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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, December 9, 2015.  
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20  
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 Noreen "Dee Dee" Yabuta, Member (In, 12:04 p.m.)  
7 Abel Kahooohanohano, Jr., Member  
8 Sydney Kikuchi, Member  
9 Herman Nascimento, 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, December 9, 2015, 12:00 p.m.)  
2 \* \* \*  
3 CHAIR LEACH: (Gavel.) I would like to call the  
4 Board of Ethics December 9th, 2015 meeting to order. Our  
5 first agenda item will be to review and approve the October  
6 14, 2015 minutes. Is there a motion to approve?  
7 MEMBER KAHOOHANO HANO: So move.  
8 CHAIR LEACH: Second?  
9 MEMBER GADARIAN: Second.  
10 CHAIR LEACH: Any discussion? All in favor, say  
11 "aye."  
12 (Response.)  
13 CHAIR LEACH: Opposed?  
14 (No response.)  
15 CHAIR LEACH: Unanimous. Thank you.  
16 Agenda Item 3, Public Testimony. We have none.  
17 Agenda Item 4, Old Business. Financial  
18 Disclosures, we have none. Communication Items, we have  
19 none.  
20 Agenda Item 5, New Business. Financial  
21 Disclosures, none. Communication Items, none.  
22 Agenda Item 5.c., review of letter from  
23 Councilmember Elle Cochran, dated September 11, 2015. The  
24 reason that letter was on the agenda is it is on County  
25 stationery on a private matter. And we just wanted to bring

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1 that to the attention of the Board, to see what your feeling  
2 is, if we should send a cautionary letter, if we should have  
3 an informal hearing or accept the letter as is.  
4 MEMBER MACARIO: I am not sure I understand. So  
5 the fact that it's on County letterhead is possibly an  
6 inappropriate --  
7 MEMBER GADARIAN: Using public property for a  
8 personal matter, personal business matter.  
9 VICE-CHAIR FRANCO: This should have been under  
10 Maui Tomorrow's letterhead -- it's not appropriate -- if she  
11 was representing them at that time.  
12 MEMBER GADARIAN: Or at least personal.  
13 VICE-CHAIR FRANCO: Yeah.  
14 MR. MURAI: Members, if I may?  
15 CHAIR LEACH: This is Gary Murai. He's back with  
16 us again. Welcome back, Gary.  
17 MR. MURAI: Thank you. Thank you, Randol.  
18 Some of you may recall that this comes up every --  
19 this kind of issue comes up every so often. And I was  
20 looking for it before I came down so I could show it to you  
21 folks. And I couldn't find it and I was running out of  
22 time, so I guess I will just tell you about a prior  
23 complaint that occurred about 20, 25 years ago, sometime in  
24 the early to mid-nineties.  
25 The complaint was against a councilmember who had

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1 written a letter of support for a friend or acquaintance who  
 2 was convicted of a criminal offense. What this  
 3 councilmember did was write to the sentencing judge, you  
 4 know, saying, you know, what a good person this fellow is  
 5 and what he does for the community and all of that. So it  
 6 was a fairly, you know, standard letter of support that you  
 7 see and hear about all the time. The only difference was  
 8 that it was written on County Council letterhead and the  
 9 councilmember signed her name to her capacity as a  
 10 councilmember.

11 So what the Board did then was -- and this  
 12 resulted in a formal complaint from a member of the public.  
 13 So the Board did not initiate the complaint. It came to the  
 14 Board when a member of the public filed a written complaint  
 15 with the Board. The Board found there was a violation in  
 16 that councilmember used her -- used County property and  
 17 possibly even, I guess, County time. You know, you cannot  
 18 tell from reading the opinion whether -- you know, whether a  
 19 County Council clerk drafted the letter or typed it up or  
 20 anything like that, but there wasn't any penalties, so to  
 21 speak, other than just an admonition to be careful and don't  
 22 do it again. And I think that was a result of the  
 23 councilmember saying, I'm sorry, it was inadvertent, I  
 24 didn't realize when I signed it that I was signing as a  
 25 councilmember.

