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MAUI COUNTY BOARD OF ETHICS

STATE OF HAWAII

TRANSCRIPT OF PROCEEDINGS

REGULAR MEETING

Held at the Planning Conference Room, Kalana Pakui Building, 250 High Street, Wailuku, Maui, Hawaii, commencing at 12:31 p.m., on December 12th, 2018.

REPORTED BY: SANDRA J. GRAN, RPR/CSR #424

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APPEARANCES

BOARD MEMBERS PRESENT:

CHAIRPERSON: MATTHEW MACARIO

VICE-CHAIRPERSON: DAVID COURSON

SARA GADARIAN

NOREEN "DEE" YABUTA

RACHEL PHILLIPS

DONNA CLAYTON

NAPUA GREIG-NAKASONE

WILLIAM CURTIS, JR.

DAVID WEISS

STAFF PRESENT:

DEPUTY CORPORATION COUNSEL: GARY MURAI

BOARD SECRETARY: LISA KAHUHU

1 (December 12th, 2018, 12:31 a.m.)

2 * * *

3 CHAIR MACARIO: (Gavel.) We'll go ahead and call
4 the meeting of December 12th, 2018, Maui County Board of
5 Ethics meeting to order. The first item on the agenda is
6 Review and Approval of the November 14, 2018 Minutes. Is
7 there a motion to approve those minutes?

8 MEMBER GADARIAN: I move to approve the minutes of
9 November 14th, 2018.

10 CHAIR MACARIO: All right. Is there a second?

11 MEMBER PHILLIPS: Second.

12 CHAIR MACARIO: Okay. Any discussion?

13 MEMBER CURTIS: Woody K versus Willy K.

14 CHAIR MACARIO: What?

15 MEMBER CURTIS: I saw -- read -- I was not present,
16 but there was a Woody K being talked about --

17 CHAIR MACARIO: Oh, I did notice that. Okay.

18 MEMBER CURTIS: I believe he's a musician and it
19 should be Willy K.

20 MS. GADARIAN: Oh, is that a misspelling?

21 CHAIR MACARIO: That may have been in the other
22 minutes.

23 MEMBER CURTIS: Oh, I'm sorry.

24 CHAIR MACARIO: Because I'm not seeing that in
25 the --

1 MEMBER CURTIS: I'm sorry. That was -- I'll
2 withdraw that.

3 CHAIR MACARIO: Okay. No worries. Any discussion
4 regarding the regular session minutes?

5 (No response.)

6 CHAIR MACARIO: Hearing none, all in favor.

7 (Response.)

8 CHAIR MACARIO: All opposed.

9 (No response.)

10 CHAIR MACARIO: All right. That carries
11 unanimously.

12 The next item on the agenda, Public Testimony.

13 Lisa, do we have any public testimony today?

14 MS. KAHUHU: Chair, one person is signing up right
15 now.

16 CHAIR MACARIO: Okay.

17 MS. HUNT: So sorry.

18 CHAIR MACARIO: Hi, there.

19 MS. HUNT: Hi.

20 CHAIR MACARIO: So if you wouldn't mind coming up to
21 the podium and identifying yourself and kind of describe the
22 topic that you'd like to provide testimony on and keep your
23 testimony to 3 minutes or less, please.

24 MS. HUNT: I'll be quick, I promise. I want to
25 thank each and every one of you guys for taking time out of

1 your busy schedule to let me speak today, first and foremost.
2 I have spoken at a county council meeting and this is
3 something that's really serious and I want to make sure
4 ethically I do everything correct according to what is
5 supposed to be done. And I want to thank some of the council
6 members who I see here today that actually gave me the time to
7 also speak because this is a very serious matter.

8 I may not be approached today, but I would like to
9 know how I can get on your next minutes to address -- to your
10 legal committee to address the Sunshine Laws and specifically
11 having to do with some internal affairs issues with the Maui
12 Police Department, so -- that's cost me a very good job right
13 now over in Honolulu and my place of residence and it's real
14 serious. So I would just like to know if somebody could tell
15 me, because I know you have to post the notes, but I've
16 been --

17 I just talk to your mayor's office, who has been
18 phenomenal. Mike Molina, who I'm glad he's going to be on
19 council, I think he's a great man, I think he'll do a lot for
20 Maui --

21 And if you guys can just tell me who the person who
22 is in charge of your legal affairs committee so I can address
23 that for next time to the next meeting so it's publicly posted
24 and that way I can speak. I've also spoken at police
25 commissioners' meetings and I'm going to be speaking again at

1 the next police commissioners' meeting also. So if somebody
2 knows who the direct person is -- and, I apologize, I don't
3 know who all of you are. This has been a horrible learning
4 experience, to say the least.

