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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, September 14, 2016.
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21 Reported by: Tonya McDade, CSR, CRC
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Page 1

1 (Wednesday, September 14, 2016, 12:30 p.m.)
2 * * *
3 CHAIR LEACH: (Gavel.) I would like to call the
4 Maui County Board of Ethics September 14th, 2016 meeting to
5 order. Our first item on the Regular Session agenda is to
6 review and approve the August 10th, 2016 minutes. Is there
7 a motion to approve?
8 MEMBER KAHOOHANOANO: So moved.
9 MEMBER NASCIMENTO: Second.
10 CHAIR LEACH: Is there a second? Any discussion?
11 All in favor, say "aye."
12 (Response.)
13 CHAIR LEACH: Opposed?
14 (No response.)
15 CHAIR LEACH: Thank you. Next agenda item, it's
16 always a pleasure to welcome a new member to a board and
17 commission, and we would like to welcome Dave Courson. And,
18 Dave, if you could just tell us a little bit about yourself.
19 And then, after that, we'll go around the room and briefly
20 introduce ourselves, also.
21 MEMBER COURSON: Well, mahalo, Mr. Chair. It's an
22 honor and a privilege to serve on this commission simply
23 because it's an honor and a privilege to live in Maui. I
24 first moved to Hawaii in 1966, compliments of the United
25 States Marine Corps, lived on Oahu, ended up, years later,

Page 3

1 ATTENDANCE
2 BOARD MEMBERS PRESENT:
3 Randol Leach, Chair
4 Norman Franco, Vice-Chair
5 Abel Kahooohanohano, Jr., Member
6 Herman Nascimento, Member
7 Matthew Macario, Member
8 Noreen "Dee Dee" Yabuta
9 Rachel Phillips, Member
10 David Courson, Member
11 STAFF PRESENT:
12 Gary Y. Murai, Deputy Corporation Counsel
13 Angela Andrade, Executive Secretary
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Page 2

1 teaching at the University of Hawaii in the School of
2 Communication. And my wife recently retired after teaching
3 37 years for the DOE in the State of Hawaii, both on the
4 island of Oahu and here on Maui. We've lived in Maui for
5 approximately 14 years now, moved from Oahu. And I also
6 serve on one other commission, and that is the Commission
7 for the Persons with Disability. So, once again, it's a --
8 it's really an honor to be part of this commission because I
9 have found that, as a volunteer, beginning way back in the
10 1960s with the United States Marine Corps, that one always
11 receives more than one gives. And so I am anticipating that
12 this will be the case working with such wonderful folks as
13 yourself. Mahalo.
14 CHAIR LEACH: Thank you. Matt, do you want to
15 just --
16 MEMBER MACARIO: Sure. I introduced myself a
17 minute ago. I am Matt Macario. I grew up here on Maui,
18 went to the mainland for school, et cetera. I moved back
19 about three or four years ago and now live in Wailuku.
20 Pleasure to have you.
21 MEMBER COURSON: Mahalo.
22 MEMBER KAHOOHANOANO: Me?
23 CHAIR LEACH: Yes.
24 MEMBER KAHOOHANOANO: Abel Kahooohanohano. I am a
25 retired Business Agent for the ILWU. Lived here all my

Page 4

1 life.
 2 CHAIR LEACH: And a Green Bay Packer fan.
 3 MEMBER KAHOOHANOHANO: Bigtime.
 4 VICE-CHAIR FRANCO: He already knows that.
 5 CHAIR LEACH: Welcome. Randol Leach, I am a
 6 financial consultant.
 7 VICE-CHAIR FRANCO: Hi. I am a fellow vet. I was
 8 in the U.S. Army in Vietnam. Had some friends in the
 9 Marines there.
 10 MEMBER COURSON: What years were you in the U.S.
 11 Army in Vietnam?
 12 VICE-CHAIR FRANCO: Tet Offensive.
 13 MEMBER COURSON: That would be '67, '68.
 14 VICE-CHAIR FRANCO: Yeah, '67, '68. Were you
 15 there, too?
 16 MEMBER COURSON: I was there '67, '68.
 17 VICE-CHAIR FRANCO: Where were you stationed?
 18 Excuse me. This is the way vets are.
 19 MEMBER COURSON: I was in Second Battalion, Fourth
 20 Marines, and we were right up on the DMZ.
 21 VICE-CHAIR FRANCO: Okay. I was at Cu Chi with
 22 the 25th. Anyway, I am trying to be a semi-retired realtor
 23 and insurance agent. Still working just to have fun. Lived
 24 here all my life, born and raised. There's another fellow
 25 vet there.