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1 Now, I don't know whether the Council itself has  
 2 any rules against using your position to influence something  
 3 like that, but my memory of that opinion is that the Board's  
 4 review is just limited to the section of the Code of Ethics  
 5 regarding the use of County property or personnel.

6 VICE-CHAIR FRANCO: So you're saying we should use  
 7 the same response to --

8 MR. MURAI: No. I am not suggesting anything. I  
 9 am just letting the Board know that this kind of issue is  
 10 not the first time the Board has dealt with this type of  
 11 issue, of a County employee doing what, you know, may be --  
 12 you know, doing what may be personal business, using County  
 13 time or County resources.

14 I think it may be significant to know that in the  
 15 case that I am talking about from the nineties, that, you  
 16 know, the problem I am presuming the Board or the public may  
 17 have had with it is that it appears that the writer may have  
 18 been using her position to -- as a councilmember to  
 19 influence the judge. Now, unlike other, you know, boards of  
 20 ethics, our code does not have what -- you know, sometimes  
 21 they'll have like this fair dealing clause where you have to  
 22 treat everybody equally, fairly, politely, and that kind of  
 23 thing. So that might -- it's my guess that that's why the  
 24 Board did not, you know, admonish the writer for using her  
 25 office to attempt to --

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1 VICE-CHAIR FRANCO: The other thing, this is the  
 2 situation here, I think, just (inaudible).

3 MR. MURAI: Well, that's possible. It certainly,  
 4 you know, could be read that way. And, you know, the other  
 5 distinction is, in this letter, it's not as if, you know,  
 6 Councilmember Cochran needs to use her position to try to  
 7 influence you folks. Because, you know, you get to be --  
 8 you got to have your name taken off the lobbyist list just  
 9 for asking. In other words, even if you had scribbled it on  
 10 the back of an envelope or a napkin, we would have accepted  
 11 it and said, okay, we'll remove your name. So the Board may  
 12 want to consider that factor, that it's not the kind of  
 13 situation -- or does not appear that this is somebody that  
 14 would need to -- you know, for the writer to assert any kind  
 15 of influence or that sort of thing on the Board. Like I  
 16 said, you get what you want just for asking.

17 VICE-CHAIR FRANCO: I think just let her know  
 18 that, you know, there's a problem or mistake here and she  
 19 should be aware of it.

20 CHAIR LEACH: If it's okay, we send a cautionary  
 21 letter saying do not use County resources and time.

22 VICE-CHAIR FRANCO: For private matters.

23 CHAIR LEACH: Yeah, for private matters.

24 MEMBER KIKUCHI: This question is, actually, for  
 25 Gary. Is it appropriate or are we allowed to bring up an

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1 issue from a prior case involving, in this case,  
 2 Ms. Cochran, regarding this?

3 MR. MURAI: Well, you know, because it's a past  
 4 decision of the Board, you know, although prior decisions  
 5 don't bind us -- in other words, it's not like there are  
 6 court cases where we have to do the same thing we have done  
 7 before, but prior decisions of the Board do guide us in how  
 8 we review future cases because, you know, although rules  
 9 change and, you know, it's rare to find facts that are  
 10 identical to the two cases, one thing that, you know, we  
 11 always recommend that any board try to do is try to achieve  
 12 some kind of consistency. So when people, County employees,  
 13 look at prior decisions, they can -- you know, they know  
 14 what they're thinking about doing is something that's okay  
 15 or not okay. So --

16 MEMBER KIKUCHI: I think I phrased my question  
 17 wrong.

18 MR. MURAI: Okay.

19 MEMBER KIKUCHI: Ms. Cochran was -- we had a case  
 20 involving Ms. Cochran earlier.

21 MR. MURAI: Couple years ago.

22 MEMBER KIKUCHI: Last year, or whatever it was.  
 23 And I can't recall, but I think we did -- one of the issues  
 24 was that she had issued -- she wrote a letter with  
 25 department letterhead again, or County Council letterhead.