5 But the county council has been wonderful, they have
6 been very patient and they've been very helpful, so I
7 appreciate their time, especially Elle Cochran and the council
8 members, but I would like to address this. And I would also
9 like to see for your legal ethics committee, because I think
10 this is important for everybody.

11 And I'm going to be meeting with Senator Hirono and
12 Congresswoman Garibaldi (*sic*) on some cyber stalking laws and
13 harassment. And I think this is serious because the Maui PD
14 is not trained professionally how to handle this and I think
15 that we could better funding for the police to help this and I
16 would like to help since I've been dragged into this
17 unexpectedly and try and clear my good name and my family good
18 name.

19 And I would like to try to get some state and
20 federal funding through state and federal officials for -- not
21 only for your law library, but I just met with your assistant
22 prosecutor in the elevator, which is unacceptable. That law
23 library is horrible compared to Honolulu and what Honolulu
24 has. And I know we're not Honolulu, but the point is, is
25 every island's separate and there should be state funding and

1 possibly federal funding to help people here when they need
2 assistance with either the law library or legal help and it
3 shouldn't be just for -- it should be for law-abiding
4 citizens. Not everybody can afford attorneys, they're very
5 expensive and they get very costly.

6 And this has cost me more than just my job. I have
7 an aviation background I was looking forward to getting back
8 into after dealing with years of dealing with a bank fraud
9 case. So anything that you guys can, you know, give me
10 legally, ethically --

11 MS. KAHUHU: Fifteen seconds.

12 -- so we can post it so that way I know who the
13 person is in charge of your legal committee. And I want to
14 help you guys, but I would like to also know when I can come
15 and speak about this and have it posted so that way it's
16 legal --

17 MS. KAHUHU: Time.

18 MS. HUNT: -- and we do everything by the book.

19 CHAIR MACARIO: And I would like to just ask you
20 before you started, can you please state your full name and
21 spell your name for the record.

22 MS. HUNT: Sorry. It's Patricia Hunt and it's
23 P-A-T-R-I-C-I-A and it's H-U-N-T.

24 CHAIR MACARIO: Thank you.

25 Gary, do you want to respond to any of her requests

1 or --

2 MR. MURAI: Okay.

3 Ms. Hunt, my name is Gary Murai and I'm the --

4 MS. HUNT: Hi.

5 MR. MURAI: -- deputy corporation counsel assigned
6 to advise the Board of Ethics.

7 MS. HUNT: Okay.

8 MR. MURAI: I heard you speak of a lot of different
9 topics, but what the Board of Ethics does is two main
10 functions: It issues advisory opinions at the request of
11 county officers or employees --

12 MS. HUNT: Okay.

13 MR. MURAI: -- regarding the code of ethics.

14 MS. HUNT: Okay.

15 MR. MURAI: Now, the --

16 MS. HUNT: Which the police should have ethics too,
17 correct, and they work for the county?

18 MR. MURAI: Well, yeah, the Code of Ethics governs
19 all county employees --

20 MS. HUNT: Okay.

21 MR. MURAI: -- elected officials and even board and
22 commission members.

23 MS. HUNT: Okay. I --

24 MR. MURAI: So they're able to request advisory
25 opinions.

1 The other thing the other board does is hears
2 complaints --

3 MS. HUNT: Okay.

4 MR. MURAI: -- regarding violations of the Code of
5 Ethics. So if you believe that a county officer or employee
6 has violated the code of ethics, you may file a complaint with
7 the Board of Ethics, this board here.

8 MS. HUNT: Okay.

9 MR. MURAI: We do not have a separate like a legal
10 committee.

11 MS. HUNT: Okay.

12 MR. MURAI: This is it.

13 MS. HUNT: Okay.

14 MR. MURAI: And if you believe that a county officer
15 or employee has violated the Code of Ethics, you may go to the
16 county's website, the Board of Ethics page, they have
17 complaint forms and instructions on how to file.

