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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 12:30 p.m., on November 14th, 2018.

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

1 (November 14th, 2018, 12:30 p.m.)
2 * * *
3 CHAIR MACARIO: All right. Let's go ahead and call
4 (gavel) the November 14, 2018 meeting of the Maui County Board
5 of Ethics to order. We're going to start with our regular
6 session agenda. And I guess I should just note for the record
7 that we have only five members with us today, which is
8 sufficient for a quorum, so we're going to proceed. The first
9 item on the agenda is Review and Approval of the October 10,
10 2018 Minutes. Is there a motion for approval of those
11 minutes.
12 MEMBER PHILLIPS: I'll move to approve the meeting
13 minutes.
14 CHAIR MACARIO: Okay. Is there a session -- second?
15 MEMBER GADARIAN: Second.
16 CHAIR MACARIO: All right. Any discussion?
17 (No response.)
18 CHAIR MACARIO: Hearing none, all in favor of
19 approving the October 10, 2018 Minutes, say "aye."
20 (Response.)
21 CHAIR MACARIO: All opposed?
22 (No response.)
23 CHAIR MACARIO: Okay. That carries unanimously.
24 The next item on the agenda, Public Testimony.
25 Lisa, do we have any public testimony today?

1 APPEARANCES
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3 BOARD MEMBERS PRESENT:
4 CHAIRPERSON: MATTHEW MACARIO
5 VICE-CHAIRPERSON: DAVID COURSON
6 SARA GADARIAN
7 RACHEL PHILLIPS
8 DAVID WEISS
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10 STAFF PRESENT:
11 DEPUTY CORPORATION COUNSEL: GARY MURAI
12 BOARD STAFF: LISA KAHUHU
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1 MS. KAHUHU: Chair, no one signed up for public
2 testimony.
3 CHAIR MACARIO: Thank you.
4 Next item, Old Business, Financial Disclosures:
5 None.
6 Communication Items: None.
7 New Business, Financial Disclosures: None.
8 Communication Items: None.
9 Lobbyist Registration: None.
10 The next item on the agenda is 5.d, Approval of
11 revised 2019 Financial Disclosure Statement. There should
12 have been a copy of that document in your packets, which I
13 understand to be the sort of final version for approval. Is
14 that correct?
15 MR. MURAI: Yes, that's correct.
16 CHAIR MACARIO: Okay. So what do we do? Do we need
17 a motion to approve this? What's the procedure?
18 MR. MURAI: I guess a motion, a motion to approve
19 and then after a second, have a discussion.
20 CHAIR MACARIO: Okay.
21 MR. MURAI: If there's any amendments to be offered,
22 then that -- those amendments will be made by motion as well.
23 CHAIR MACARIO: All right. Well, is there a motion
24 to approve this document?
25 MEMBER GADARIAN: Mr. Chairman, I move to approve

1 the revised 2019 Financial Disclosure Statement.
 2 CHAIR MACARIO: Thank you. Is there a second?
 3 MEMBER PHILLIPS: Second.
 4 CHAIR MACARIO: Okay. Any discussion?
 5 VICE CHAIR COURSON: Yes, Mr. Chair. I would like
 6 to commend Commissioner Sara for -- and her committee for the
 7 excellent work on preparing this. It's gone through many
 8 revisions, many changes, a lot of discussion, and I think we
 9 have an excellent form here to be utilized by and for the Maui
 10 County -- Maui County Board of Ethics as their financial
 11 disclosure statement.
 12 CHAIR MACARIO: I would agree. Thank you, David.
 13 Any other discussion?
 14 MEMBER GADARIAN: Just a minor point in that thanks,
 15 David Weiss and Bill Curtis --
 16 MEMBER WEISS: Well, most of the --
 17 MEMBER GADARIAN: -- for their input.
 18 MEMBER WEISS: All of the the support goes to you
 19 and thanks goes to you.
 20 MEMBER GADARIAN: Okay.
 21 MEMBER WEISS: Appreciate it.
 22 MEMBER GADARIAN: And particularly Lisa and Gary for
 23 their input in making it -- making it, I hope, more user
 24 friendly and where the directions -- now we don't have another
 25 set of directions to the side, the instructions are