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1 And I think, I think, we had cautioned her already. So what  
2 I am asking is, in making our decision regarding this, is it  
3 appropriate that we look back at a prior possibly cautionary  
4 letter to her already regarding using the Council  
5 letterhead?  
6 MR. MURAI: You know, Syd, I remember that  
7 complaint. And what I can't remember right now, without  
8 looking at the decision, is whether, you know, one of the --  
9 whether we admonished. As I recall, we had admonished her  
10 for using her staff to contact the Planning Department and  
11 ask for documents and those kinds of things.  
12 MEMBER KIKUCHI: Right.  
13 MR. MURAI: And I know that -- I remember one of  
14 the things we were discussing was whether, you know, this  
15 was her kuleana as a councilmember to, you know, assist the  
16 public or whether this was a private matter that she was,  
17 you know, dealing with. And I can't remember. Your memory  
18 is probably better than mine about what happened, but, yes.  
19 You know, certainly, maybe, what we need to do, then, is I  
20 need to go pull that opinion and see what it says and if  
21 it's relevant.  
22 Now, I am not suggesting what the Board should --  
23 what the outcome should be, you know, I've already heard,  
24 you know, Vice-Chair Franco suggest that maybe we just write  
25 her a cautionary letter. And if that is what the Board ends

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1 up doing, you can always write that letter and reference,  
2 you know, Ms. Cochran's prior, you know, matter that came  
3 before us, and/or that other matter I am talking about where  
4 a councilmember of 25 years ago used County letterhead to  
5 advocate, you know, for a friend.  
6 MEMBER KIKUCHI: Yeah. I am not trying to make a  
7 big deal out of this. Actually, I think it's very manini,  
8 but I was just wondering if we did issue her one already and  
9 this would be the second time we are reminding her,  
10 cautioning her not to use the letterhead. So I think it  
11 should be told to her this is the second time, if it is, if  
12 it is --  
13 CHAIR LEACH: Yeah. Let's do this: Let's look at  
14 the advisory opinion that we sent out Syd's referencing to  
15 and put this on the agenda item for next meeting.  
16 MEMBER KIKUCHI: I'm sorry. I am not trying to  
17 make it a big deal, because, to me, I would say accept it  
18 and just remind her again not to do it.  
19 CHAIR LEACH: Dee Dee.  
20 MEMBER YABUTA: Sorry. Do you think it's an  
21 educational problem really? Because I can see the  
22 difference between the last time with this councilmember and  
23 this, you know, maybe they got confused and thought that, I  
24 don't know, lobbying is sort of -- I mean, obviously, it's  
25 not part of County business, but -- in fact, it's the

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1 opposite. But I guess relinquishing her position as a  
2 lobbyist is okay on, you know, the letterhead whereas, you  
3 know, what she did before was -- I don't know. That was  
4 pretty clear, you know, that I think that was not okay. So  
5 I don't think it's really cut and dried with her in this  
6 case. I really think it's like maybe this person is not  
7 aware of, you know, the parameters or, you know, what it  
8 means to, say, cross the line, even though this is a small  
9 little thing, it is manini, but just doesn't know. And  
10 maybe we should give everybody education every once in a  
11 while, meaning the councilmembers and, you know, all elected  
12 officials in our jurisdiction.  
13 MEMBER KAHOOHANOHANO: I agree. You know, I will  
14 take it one further. This is common sense.  
15 MEMBER YABUTA: Yeah.  
16 MEMBER KAHOOHANOHANO: This had nothing to do with  
17 being on the Council. You write a letter, everybody has a  
18 computer at home. At least, like you said, it could be  
19 written on anything saying you're withdrawing. But she has  
20 a hard time, I guess, removing herself from the  
21 councilmember to deal with this kind of stuff, you know. So  
22 I think a cautionary letter is great, but, then again, like  
23 Syd said, we already warned her one time. I mean, is it  
24 really getting through to her? Like Dee Dee said, maybe  
25 it's an educational thing.