Page 5

1 MEMBER COURSON: All right.
 2 VICE-CHAIR FRANCO: Probably closer to you, he's a
 3 submariner.
 4 MEMBER YABUTA: Hi. I am Dee Dee Yabuta. I am an
 5 Army brat. I was born in Germany. I am a retired Federal
 6 civil service employee. And I commute back and forth. My
 7 husband has a job on Oahu, so we are renting a condo over
 8 there. So I came home to get the mail, come to the
 9 meetings. I just realized my refrigerator in the garage is
 10 a little leaking, but I think it's -- anyway, my husband can
 11 take care of that.
 12 MEMBER NASCIMENTO: Herman Nascimento, born and
 13 raised here on Maui. Served in the United States Navy,
 14 submarine service. Retired from the Carpenter's Union. Get
 15 three children, four grandchildren.
 16 MEMBER COURSON: All right.
 17 MEMBER PHILLIPS: Hi, I am Rachel Phillips. I was
 18 born on Oahu, but raised on Maui. And I just joined the
 19 Board this year as well, just a few months ahead of you.
 20 And I am currently working as a real estate broker.
 21 MEMBER COURSON: Mahalo.
 22 MEMBER PHILLIPS: Nice to meet you.
 23 CHAIR LEACH: Thank you, everyone. Next item
 24 agenda is public testimony. Do we have any public
 25 testimony?

Page 6

1 MR. DAVIS: I would like to speak today, if I may,
 2 I would like to, then I won't take up your time in Executive
 3 Session.
 4 CHAIR LEACH: If you're going to be talking
 5 regarding an Executive Session item, we would prefer
 6 Executive Session.
 7 MR. DAVIS: Okay.
 8 CHAIR LEACH: Anyone else? Mr. Hyde.
 9 MR. HYDE: Yes, thank you. I have the same in
 10 terms of the other gentleman. I did receive a letter from
 11 counsel indicating you are going to take up the substance of
 12 Item 3.c. today. So I am inclined, after I testify briefly,
 13 to depart unless you signal otherwise that I should remain.
 14 CHAIR LEACH: If you're going to be referencing an
 15 Executive Session item, we would ask you to wait for the
 16 Executive Session.
 17 MR. HYDE: Is that permitted? I would be able to
 18 attend the Executive Session?
 19 MR. MURAI: Well, Mr. Hyde, like I told Mr. Davis
 20 earlier, there may be portions of it that will be closed,
 21 but since you are here and since we know that you wish to
 22 provide testimony, when the matter comes up -- well, when we
 23 go into closed session, everyone will vacate the room, but,
 24 when your matter comes up, they will call you back in.
 25 MR. HYDE: All right.

Page 7

1 MR. MURAI: So you may give your public testimony
 2 then. It wouldn't be public, but it would be testimony
 3 before this Board.
 4 MR. HYDE: Yeah. If you think I can be helpful, I
 5 would remain; if you think that's unlikely, I will not.
 6 Maybe there's no way of anticipating that.
 7 MR. MURAI: Mr. Hyde, it's entirely up to you.
 8 MR. HYDE: Very good.
 9 MR. MURAI: However, if it helps in your decision
 10 whether to stay or not, the Board's options today -- because
 11 this is an initial review for all of the complaints, the
 12 Board will do one of two things. If the complaint regards a
 13 matter that is within this Board's jurisdiction, what they
 14 will do is they will set it for an informal hearing at a
 15 subsequent meeting. The other way the Board could go would
 16 be if the complaint does not meet the standards of the Code
 17 of Ethics, in other words, it doesn't allege a violation or
 18 it somehow violated some other rule, in other words, it's
 19 not signed or not on eight-and-a-half-by-eleven-inch paper,
 20 that kind of thing, then the Board may decline. So because
 21 we don't -- so having heard that, it's up to you if you want
 22 to stay, entirely up to you.
 23 MR. HYDE: Very good. And I was going to make
 24 some comments just in general about the Sunshine Law. And I
 25 know that you have counsel here to guide you in that, so

Page 8

1 this is more generic in nature.
 2 CHAIR LEACH: If you want to do a general public
 3 testimony on an Executive Session item, you have three
 4 minutes.
 5 MR. HYDE: Very good. Okay, let me do that.
 6 CHAIR LEACH: Please introduce yourself.
 7 MR. HYDE: Thank you very much. My name is Mark
 8 Hyde, I am a resident of Kihei. And I am the complainant in
 9 Item 16-3. I wanted to urge this Board to give due
 10 consideration when you go into Executive Session that the
 11 policy of the State of Hawaii encourages open meetings and
 12 that exceptions are to be strictly construed under the
 13 language. With that in mind, the two exceptions that were
 14 mentioned as reasons for going into Executive Session today
 15 in your agenda -- one is to discuss matters that may result
 16 in discipline of a public officer, but there is a caveat to
 17 that, which is that the matter has to involve an element of
 18 reasonable privacy. And the allegations in the complaint
 19 here are that public disclosure was not made and, therefore,
 20 I don't think there's a reasonable expectation of privacy.
 21 The other exception is, of course, to confer with counsel,
 22 but, again, that has to be limited just to your powers and
 23 rights and not get into the substance of the matter.
 24 So with that, I will conclude my public testimony
 25 and thank you for your time.

