 2016.  
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21 Reported by: Tonya McDade, CSR, CRR  
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1 ATTENDANCE  
2 BOARD MEMBERS PRESENT:  
3 Randol Leach, Chair  
4 Norman Franco, Vice-Chair  
5 Sara Gadarian, Secretary  
6 Sydney Kikuchi, Member  
7 Herman Nascimento, Member  
8 Lois Prey, Member (Out 1:44 p.m.)  
9 Sara Gadarian, Member  
10 Matthew Macario, Member  
11 STAFF PRESENT:  
12 Gary Y. Murai, Deputy Corporation Counsel  
13 Angela Andrade, Executive Secretary  
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1 (Wednesday, January 13, 2016, 12:00 p.m.)  
2 \* \* \*  
3 CHAIR LEACH: I'd like to call the Maui County  
4 Board of Ethics January 13th, 2016 meeting to order.  
5 The first item of business in Regular Session is  
6 the review and approve of the December 9th, 2015 minutes.  
7 Is there a motion to approve?  
8 MEMBER PREY: I motion that we approve December  
9 9th, 2015 minutes.  
10 MEMBER GADARIAN: Second.  
11 CHAIR LEACH: Any discussion? All in favor, say  
12 "aye."  
13 (Response.)  
14 CHAIR LEACH: Opposed?  
15 (No response.)  
16 CHAIR LEACH: Thank you.  
17 The next item, Public Testimony. Do we have any  
18 public testimony in Regular Session today?  
19 MS. ANDRADE: No.  
20 CHAIR LEACH: Thank you.  
21 Old Business: Financial Disclosures, we have  
22 none. Communication Items, we have none.  
23 Item 4.c., continued discussions on gifts. From  
24 our last meeting, I did take the amendment -- or proposed  
25 amendment to Mike White's office, had a good meeting with

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1 him on the gift limitation of \$250. And he is going to be  
2 working on that. And he wanted to thank the Board for all  
3 the work that we've done regarding that. That's the  
4 update on that.  
5 Okay. Next item agenda, New Business:  
6 Financial Disclosures, Stewart Stant. Is there a motion  
7 to acknowledge receipt?  
8 MEMBER MACARIO: So moved.  
9 CHAIR LEACH: Is there a second?  
10 MEMBER PREY: Second.  
11 CHAIR LEACH: Any discussion? All in favor  
12 to --  
13 MEMBER GADARIAN: I have discussion.  
14 CHAIR LEACH: Okay.  
15 MEMBER GADARIAN: Sorry. He does have other  
16 businesses that he shows under annual income. And I would  
17 wonder whether any of those, Stewart Stant, LLC or Stant's  
18 Electric, would have overlap with his -- with his duties  
19 as Director of Environmental Management, if he does  
20 County -- business with the County and --  
21 CHAIR LEACH: Any other discussion?  
22 VICE-CHAIR FRANCO: He's working for the County,  
23 right? He's the Director of Environmental Management?  
24 CHAIR LEACH: Yeah.  
25 VICE-CHAIR FRANCO: In other words, he's an

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1 employee of the County, plus he has other businesses. We  
2 always seem to have problems like this. You know, really  
3 interesting questions. (Inaudible) --  
4 MEMBER GADARIAN: I guess my question --  
5 VICE-CHAIR FRANCO: -- communication, direct  
6 sales in Stant's Electric.  
7 MEMBER GADARIAN: My question is if we can ask  
8 Mr. Stant if he does business with the County in that  
9 regard. If not, then it's moot, a moot question.  
10 VICE-CHAIR FRANCO: Yeah, I concur with that. I  
11 think we should get some idea of what he does as the  
12 Director of Environmental Management and if there's any  
13 kind of association what he does on the outside, it should  
14 be clarified. We should call him here for, you know,  
15 informal hearing just to see his status of his outside  
16 employment and perhaps conflict with what he does in the  
17 County.  
18 MR. MURAI: Excuse me. If I may, Mr. Chair.  
19 Vice-Chair Franco, I know you mentioned informal hearing.  
20 I don't know if we can bring him in on an informal hearing  
21 because, usually, informal hearings result from  
22 complaints.  
23 VICE-CHAIR FRANCO: Right.  
24 MR. MURAI: However, in the past, this Board  
25 has -- has called people in to ask them questions about,

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1 you know, their outside employment and to satisfy the  
2 Board whether that outside employment is compatible with  
3 his duties as a County -- as a director and whether it may  
4 impair his independence of judgment. The Board has  
5 also -- if the Board has a pretty good idea of what his  
6 outside business is, in the past, the Board has just  
7 simply issued cautionary letters. In other words, because  
8 of the nature of your outside, you know, business  
9 interests to avoid situations where -- to avoid situations  
10 where his outside business may conflict with his duties as  
11 a director. And, you know, it's a -- it is a valid  
12 question because, as we know, you know, the -- the  
13 discretion that a director can exercise is probably far  
14 greater than those -- than most other employees.  
15 VICE-CHAIR FRANCO: So we can just -- instead of  
16 calling it informal hearing, just point of clarification  
17 or --  
18 MR. MURAI: Well --  
19 VICE-CHAIR FRANCO: So that he could make an  
20 appearance just to, you know, clarify his outside  
21 employment.  
22 MR. MURAI: You could. Or, as I said, you could  
23 just simply send him a cautionary letter.  
24 VICE-CHAIR FRANCO: Well, we don't really know  
25 what we cautioning him about until we know what he does

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1 with his present situation at the County and his outside  
2 interest. So maybe we should just invite him to come here  
3 and explain. And I don't know how you do that. What  
4 format should we take or what procedure?  
5 MR. MURAI: Well, the Board could -- the Board  
6 could just simply send him a letter asking him to come to  
7 the Board's next meeting.  
8 CHAIR LEACH: Okay. Do you --  
9 VICE-CHAIR FRANCO: I make a motion that Board  
10 of Ethics send Mr. Stant a letter to inform us of his  
11 employment at the County and his outside interests, an  
12 informal presentation, you might say, whatever you want.  
13 CHAIR LEACH: Are you asking for his -- to make  
14 an appearance or --  
15 VICE-CHAIR FRANCO: Yeah, to make an appearance  
16 to tell us what he does with the County and what he does  
17 outside of his employment with the County.  
18 MEMBER KIKUCHI: Can I ask a question before  
19 the -- I'm sorry. You made the motion, but can I ask --  
20 MR. MURAI: It's motion, needs a second.  
21 MEMBER GADARIAN: Second.  
22 CHAIR LEACH: Is there a second? Now we're in  
23 discussion.  
24 MEMBER KIKUCHI: Okay. I had thought the  
25 financial disclosure at this particular point -- number

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1 one, there is no complaint against Mr. Stant, but,  
2 number -- number two is that he went through a process of  
3 being screened, I would think, whether through the Mayor  
4 or through the Council or whatever. I am not sure. But  
5 wouldn't that have come up already in their deliberation?  
6 MR. MURAI: Board Member Kikuchi, I believe  
7 Mr. Stant's position is one that did not require Council  
8 confirmation, so there would be -- would be no review  
9 by -- by the County Council. And of course, none of us, I  
10 don't think, can speak to what kind of review the Mayor  
11 may have done. So, you know, the old time Members, you  
12 know, may remember that we have asked people for follow-up  
13 information based on their financial disclosure  
14 statements. Sometimes it's a simple matter of just, you  
15 know, Angela calling them to say, you know, you left this  
16 space blank, you know, do you want me to fill it in for  
17 you or, you know, do you authorize me to check it off for  
18 you. Or it can be a letter saying, you know, please  
19 answer these questions. Or it could be, you know, can you  
20 come down and speak with us in person. Now, it's true  
21 that there is no complaint, but, as I said, this Board has  
22 in the past, when it sees potential problems, just issued  
23 cautionary letters saying, you know, please keep these --  
24 keep these things in mind.  
25 MEMBER KIKUCHI: Got it.

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1 CHAIR LEACH: Any more discussion? Okay. So  
2 the motion on the table now is to invite Mr. Stant to our  
3 next meeting just to clarify his financial disclosure.  
4 MEMBER PREY: I second.  
5 CHAIR LEACH: Any more discussion? Okay. We'll  
6 have a vote. All in favor, say "aye."  
7 (Response.)  
8 CHAIR LEACH: Opposed?  
9 (No response.)  
10 CHAIR LEACH: Okay.  
11 MR. MURAI: So, Mr. Chair, his -- will his  
12 financial disclosure going to defer this to the next  
13 meeting as well?  
14 CHAIR LEACH: Yes. Yeah. Next agenda item  
15 under New Business, Lobbyist Registration, we have none.  
16 Item 5.d., letters from Kurt Matsumoto to Randol Leach  
17 dated December 18, 2015. And his letter is to terminate  
18 all lobbyist registrations for Lanai Sustainability  
19 Research, LLC. Is there a motion to acknowledge receipt  
20 of his letter?  
21 MEMBER NASCIMENTO: So moved.  
22 MEMBER PREY: Second.  
23 CHAIR LEACH: Any discussion? All in favor, say  
24 "aye."  
25 (Response.)

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1 CHAIR LEACH: Thank you.  
2 MEMBER GADARIAN: Just for the record, we have a  
3 second letter which terminates lobbyists for other  
4 entities and other people. You have two letters, one --  
5 one has -- has to do with lobbyists of Lanai  
6 Sustainability Research and --  
7 CHAIR LEACH: There was one on the other side.  
8 MEMBER GADARIAN: By different individuals. And  
9 then, second, we have one from Castle & Cooke Resorts, LLC  
10 in the other --  
11 CHAIR LEACH: Yeah. So is there a motion to  
12 acknowledge receipt of the second letter from  
13 Mr. Matsumoto regarding the Castle & Cooke Lanai Resorts?  
14 MEMBER NASCIMENTO: So moved.  
15 MEMBER PREY: Second.  
16 CHAIR LEACH: Any more discussion? All in  
17 favor, say "aye."  
18 (Response.)  
19 CHAIR LEACH: Thank you, Sara.  
20 Next agenda item is Item Agenda 6,  
21 Announcements, we have none.  
22 Agenda Item 7, our next scheduled meeting will  
23 be February 10th, 12:00 p.m. in the Planning Conference  
24 Room.  
25 That ends our Regular Session. Is there a

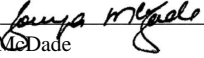
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1 motion to adjourn Regular Session and to go into Executive  
2 Session for confidentiality and legal reasons?  
3 MEMBER GADARIAN: So move.  
4 MEMBER PREY: So move.  
5 CHAIR LEACH: Is there a second?  
6 MEMBER PREY: Second.  
7 CHAIR LEACH: Any discussion? All in favor, say  
8 "aye."  
9 (Response.)  
10 (Recess to Executive Session, 12:13 p.m. to 3:32  
11 p.m.)  
12 CHAIR LEACH: Okay. We are now in Regular  
13 Session. In regards to Agenda Item 3.d., the Board finds  
14 there was no violation. And is there a motion to adjourn  
15 Regular Session?  
16 VICE-CHAIR FRANCO: I so move.  
17 MEMBER GADARIAN: Clarification. You indicated  
18 one finding of executive session, you did not announce  
19 that the -- that the Board wished to have a letter sent.  
20 MR. MURAI: I can --  
21 MEMBER GADARIAN: Do you want to announce that  
22 in open session?  
23 MR. MURAI: I can do that. There was a hearing  
24 held in executive session. After hearing all of the  
25 evidence and considering all the evidence, the Board, by

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1 vote of five votes in favor and one opposed, found no  
2 violation. However, the Board also authorized the  
3 drafting of a letter to the Council Chair expressing the  
4 Board's concerns about how confidential information is --  
5 is handled and the Board's concern that there is no --  
6 that we would request or recommend some level of review  
7 of -- even if it is testimony, of people's individual  
8 rights to privacy. And those rights would be found in  
9 Chapter 92F Hawaii Revised Statutes.  
10 MEMBER GADARIAN: Perfect. Thank you.  
11 VICE-CHAIR FRANCO: Gold star, Gary.  
12 CHAIR LEACH: Motion to adjourn Regular Session.  
13 VICE-CHAIR FRANCO: So moved.  
14 CHAIR LEACH: Second.  
15 MEMBER MACARIO: Second.  
16 CHAIR LEACH: All in favor, say "aye."  
17 (Response.)  
18 CHAIR LEACH: Meeting adjourned.  
19 (Meeting adjourned, 3:34 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  
12 nor an employee of any of the parties hereto, nor in any  
13 way concerned with the cause.  
14 DATED this 2nd day of February, 2016.  
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