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1 MR. MURAI: Angela had something.  
2 MS. ANDRADE: I was just going to say I can go  
3 pull the prior stuff --  
4 CHAIR LEACH: Let's do that.  
5 MS. ANDRADE: -- if you want.  
6 CHAIR LEACH: Okay.  
7 MS. ANDRADE: It will just take a second.  
8 VICE-CHAIR FRANCO: Just defer this until she gets  
9 back.  
10 CHAIR LEACH: Yeah, we'll defer. This is still on  
11 the agenda.  
12 MR. MURAI: Norman, why don't we let Angela go get  
13 them? If we put it off until next month, then we'll do it  
14 and, you know, then we'll take the action then and, you  
15 know, it will delay it.  
16 CHAIR LEACH: I think that's good.  
17 MR. MURAI: I am not telling you folks what to do,  
18 but if we can pull it now and review it, it may guide the  
19 Board in what we do today.  
20 CHAIR LEACH: Okay, yeah. So we'll move to the  
21 next agenda item, Lobbyist Registration on Finlay and Gluck,  
22 that we will acknowledge receipt of those two lobbyist  
23 registrations. Is there a motion for that?  
24 MEMBER YABUTA: I move.  
25 MEMBER KAHOOHANOHANO: Second.

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1 CHAIR LEACH: Any discussion? All in favor, say  
2 "aye."  
3 (Response.)  
4 CHAIR LEACH: Thank you. Next agenda item is the  
5 Tentative 2016 Meeting Agenda Calendar. And thank you,  
6 Angela, for providing that to us. And one good thing is  
7 Veteran's Day next year is not on our meeting schedule, so  
8 we should have all the meetings as posted next year. Any  
9 questions regarding that?  
10 Our next meeting will be Wednesday, January 13th,  
11 at noon, in the Planning Conference Room. And we'll take a  
12 five-minute recess until Angela comes back.  
13 MR. MURAI: Why don't we adjourn -- oh, no, we  
14 don't need to. We'll just take a recess. I'm sorry.  
15 CHAIR LEACH: Five-minute recess.  
16 MR. MURAI: Before we go into Executive Session.  
17 CHAIR LEACH: All in favor of a five-minute  
18 recess?  
19 (Response.)  
20 (Recess, 12:16 p.m. to 12:21 p.m.)  
21 CHAIR LEACH: We're back from recess. We're now  
22 in Regular Session. Thank you, Angela, for providing us the  
23 Board of Ethics Complaint Number 14-05, November 2014,  
24 regarding Elle Cochran, the Advisory Opinion.  
25 VICE-CHAIR FRANCO: Number 2 on Page 3, there is  
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1 probable cause to believe that respondent, by transmitting a  
2 letter dated June 4th, 2014, on Maui County Council  
3 letterhead, same thing again.  
4 MR. MURAI: Actually, no, Norman, that talks about  
5 her act of advocating for Friends of Moku'ula.  
6 VICE-CHAIR FRANCO: Yeah.  
7 MR. MURAI: But if you look down at Paragraph 4,  
8 that speaks specifically to the prohibition against using  
9 County property or personnel. And the Board found at that  
10 time no violation of the prohibition against using County  
11 personnel. And I don't know what -- for the Board Members  
12 who were here for that hearing, I don't know if your  
13 memories are better than mine, but my memory is that the  
14 Board was more concerned about whether Councilmember Cochran  
15 was advocating for the Friends of Moku'ula -- I'm sorry --  
16 advocating for Waiola Church in an improper manner because  
17 she was asking, you know, I think the Public Works staff to  
18 produce things like maps, drawings, that sort of thing. But  
19 I think -- but I don't recall the Board finding that her  
20 using County letterhead in and of itself was a problem.  
21 CHAIR LEACH: It says right here.  
22 MR. MURAI: Yeah, but it talks about Paragraph C,  
23 though. You know what, I wrote this opinion, but I --  
24 CHAIR LEACH: It says right here, on Council  
25 letterhead, it's incompatible.  
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1 MR. MURAI: Okay. I stand corrected.  
2 CHAIR LEACH: So in answer to Syd's question, she  
3 did receive, in the advisory opinion, a caution of using  
4 County letterhead. So this is the second.  