18 MS. HUNT: Okay.

19 MR. MURAI: And you will also see a copy of the Code
20 of Ethics. Keep in mind that this board has rather limited
21 jurisdiction. If you have -- I heard you mention violations
22 of the Sunshine Law, we do not consider Sunshine Law
23 violations. That's for --

24 MS. HUNT: I understand.

25 MR. MURAI: That's for the office of information

1 practices.

2 MS. HUNT: Yes.

3 MR. MURAI: But if you believe a Maui -- County of
4 Maui employee or elected official or board or commission
5 members has violated the Code of Ethics and the very specific
6 prohibitions there, then I suggest that you file a -- file a
7 complaint. You -- also posted on the Board of Ethics' website
8 is our administrative rules that give you the detail on how a
9 complaint is processed.

10 MS. HUNT: Okay.

11 MR. MURAI: So I think that's probably your best
12 bet. Now, it sounds like you have lots of concerns about a
13 lot of different things, some of those things just, you know,
14 may not fit within the framework of the Code of Ethics.

15 MS. HUNT: Okay.

16 MR. MURAI: So take a look at our rules and the --
17 and the Code of Ethics and if you think that your -- you have
18 a grievance against the county or a county employee or
19 official, then this is the place to go if it's within the
20 framework of the Code of Ethics.

21 MS. HUNT: Okay.

22 MR. MURAI: Some other of the things you mentioned
23 like inadequacy of the law library, that's -- well, if you're
24 talking about the law library at the circuit court --

25 MS. HUNT: Yeah.

1 MR. MURAI: -- that's a judiciary -- that's
2 maintained by the judiciary.

3 MS. HUNT: Okay. I couldn't get that information
4 from the law library, so thank you for giving me all this and
5 I will follow the proper legal ethics for you guys. But I've
6 actually talked to the Hawaii State and Supreme Court and I'm
7 going to send a letter to the Chief of the Hawaii Supreme
8 Court. But my issue is not with any council, not with any
9 mayor, and not with any of you, this is the first time I've
10 met guys. My issue is only with specific law enforcement
11 officers and one of them is a rookie officer.

12 MR. MURAI: Okay.

13 MS. HUNT: So I have spoken at police commissioners
14 meetings. I will do what I can do and, like I said, I just
15 want to rectify the situation. But if I can help you guys in
16 getting the funding.

17 MR. MURAI: Based on -- I have to stop you there.
18 If you believe that your issues are mainly with police or
19 police officers --

20 MS. HUNT: Yeah.

21 MR. MURAI: -- and you've been already been to the
22 police commission, then you probably have figured out that
23 that's the place to go, that's where citizens may go to lodge
24 a complaint against a police officer.

25 MS. HUNT: Yes.

1 MR. MURAI: You know, it's possible that there may
2 be -- police officers can commit ethical violations too, but
3 if it's -- if it's about police work or how they do their
4 job --

5 MS. HUNT: Yeah.

6 MR. MURAI: -- or how they --

7 MS. HUNT: No. This is a violation of the Code of
8 Ethics and it's -- it's serious, so I -- I will address it
9 with the police commissioner at his meeting.

10 MR. MURAI: So take a look at the materials on the
11 County Board of Ethics website if you have access to --

12 MS. HUNT: Yes.

13 MR. MURAI: -- Internet access, and I think that's
14 probably the best place I -- we can point you to.

15 MS. HUNT: Yeah. And I did a FOIA complaint with
16 the Hawaii State, so they have 10 days in which to respond and
17 I have a meeting with the internal affairs.

18 MR. MURAI: Okay.

19 MS. HUNT: So thank you so much for your time and
20 I'm sorry, I didn't mean to waste it, but --

21 MR. MURAI: No, no. Not a waste at all.

22 MS. HUNT: And my issue is not with any of the
23 county people. The county council, they've been wonderful, so
24 has your mayor's office. You've got a lot of good employees
25 here that are working really hard for this county, so -- and I

1 used -- I used to live here and now I'm back here, so I do
2 appreciate all you guys' hard work. So thank you so much and
3 have a merry Christmas.