Page 9

1 CHAIR LEACH: Thank you. Our next agendas item is
 2 Old Business, 5.a., Financial Disclosures for Atay and
 3 Fernandez. Is there a motion to acknowledge receipt?
 4 MEMBER KAHOOHANO HANO: So moved.
 5 CHAIR LEACH: Second?
 6 MEMBER YABUTA: Second.
 7 CHAIR LEACH: Discussion. Angela, could you let
 8 us know on those two Financial Disclosures --
 9 MS. ANDRADE: What was missing? Okay. On Alike
 10 Atay's, you requested that he provide the occupation of him
 11 and his spouse.
 12 CHAIR LEACH: Right.
 13 MS. ANDRADE: And Fernandez had not signed hers.
 14 CHAIR LEACH: We updated with Fernandez, on Page
 15 1, date of filing and nomination papers. We don't have
 16 that, but would that be close to the received stamp in the
 17 Clerk's Office?
 18 MS. ANDRADE: Yeah. They are required to file
 19 their nomination papers at the same time as their Financial
 20 Disclosure Statement.
 21 CHAIR LEACH: So we'll assume that's the same
 22 date.
 23 MS. ANDRADE: It is the date. I checked.
 24 CHAIR LEACH: Okay. Thank you. Any more
 25 discussion? I will call for the vote. All in favor, say

Page 10

1 "aye."
 2 (Response.)
 3 CHAIR LEACH: Opposed?
 4 (No response.)
 5 CHAIR LEACH: Thank you.
 6 Agenda Item 5.b., Communication Items, we have
 7 none.
 8 5.c., continued discussion regarding changing the
 9 current Financial Disclosure Statement form. And Sara, who
 10 is on the committee, is en route. And is there --
 11 VICE-CHAIR FRANCO: Well, Matt attended the last
 12 meeting, and I couldn't make it, maybe he could update us.
 13 MEMBER MACARIO: Yeah. I think we had a very
 14 productive second meeting. And Sara recently distributed
 15 and updated a draft of the amended Financial Disclosure form
 16 which is still in the process of being reviewed and
 17 discussed. We were planning to meet after today's meeting.
 18 I don't know if that will happen. It depends on whether
 19 Sara is able to make it here. But it's an ongoing process.
 20 CHAIR LEACH: Okay. Thank you very much for
 21 spending valuable time on that item. Anything else?
 22 VICE-CHAIR FRANCO: No.
 23 CHAIR LEACH: Okay. And for the record, we would
 24 like to thank Sara, too, for her diligent work --
 25 VICE-CHAIR FRANCO: Outstanding job.

Page 11

1 CHAIR LEACH: -- on Financial Disclosure
 2 Statements. Okay.
 3 Next agenda item will be 6, New Business.
 4 Financial Disclosures, we have none.
 5 Communication items, we have none.
 6 6.c., Lobbyist Registration. We have five
 7 lobbyist registrations for Carnicelli, Delaunay, Hayashi,
 8 Kimura and Lee. Is there a motion to acknowledge receipt of
 9 those?
 10 MEMBER KAHOOHANO HANO: So moved.
 11 CHAIR LEACH: Second?
 12 MEMBER NASCIMENTO: Second.
 13 CHAIR LEACH: Any discussion? All in favor, say
 14 "aye."
 15 (Response.)
 16 CHAIR LEACH: Opposed?
 17 (No response.)
 18 CHAIR LEACH: Thank you. Next agenda item, 6.d.,
 19 a letter from Daniel Gluck terminating his lobbyist
 20 activities on behalf of the ACLU.
 21 Next agenda item, Announcements, we have none.
 22 Our next Board of Ethics meeting will be October
 23 12th, 2016, 12:30 p.m., in the Planning Conference Room.
 24 That ends our Regular Session. Is there a motion
 25 to move into Executive Session?

Page 12

1 MEMBER KAHOOHANOHANO: So moved.
 2 MEMBER NASCIMENTO: Second.
 3 CHAIR LEACH: Any discussion? Okay. All in
 4 favor, say "aye."
 5 (Response.)
 6 CHAIR LEACH: Opposed?
 7 (No response.)
 8 (Recess to Executive Session, 12:45 p.m. to 1:47
 9 p.m.)
 10 CHAIR LEACH: We are now in Regular Session. Is
 11 there a motion to adjourn?
 12 VICE-CHAIR FRANCO: So moved.
 13 CHAIR LEACH: Second?
 14 MEMBER YABUTA: Second.
 15 CHAIR LEACH: Any discussion? All in favor, say
 16 "aye."
 17 (Response.)
 18 CHAIR LEACH: Meeting adjourned. (Gavel.)
 19 (Meeting adjourned, 1:47 p.m.)
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Page 13

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, 2016.
 15
 16
 17
 18 Tonya Mc Dade
 19 Certified Shorthand Reporter #447
 20 Registered Professional Reporter
 21 Certified Realtime Reporter
 22 Certified Broadcast Reporter
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 24
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Page 14