5 MEMBER GADARIAN: Incompatible, yeah, Number 2.  
6 CHAIR LEACH: Yeah. Item Number 2, Page 3, on the  
7 Advisory Opinion.  
8 MR. MURAI: If I may, not to put too fine a  
9 distinction to it, but the use of County letterhead was  
10 applied to Paragraph C, which was engaging in a business or  
11 transaction or activity that was incompatible, as opposed to  
12 D, which is using County property or personnel.  
13 Now, in the current example we have in front of  
14 us, this September 11, 2015 letter, I don't get the sense  
15 from hearing the comments of the Board Members that anybody  
16 feels that this is a Paragraph C violation. You know, of  
17 course, that's only because no one has said it yet. It  
18 appears, anyway, that this may be more of a Paragraph D  
19 violation, not to say that she could not be advised about it  
20 in either case.  
21 VICE-CHAIR FRANCO: Well, this shows that she  
22 probably didn't really put two and two together the last  
23 time. And we're just going to ring her bell again that you  
24 just can't do it.  
25 MR. MURAI: For the Members, you have several  
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1 choices, several options. Under our rules, the Board can,  
2 if at least three members are willing to sign, initiate a  
3 formal complaint and send it to the councilmember and ask  
4 that she appear before the Board in an informal hearing.  
5 The Board may also, you know, do, Norman, as you were  
6 contemplating and just writing a cautionary letter to her.  
7 VICE-CHAIR FRANCO: I don't think the situation  
8 rises to the course of a informal hearing, but just a  
9 cautionary letter and just cite the situation of the  
10 November 24, 2014. Just let her know that this is more than  
11 the first time that there's a problem of she using County  
12 letterhead.  
13 MEMBER YABUTA: Does the Chair, Council Chair, or  
14 the Vice-Chair -- I mean, you know, I know it's not like  
15 she's at school or anything, but can they advise her? Or  
16 even -- I don't know. I'm sorry, I forgot who the attorney  
17 was for the councilmembers, but, you know, just like --  
18 MR. MURAI: Well, Dee Dee, just so the Board  
19 Members know, every year the County Council has Board of  
20 Ethics -- or ethics training. Attorneys from my office  
21 provide that training. I've done it in the past. I don't  
22 know who does it now, but they receive the same ethics  
23 training that all County employees receive. And generally  
24 speaking, the training is done by my office.  
25 CHAIR LEACH: That's annually.  
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1 MR. MURAI: Yes, although not everyone attends  
2 annually. Newly elected members are required to attend, all  
3 new -- all the new staff that were hired within the past  
4 year attend. I think if you do it once, you're good.  
5 MEMBER YABUTA: But, you know, being a  
6 councilmember and being some other County employee, you  
7 know, that is not elected or -- that's a different story. I  
8 mean, you know, most County employees don't have their own  
9 letterhead and their own staff, you know, and the clout that  
10 comes with it. So I would think that they would need a  
11 different kind of ethics training so this doesn't recur, you  
12 know.  
13 MEMBER KAHOOHANOHANO: What I would suggest is  
14 send her a cautionary letter. If it happens again,  
15 definitely you got to bring her in and ask her and set it  
16 straight. Because if she doesn't get it after we sent her  
17 another letter and then she does it again --  
18 VICE-CHAIR FRANCO: Three strikes, you're out.  
19 MEMBER KAHOOHANOHANO: -- she has trouble  
20 separating her personal life from being a councilmember.  
21 CHAIR LEACH: Yeah. How is this, if we send a  
22 cautionary letter referencing, also, the previous advisory  
23 opinion letter that we wrote to her, and we ask her to come  
24 to our next meeting when we present her with the cautionary  
25 letter?

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1 MEMBER GADARIAN: Very good.  
2 MEMBER YABUTA: And educate her.  
3 MEMBER GADARIAN: I move that we send --  
4 VICE-CHAIR FRANCO: Yeah, and emphasize.  
5 CHAIR LEACH: And ask her for attendance at our  
6 next meeting.  
7 VICE-CHAIR FRANCO: Okay.  
8 MEMBER YABUTA: Of course, she'll probably bring  
9 her lawyer and her staff.  
10 CHAIR LEACH: Is there a motion? I can't make the  
11 motion.  
12 MEMBER NASCIMENTO: So move.  
13 MEMBER YABUTA: Second.  
14 CHAIR LEACH: Any more discussion?  
15 MR. MURAI: I'm sorry. Just so that we're clear,  
16 and Angela gets it clear in her notes, what is going to come  
17 first, the effort to have Ms. Cochran come before us or the  
18 letter?  
19 MEMBER YABUTA: The letter.  
20 MR. MURAI: The letter first and inviting her or  
21 asking her to come?  
22 MEMBER YABUTA: To receive the letter.  
23 CHAIR LEACH: To receive the letter.  
24 MR. MURAI: Okay.  
25 MEMBER GADARIAN: To receive, because everybody

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1 has to sign it at the next meeting.  
2 MR. MURAI: Not necessarily.  
3 CHAIR LEACH: Chair can just sign.  
4 MR. MURAI: Chair can sign.  
5 CHAIR LEACH: We want to make sure she's in  
6 receipt.  
7 VICE-CHAIR FRANCO: I am making a suggestion we  
8 send an advisory letter and saying that we want her to be  
9 present so we be made aware that she's fully aware of the  
10 problem, you know, that she's taken steps to not do this  
11 again. You know, just to assure the Members of the Board  
12 that she's aware of a possible conflict of interest.  
13 CHAIR LEACH: We're not going to send the letter,  
14 Norm, or present the letter to her until we all look at the  
15 letter at the next meeting.  
16 VICE-CHAIR FRANCO: Oh, okay. Well -- but in that  
17 letter, we're going to say that we still want her presence  
18 here, right?  
19 CHAIR LEACH: Not in that letter, but it will be  
20 an agenda item. And Angela will ask her just to attend the  
21 meeting.  
22 MEMBER YABUTA: The whole point is for her to  
23 appear in person so that she can be educated in a nice way,  
24 you know.  
25 MEMBER KAHOOHANOHANO: I am okay with that.

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1 CHAIR LEACH: Yeah. Instead of it just going in  
2 the in-box.  
3 MEMBER YABUTA: And her attorney is probably going  
4 to be there and, you know, whoever else.  
5 MR. MURAI: Perhaps not. You know, she appeared  
6 after her complaint pro se by herself. Okay. But just so  
7 that we're clear, the contact to Ms. Cochran will be to  
8 invite her to appear at the January 13th meeting?  
9 MEMBER YABUTA: Sorry. Are we inviting her or are  
10 we telling her to be here?  
11 MR. MURAI: Well --  
12 MEMBER YABUTA: Or we can't tell her?  
13 MR. MURAI: The Board does have the authority to  
14 subpoena.  
15 MEMBER YABUTA: Well --  
16 CHAIR LEACH: Let's just start with the invite.  
17 MEMBER YABUTA: Okay.  
18 MR. MURAI: And, of course, if she chooses to  
19 ignore the invitation and not appear, then the Board may  
20 take further action as the Board may deem appropriate.  
21 MEMBER YABUTA: Okay.  
22 MR. MURAI: Okay. So that letter informing her  
23 that the issue of her use of letterhead will be on the next  
24 agenda, just so that I am clear, because I am probably -- I  
25 am probably going to have to draft that letter for Randolf's

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1 signature, we'll say that this is not -- this has not risen  
2 to the level of a complaint yet, the Board has concerns, the  
3 Board would like to discuss the concerns with you at our  
4 January 13th meeting. And the Board may then, after hearing  
5 her side of the story, do what it normally does whenever it  
6 reviews a possible complaint, which is take no action, write  
7 a cautionary letter or initiate a formal complaint.  
8 CHAIR LEACH: No, that's not what -- we want to  
9 have the cautionary letter all ready with signature. And  
10 we're just going to present it to her saying this is the  
11 cautionary letter. We just wanted to do it in person.  
12 MR. MURAI: And that's why I am asking. Thank  
13 you.  
14 CHAIR LEACH: Thank you. Make sure we're all on  
15 the same page. We want to put it to bed and let her know  
16 that --  
17 MEMBER GADARIAN: Essentially, the cautionary  
18 letter is written, that we've decided to write the letter  
19 and caution her and we want to deliver it to her.  
20 CHAIR LEACH: In person.  
21 MR. MURAI: Okay. That's fine. Although, you  
22 know, I mean, it's up to you folks if you want to all sign  
23 it, but it's not necessary as long as -- as long as the  
24 Board authorizes the letter, then the Chair may sign it  
25 himself, unless, you know, as I said, you folks wish to sign

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1 off on it.  
2 MEMBER GADARIAN: Oh, I would make a second motion  
3 to authorize the Chair to sign the cautionary letter to be  
4 presented at the next --  
5 MR. MURAI: Actually, I don't think we need a  
6 motion because that's kind of the standard --  
7 CHAIR LEACH: That's the standard protocol.  
8 MR. MURAI: -- procedure.  
9 CHAIR LEACH: Okay. All in favor of Sara's  
10 motion -- or any more discussion? All in favor, say "aye."  
11 (Response.)  
12 CHAIR LEACH: Opposed?  
13 (No response.)  
14 CHAIR LEACH: Okay. Thank you. That ends our  
15 Regular Session. We will now adjourn Regular Session and,  
16 for confidentiality reasons and legal matters, we will move  
17 into Executive Session.  
18 (Recess to Executive Session, 12:34 p.m. to 2:06  
19 p.m.)  
20 CHAIR LEACH: Okay. We are now in Regular  
21 Session. Would we like to --  
22 MR. MURAI: For the record, the matter of  
23 transmitting a resolution to the County Council requesting a  
24 ballot initiative to amend the Charter to set a cap for the  
25 acceptance, set a limit on the acceptance of gifts was

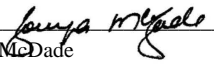
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1 discussed in Executive Session. I believe, Mr. Chair, we're  
2 going to announce the vote. There was a motion and a second  
3 and unanimous approval that the resolution be transmitted to  
4 the Council.  
5 CHAIR LEACH: Do you need a motion?  
6 MR. MURAI: Why don't we do that?  
7 CHAIR LEACH: In Regular Session, let's have a  
8 motion for the resolution.  
9 VICE-CHAIR FRANCO: To be moved to County Council  
10 for further discussion and deliberation.  
11 CHAIR LEACH: Is there a second?  
12 MEMBER YABUTA: I second.  
13 CHAIR LEACH: Any discussion? All in favor, say  
14 "aye."  
15 (Response.)  
16 CHAIR LEACH: Opposed?  
17 (No response.)  
18 CHAIR LEACH: Unanimous. Thank you.  
19 That ends our Regular Session. Is there a motion  
20 to adjourn?  
21 VICE-CHAIR FRANCO: I move.  
22 MEMBER MACARIO: Second.  
23 CHAIR LEACH: Any discussion? All in favor, say  
24 "aye."  
25 (Response.)

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1 CHAIR LEACH: Meeting adjourned. (Gavel.)  
2 (Meeting adjourned, 2:07 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 30th day of December, 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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