4 MR. MURAI: Thank you.

5 CHAIR MACARIO: Thank you, Ms. Hunt.

6 All right. Next item on the agenda is Old Business,
7 Financial Disclosures: None.

8 Communication Items: None.

9 New Business, Financial Disclosures. We have one
10 financial disclosure that's been filed by Trinette Furtado.
11 Is there motion to acknowledge receipt of that financial
12 disclosure?

13 MEMBER YABUTA: I'll move it.

14 MEMBER GREIG-NAKASONE: Second.

15 CHAIR MACARIO: Okay. Any discussion?

16 MEMBER GADARIAN: Perhaps for the record we should
17 indicate that it's an update of the financial disclosure.

18 CHAIR MACARIO: Right. Thank you, Sara.

19 Any other discussion?

20 (No response.)

21 CHAIR MACARIO: All right. All in favor of receipt
22 and acknowledgment of this financial disclosure, say aye.

23 (Response.)

24 CHAIR MACARIO: All opposed.

25 (No response.)

1 CHAIR MACARIO: Okay. That carries unanimously.
2 Next item on the agenda, Communication Items: None.
3 Lobbyist registration: None.
4 Announcements: None.
5 The next meeting will be here January 9, 2019 at
6 12:30 in this room.
7 May I have a motion to adjourn regular session and
8 go into executive session?
9 MEMBER GREIG-NAKASONE: So moved.
10 CHAIR MACARIO: Is there a second?
11 MEMBER PHILLIPS: Second.
12 CHAIR MACARIO: All in favor.
13 (Response.)
14 CHAIR MACARIO: All opposed.
15 (No response.)
16 CHAIR MACARIO: Hearing no opposition, that carries
17 unanimously.
18 We'll just ask witnesses to clear the room, please.
19 MR. MURAI: Maybe we could call for a short recess.
20 CHAIR MACARIO: Call for a short recess. (Gavel.)
21 (Pause in Proceedings: 12:42 p.m.-1:39 p.m.)
22 CHAIR MACARIO: Is there a motion to -- well, let me
23 double-check the agenda one more time and make sure.
24 Okay. Is there a motion to adjourn regular session
25 of the Board of Ethics?

1 MEMBER YABUTA: I'll move.

2 CHAIR MACARIO: Is there a second?

3 MEMBER WEISS: Second.

4 CHAIR MACARIO: All in favor?

5 (Response.)

6 CHAIR MACARIO: All opposed.

7 (No response.)

8 CHAIR MACARIO: Okay. That carries unanimously.

9 MR. MURAI: Oh, before we all leave, Lisa included
10 next year's meeting schedule in your packet. Everybody okay
11 with continuing to meet on the second Wednesday at 12:30.

12 MEMBER GADARIAN: Is that all right with your lunch?
13 Are you okay, do you -- it was moved from 12:00 to 12:30 to
14 allow for lunchtime, so I don't know if --

15 MS. KAHUHU: Are you talking to me, Sara?

16 MEMBER GADARIAN: Yes.

17 MS. KAHUHU: You must be thinking about Angela.

18 MEMBER GADARIAN: I know, that's how we ended up at
19 12:30.

20 MS. KAHUHU: I take lunch whenever I can.

21 MEMBER GADARIAN: Thank you.

22 All right.

23 MEMBER YABUTA: Should we hang on to things for
24 Alika?

25 CHAIR MACARIO: I think that's a good idea. Dee

1 says should we hang on to our --

2 (Multiple speakers.)

3 MS. KAHUHU: That would be great if we could. I
4 would appreciate that.

5 CHAIR MACARIO: Because we have a full house today,
6 we don't have a risk of people not getting the message.

7 MR. MURAI: Just remember to bring it back with you.

8 MS. KAHUHU: Yeah.

9 CHAIR MACARIO: Yeah. Okay, all right.

10 MS. KAHUHU: At least the Atay matters and the --
11 yeah, that's it, just the --

12 CHAIR MACARIO: That's it.

13 MS. KAHUHU: And that's one stapled thing, I think,
14 so it should be pretty easy.

15 CHAIR MACARIO: All right. Thank you all.

16 (The proceedings were adjourned at 1:40 p.m.)

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