1 incorporated in the form. And the one thing that was added as
 2 discussion last meeting which is all in big bold letters, "All
 3 information is required. Form will be returned if
 4 incomplete." So hopefully that will expedite review of the
 5 financial disclosure forms this coming year.
 6 CHAIR MACARIO: All right. On behalf of all of us,
 7 thank you, Sara, Dave, and Bill, who's not here today, but
 8 thank you, everyone, for your hard work on this.
 9 So there's a motion, it's been seconded, we've had
 10 some discussion. Is there any other discussion?
 11 (No response.)
 12 CHAIR MACARIO: All right. In favor of approving
 13 this financial disclosure statement?
 14 (Response.)
 15 CHAIR MACARIO: All opposed?
 16 (No response.)
 17 CHAIR MACARIO: Okay. That carries unanimously.
 18 Next item, Announcements: None.
 19 Next item, Schedule Next Meeting: Our next meeting
 20 will be December 12, 2018 here in this room.
 21 Is there a motion to adjourn regular session and go
 22 into executive session for the next items on our agenda?
 23 MEMBER PHILLIPS: So moved.
 24 CHAIR MACARIO: Okay. Is there a second?
 25 MEMBER GADARIAN: Second.

1 CHAIR MACARIO: All in favor?
 2 (Response.)
 3 CHAIR MACARIO: All opposed?
 4 (No response.)
 5 CHAIR MACARIO: That carries unanimously.
 6 (Pause in proceedings: 12:35 p.m.-4:24 p.m.)
 7 CHAIR MACARIO: Back in regular session. Gary,
 8 before we finish, there's been a couple times now a couple
 9 different corporation counsel have asked us adopt --
 10 MR. MURAI: Yes. Thank you.
 11 CHAIR MACARIO: -- all decisions made --
 12 MR. MURAI: Thank you, Matt. I've never made a
 13 practice or habit of doing this, although I probably should
 14 have. Technically votes, when you vote on a matter -- when it
 15 comes to voting on a matter in executive session, typically
 16 you go into regular session and vote. We don't do that, we
 17 vote in -- while we're still in executive session and I've
 18 always felt that, Well, there's a couple ways of looking at
 19 it. On the one end, yeah, maybe we should go out in regular
 20 session and vote, or I've always -- when the Maui News asks me
 21 why don't we vote in executive session, I say, Well, the board
 22 is exercising its adjudicatory function, so that's why it can
 23 stay confidential. But I think it's kind of a compromise that
 24 some of our -- some of my colleagues have done is we ratify
 25 our decisions that are made in executive session in open

1 session.
 2 So I will at this time solicit from the members a
 3 motion to ratify all actions taken in executive session.
 4 MEMBER GADARIAN: So moved.
 5 CHAIR MACARIO: Someone say, "So moved."
 6 Okay. Is there a second?
 7 MEMBER WEISS: Second.
 8 CHAIR MACARIO: All right. All in favor.
 9 (Response.)
 10 CHAIR MACARIO: All opposed.
 11 (No response.)
 12 CHAIR MACARIO: All right. That's unanimous.
 13 Thank you, Gary.
 14 MR. MURAI: Okay. Great. And with that,
 15 Mr. Chair --
 16 CHAIR MACARIO: Oh, wait. No, I -- we have to close
 17 the meeting, don't we? All right. Is there a motion to
 18 adjourn our meeting for the day?
 19 VICE CHAIR COURSON: So moved.
 20 CHAIR MACARIO: Is there a second?
 21 MEMBER PHILLIPS: Second.
 22 CHAIR MACARIO: All in favor.
 23 (Response.)
 24 CHAIR MACARIO: All opposed.
 25 (No response.)

1 CHAIR MACARIO: It carries unanimously. Thank you
2 all.
3 (The proceedings were adjourned at 4:26 p.m.)
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1 CERTIFICATE

2 STATE OF HAWAII)
) SS.
3 COUNTY OF MAUI)

4
5 I, Sandra J. Gran, Certified Shorthand Reporter for
6 the State of Hawaii, hereby certify that on November 14th,
7 2018, at 12:30 p.m. the proceedings was taken down by me in
8 machine shorthand and was thereafter reduced to typewritten
9 form under my supervision; that the foregoing represents, to
10 the best of my ability, a true and correct transcript of the
11 proceedings had in the foregoing matter.
12

13 I further certify that I am not an attorney for any
14 of the parties hereto, nor in any way concerned with the
15 cause.
16

17 DATED this 3rd day of December, 2018, in Maui,
18 Hawaii.
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22 _____
Sandra J. Gran, RPR
23 Hawaii CSR 424
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