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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 12:36 p.m., on February 13th, 2019.

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

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APPEARANCES

BOARD MEMBERS PRESENT:

CHAIRPERSON:

MATTHEW MACARIO

00:00:22

SARA GADARIAN

00:00:28

NOREEN "DEE" YABUTA

00:00:33

RACHEL PHILLIPS

00:00:49

WILLIAM CURTIS, JR.

00:00:49

STAFF PRESENT:

00:00:49

DEPUTY CORPORATION COUNSEL:

GARY MURAI

00:00:49

BOARD STAFF:

LISA KAHUHU

00:00:49

COMMISSION SECRETARY:

CORY-LYNN VICENS

00:00:22

00:00:22

00:15:35 1 (February 13th, 2019, 12:36 p.m.)

00:15:35 2 CHAIR MACARIO: (Gavel.) Okay. Calling the -- what

00:15:41 3 is it -- February 13, 2019 meeting of the Maui County Board of

00:15:47 4 Ethics to order. The first item on the agenda is review and

00:15:52 5 approval of the minutes from the January meeting. Is there a

00:15:55 6 motion to approve those minutes?

00:15:59 7 MEMBER YABUTA: So moved.

00:16:00 8 MEMBER GADARIAN: Second.

00:16:02 9 CHAIR MACARIO: Okay. Any discussion?

00:16:02 10 (No Response.)

00:16:05 11 CHAIR MACARIO: All right. Hearing none, all in

00:16:07 12 favor.

00:16:07 13 (Response.)

00:16:08 14 CHAIR MACARIO: All opposed.

00:16:08 15 (No Response.)

00:16:10 16 CHAIR MACARIO: Okay. That carries unanimously.

00:16:13 17 The next item on the agenda, Public Testimony. Do

00:16:17 18 we have any public testimony today.

00:16:20 19 MS. VICENS: Chair, yes, we do. We have

00:16:25 20 Patricia Hunt regarding financial disclosures.

00:16:28 21 CHAIR MACARIO: All right. Ms. Hunt, if you could

00:16:30 22 step up, please.

00:16:30 23 And please limit your comments to 3 minutes.

00:16:30 24 MS. HUNT: I will.

00:16:32 25 CHAIR MACARIO: Thank you.

00:16:32 1 MS. HUNT: Thank you, Chair, and thank you, each and
00:16:33 2 every one of you, for letting me speak today. I'll be brief
00:16:33 3 because I know you guys have a full agenda.

00:16:38 4 First and foremost, I just wanted to let you know I
00:16:42 5 actually talked to your county council who puts on the meeting
00:16:46 6 and the paperwork and, basically, I was told the building
00:16:49 7 where the meeting was, was at the 8th level where the county
00:16:55 8 council meets, that's incorrect. So maybe whoever is
00:16:58 9 answering the phones at the council office, they could
00:17:01 10 actually provide that correct information and maybe on the
00:17:05 11 posted notes that are posted have the correct address, so that
00:17:08 12 way people who may not know, will know where it is. Because
00:17:10 13 on the paperwork, there's no address of where this building is
00:17:15 14 and, actually, there's county people don't even know the name
00:17:18 15 of this building, believe it or not, so I remembered from
00:17:22 16 coming here a while ago.

00:17:24 17 But the reason why I'm here is I would like to find
00:17:25 18 out who is the person with the ethics committee who oversees
00:17:29 19 and sees the budget for the Maui Police Department and what
00:17:32 20 their total budget allowed for this year is, and then also if
00:17:38 21 they have a budget for cyber crimes. I was told by a police
00:17:43 22 officer they don't have a cyber subdivision and, apparently,
00:17:47 23 that's incorrect.

00:17:48 24 My other question is trying to find out references
00:17:54 25 in receiving accurate and correct within a timely fashion of

00:17:59 1 public records requests which I believe is 92 -- Hawaii
00:18:03 2 Section 92-1 or 91-1 and Federal Statute 5 USC 552 on requests
00:18:11 3 of public records regarding police reports in a timely fashion
00:18:15 4 that still have not been -- it's approximately 9 months now.

00:18:20 5 And I'm not expecting answers from you guys, but I
00:18:23 6 do -- I have done the proper chain of command and talked to
00:18:27 7 the police commissioners and I would like to know if you're
00:18:30 8 the agency that is over the police commissioners' office,
00:18:35 9 that's my other question. And this isn't with all the police
00:18:39 10 commissioners --

00:18:40 11 MS. KAHUHU: One minute.

00:18:40 12 MS. HUNT: -- it's particularly with one
00:18:42 13 commissioner and bringing this to attention of -- so it's
00:18:46 14 proactive so you guys are aware of this. I'm not an attorney,
00:18:50 15 I can't give you legal advice, you guys have an attorney, but
00:18:52 16 what was done was not ethical, by any means, by a member of
00:18:57 17 the police commission and I want to bring that to the
00:19:00 18 attention of -- if this board is in charge over them, because
00:19:04 19 the other police commissioners were very nice and my issue
00:19:08 20 isn't with them all as a group, it's with one individual.

00:19:13 21 And that's -- those are my questions, so thank you
00:19:17 22 so much for allowing me to speak today. I appreciate it.

00:19:19 23 CHAIR MACARIO: Thank you for your testimony. We
00:19:21 24 appreciate it.

00:19:22 25 Can I perhaps invite her to contact you at a later

00:19:27 1 time to address some of these --

00:19:28 2 I mean, basically, a lot of your questions --

00:19:30 3 MS. HUNT: That's fine. I'm not expecting answers
00:19:33 4 right now from you guys.

00:19:34 5 MR. MURAI: Actually, Mr. Chair, if you don't mind,
00:19:37 6 I could answer them right now.

00:19:38 7 MS. HUNT: Okay.

00:19:39 8 CHAIR MACARIO: Okay.

00:19:40 9 MR. MURAI: Now, Ms. Hunt, if -- this board does not
00:19:43 10 have any jurisdiction or authority over the MPD budget.

00:19:47 11 MS. HUNT: Okay.

00:19:48 12 MR. MURAI: You know, MPD itself prepares a budget
00:19:52 13 and submits it to the mayor's office --

00:19:55 14 MS. HUNT: Correct.

00:19:55 15 MR. MURAI: -- who then submits it to the county
00:19:58 16 council --

00:19:58 17 MS. HUNT: Correct.

00:19:59 18 MR. MURAI: -- for approval. So ultimately the buck
00:20:02 19 stops with the county council, they approve the county's
00:20:06 20 budget.

00:20:06 21 MS. HUNT: Okay.

00:20:07 22 MR. MURAI: You also mentioned a concern about a
00:20:10 23 records or public information or public records request being
00:20:14 24 unanswered.

00:20:14 25 MS. HUNT: Correct.

00:20:15 1 MR. MURAI: And you're --

00:20:16 2 MS. HUNT: Not answered correctly.

00:20:17 3 MR. MURAI: Well, if you have --

00:20:19 4 MS. HUNT: And efficiently.

00:20:20 5 MR. MURAI: And, again, that's not something --

00:20:20 6 MS. HUNT: Yeah.

00:20:22 7 MR. MURAI: -- this board has any control over.

00:20:23 8 MS. HUNT: Okay.

00:20:24 9 MR. MURAI: But you mentioned Chapter 91, I believe

00:20:30 10 it's actually Chapter 92(f) and if -- you know, if you -- you

00:20:35 11 know, you do have a place to complain and that would be the

00:20:38 12 Office of Information Practices.

00:20:39 13 MS. HUNT: Okay.

00:20:39 14 MR. MURAI: So that's where you may be able to go.

00:20:43 15 MS. HUNT: That's been done.

00:20:45 16 MR. MURAI: And, generally speaking, this board has

00:20:49 17 no oversight over police commissioners with one exception.

00:20:53 18 MS. HUNT: Okay.

00:20:54 19 MR. MURAI: All commissioners are required to file

00:20:57 20 financial disclosure statements and -- which are reviewed by

00:21:01 21 the board of ethics; however, that's pretty much the

00:21:05 22 limitation of the board's oversight of police commissioners

00:21:13 23 unless there -- unless there's a specific complaint, you know,

00:21:19 24 lodged against a commissioner for an ethics violation.

00:21:23 25 MS. HUNT: There is one to be.

00:21:25 1 MR. MURAI: Okay. Well, it hasn't -- if it hasn't
00:21:28 2 happened yet, then we're not aware of it and cannot comment on
00:21:32 3 it.

00:21:32 4 MS. HUNT: I know. And I was asked to wait until
00:21:35 5 March meeting to submit that information by your counsel
00:21:37 6 division.

00:21:37 7 MR. MURAI: Okay. Now, if you wish to file a
00:21:39 8 complaint of a violation of the Code of Ethics -- and keep in
00:21:44 9 mind, this board will only address violations of the Maui
00:21:51 10 County Code of Ethics. We -- sometimes people misunderstand
00:21:53 11 our roles --

00:21:54 12 MS. HUNT: Okay.

00:21:54 13 MR. MURAI: -- and complain about matters that while
00:21:57 14 the complaint may be legitimate, this board is not able to
00:22:01 15 address because our jurisdiction is -- and our authority is
00:22:04 16 limited.

00:22:05 17 MS. HUNT: I understand. Okay. And as far as
00:22:07 18 dealing with any complaints over specific law enforcement
00:22:11 19 officers, do you have any jurisdiction over that or is that,
00:22:14 20 again, a police commissioner?

00:22:18 21 MR. MURAI: Only if it's a complaint for a violation
00:22:20 22 of Maui County Code of Ethics.

00:22:24 23 MS. HUNT: Okay, all right. Thank you so much for
00:22:26 24 your time and I appreciate you guys and thank you for letting
00:22:27 25 me talk. I know you're really busy, so thank you for doing

00:22:28 1 such a good job, I've heard really good things about this
00:22:31 2 organization. Thanks.

00:22:32 3 MR. MURAI: Yeah. You're welcome.

00:22:34 4 MS. HUNT: Have a good day. God bless.

00:22:37 5 MR. MURAI: Good-bye.

00:22:37 6 CHAIR MACARIO: All right. The next item on the
00:22:41 7 agenda, Old Business, a. Financial Disclosures: None.

00:22:42 8 b. Communication Items: None.

00:22:45 9 5 a. Financial Disclosures, Elected & Appointed.

00:22:50 10 And we have a big group of them here.

00:22:58 11 Gary, do you have a suggestion? Maybe we do the
00:23:04 12 first column first, A through M or Agawa through Molina?

00:23:07 13 MR. MURAI: Yeah. Well, just say A through Z and go
00:23:10 14 through each of them one by one.

00:23:13 15 CHAIR MACARIO: Okay.

00:23:14 16 MR. MURAI: Or, I mean, sorry, rather go through
00:23:17 17 them alphabetically in case any member has any specific
00:23:22 18 comment about any particular one.

00:23:23 19 CHAIR MACARIO: Okay. Should I, for the record,
00:23:25 20 just indicate which disclosures we're hearing today? Do I
00:23:28 21 have to go them one by one and name them off?

00:23:31 22 MR. MURAI: This was posted as part of the agenda;
00:23:31 23 right?

00:23:31 24 MS. KAHUHU: No.

00:23:31 25 MR. MURAI: It wasn't? Oh, okay.

00:23:34 1 MS. KAHUHU: They're all listed on the agenda.

00:23:38 2 MR. MURAI: Oh, yeah. Oh, okay, okay. Yeah,
00:23:39 3 they're -- okay. You know what, Matt, I think -- I think we
00:23:41 4 just refer to them as the financial disclosure statements
00:23:45 5 filed by the persons listed on page whatever it is of the
00:23:49 6 agenda.

00:23:52 7 CHAIR MACARIO: Page 2.

00:23:52 8 MR. MURAI: Page 2.

00:23:53 9 CHAIR MACARIO: Item 5 a.

00:23:56 10 MR. MURAI: Yeah.

00:23:57 11 CHAIR MACARIO: Okay. Well, that's helpful. I will
00:23:59 12 invariably get some pronunciations wrong, so...

00:24:04 13 All right. Is there a motion to acknowledge receipt
00:24:06 14 of the financial disclosures described in item 5 a. of our
00:24:12 15 agenda?

00:24:12 16 MEMBER GADARIAN: So moved.

00:24:13 17 CHAIR MACARIO: Is there a second?

00:24:18 18 MEMBER YABUTA: Second.

00:24:18 19 CHAIR MACARIO: Okay. Any discussion?

00:24:20 20 MEMBER GADARIAN: Oh, yes.

00:24:21 21 CHAIR MACARIO: I figured there might be. Go ahead,
00:24:28 22 Sara.

00:24:28 23 MEMBER GADARIAN: Okay. Let's see.

00:24:31 24 CHAIR MACARIO: Let's try and do them alphabetically
00:24:32 25 if you can.

00:24:32 1 MEMBER GADARIAN: I -- yeah, okay. Mine starts with
00:24:34 2 Buck, John Buck.

00:24:34 3 CHAIR MACARIO: Okay.

00:24:37 4 MEMBER GADARIAN: And -- oh, red pen, red pen, red
00:24:47 5 pen. I'm sure it's a misnomer, but Item 4 on his financial
00:25:09 6 disclosure, which is: "Identify each insolvent business that
00:25:15 7 currently owes you a debt," he indicated "Social Security."

00:25:24 8 (Laughter.)

00:25:24 9 MEMBER CURTIS: It is insolvent.

00:25:25 10 (Laughter.)

00:25:25 11 MEMBER GADARIAN: Insolvent. Well, that's a
00:25:28 12 judgment call.

00:25:29 13 CHAIR MACARIO: That would be funny if that's
00:25:32 14 actually what he meant.

00:25:32 15 MEMBER CURTIS: Yeah.

00:25:34 16 CHAIR MACARIO: But I saw that too, Sara.

00:25:37 17 MEMBER CURTIS: Yeah. I saw that as well.

00:25:39 18 CHAIR MACARIO: I agree it's probably an error.

00:25:41 19 MEMBER CURTIS: And you're not required to disclose
00:25:43 20 social security, so -- and this will be a public filing;
00:25:46 21 correct?

00:25:46 22 MR. MURAI: Yes.

00:25:47 23 MEMBER GADARIAN: Yes.

00:25:47 24 CHAIR MACARIO: Yes.

00:25:48 25 MEMBER CURTIS: I would suggest we --

00:25:50 1 CHAIR MACARIO: Let that one go?

00:25:52 2 MEMBER CURTIS: -- have them have the ability to

00:25:54 3 delete that, it might not be required.

00:25:58 4 MEMBER GADARIAN: How would we handle that? Just

00:26:00 5 ask that person to do --

00:26:03 6 MEMBER CURTIS: Would they amend Item 4?

00:26:07 7 CHAIR MACARIO: Well, I -- I'll sort of defer to

00:26:10 8 Gary. It seems to me that we probably don't need to do

00:26:14 9 anything in this case, but --

00:26:15 10 MEMBER CURTIS: Okay.

00:26:16 11 MR. MURAI: You know, my opinion, for what it's

00:26:18 12 worth, is -- well, I think Mr. Buck intended to list it under

00:26:22 13 Item No. 2 and -- but as Bill pointed out, he's not even

00:26:29 14 required to disclose it.

00:26:30 15 MEMBER GADARIAN: Correct.

00:26:32 16 MR. MURAI: Mr. Buck has been a director before, so

00:26:35 17 he has filed these before, this is a public document, and I

00:26:39 18 would say that the board may just choose to let it go.

00:26:44 19 MEMBER CURTIS: Okay.

00:26:52 20 CHAIR MACARIO: Does anyone disagree with that?

00:26:52 21 (No Response.)

00:26:55 22 CHAIR MACARIO: So we can go on to the next one?

00:26:55 23 (No Response.)

00:26:58 24 CHAIR MACARIO: Okay. