



# PUBLIC MEETING NOTICE

## COMMITTEE OF THE WHOLE

COUNCIL OF THE COUNTY OF MAUI

[www.MauiCounty.us/COW](http://www.MauiCounty.us/COW)

Committee Chair  
Don S. Guzman

Committee Vice-Chair  
Stacy Crivello

Voting Members:  
Gladys C. Baisa  
Robert Carroll  
Elle Cochran  
Don Couch  
Riki Hokama  
Michael P. Victorino  
Mike White

**Friday, April 1, 2016**  
**3:00 p.m.**

MEETING SITE:  
Council Chamber  
Kalana O Maui Building, 8<sup>th</sup> Floor  
200 South High Street  
Wailuku, Hawaii

RECEIVED  
2016 MAR 24 AM 8:35  
OFFICE OF THE  
COUNTY CLERK

### A G E N D A

**LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: LARS M. GASCON V. COUNTY OF MAUI; DISABILITY COMPENSATION DIVISION CASE 7-11-01155; LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD CASE AB 2015-319(M)) (COW-1(29))**

**DESCRIPTION:** The Committee is in receipt of correspondence dated January 21, 2016, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution entitled "AUTHORIZING SETTLEMENT OF LARS M. GASCON V. COUNTY OF MAUI, DISABILITY COMPENSATION DIVISION CASE NO. 7-11-01155; LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD CASE NO. AB 2015-319(M)." The workers' compensation appeal has been brought by Dr. James Hattaway, Lars M. Gascon's treating physician, of a decision by the Disability Compensation Division that Dr. Hattaway had committed 69 counts of fraud. The purpose of the proposed resolution is to authorize settlement of the fraud claim in the workers' compensation appeal.

**STATUS:** The Committee may consider whether to recommend adoption of the proposed resolution, with or without revisions. The Committee may also consider other related action.

**NOTE:** With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee; and Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

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**LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: JANET SIM, ET AL. V. COUNTY OF MAUI, ET AL., CIVIL 15-1-0571(2)) (COW-1(35))**

**DESCRIPTION:** The Committee is in receipt of correspondence dated March 17, 2016, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF JANET SIM, ET AL. VS. COUNTY OF MAUI, ET AL., CIVIL NO. 15-1-0571(2)," and transmitting a copy of the First Amended Complaint. The complaint alleges damages to Janet Sim's residence at 95 Alena Place, Kihei, Maui, Hawaii, and emotional distress as a result of sewage leaking from a main sewer line and infiltrating the home on or about November 18, 2014, and subsequent remedial efforts. The purpose of the proposed resolution is to authorize settlement of the case.

**STATUS:** The Committee may consider whether to recommend adoption of the proposed resolution, with or without revisions. The Committee may also consider other related action.

**NOTE:** With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee; and Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

**LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: CLAIM 30153921887-0001 OF MERLINO FETALVERO) (COW-1(36))**

**DESCRIPTION:** The Committee is in receipt of correspondence dated March 17, 2016, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF CLAIM NO. 30153921887-0001 OF MERLINO FETALVERO," and transmitting a copy of the claim. The claim alleges damages to Merlino Fetalvero's property at 103 Akai Street, Kihei, Maui, Hawaii, resulting from a sewage overflow into the home on or about November 17, 2014. The purpose of the proposed resolution is to authorize settlement of the case.

**STATUS:** The Committee may consider whether to recommend adoption of the proposed resolution, with or without revisions. The Committee may also consider other related action.

**NOTE:** With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee.

**LITIGATION MATTERS (SETTLEMENT AUTHORIZATION: NADJA VITAVEC NKA NADJA NEIDHART V. COUNTY OF MAUI, ET AL., CIVIL 15-1-0181(1)) (COW-1(37))**

**DESCRIPTION:** The Committee is in receipt of correspondence dated March 17, 2016, from the Department of the Corporation Counsel, requesting consideration of a proposed resolution, entitled "AUTHORIZING SETTLEMENT OF NADJA VITAVEC NKA NADJA NEIDHART V. COUNTY OF MAUI, ET AL., CIVIL NO. 15-1-0181(1)," and transmitting a copy of the First Amended Complaint. The complaint alleges Nadja Vitavec suffered

personal injuries on or about May 8, 2013, when a large tree branch fell on her at Puamana Beach Park in Lahaina, Maui, Hawaii. The purpose of the proposed resolution is to authorize settlement of the case.

**STATUS:** The Committee may consider whether to recommend adoption of the proposed resolution, with or without revisions. The Committee may also consider other related action.

**NOTE:** With reference to this agenda item, one or more executive meetings are anticipated pursuant to Section 92-5(a)(4), Hawaii Revised Statutes, to consult with legal counsel on questions and issues pertaining to the powers, duties, privileges, immunities, and liabilities of the County, the Council, and the Committee; and Section 92-5(a)(8), Hawaii Revised Statutes, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a State or Federal law, or a court order.

<b>REMOTE TESTIMONY SITES</b>		
<p><b>Hana</b> Council District Office Hana Community Center 5091 Uakea Road Hana, Hawaii</p>	<p><b>Lanai</b> Council District Office Lanai Community Center 8<sup>th</sup> Street Lanai City, Hawaii</p>	<p><b>Molokai</b> Council District Office 100 Ainoa Street Kaunakakai, Hawaii</p>
<b>CONTACT INFORMATION</b>	<p>Office of Council Services 200 South High Street Wailuku, Hawaii 96793 <b>www.MauiCounty.us/COW</b></p> <p>Committee Staff: Carla Nakata and Clarita Balala</p>	
<b>TESTIMONY</b>	<p>For information on testifying please visit <b>www.MauiCounty.us/how-to-testify</b> or contact the Office of Council Services.</p> <p>If written testimony is submitted at the meeting site, 16 copies are requested to ensure distribution at the meeting.</p>	
<b>DISABILITY ACCESS</b>	<p>People with disabilities requiring special accommodations should contact the Office of Council Services at least three working days prior to the meeting date.</p>	
<b>LIVE CABLECAST</b>	<p>Available on Akaku: Maui Community Media, Channel 53.</p>	

*AGENDA ITEMS ARE SUBJECT TO CANCELLATION.*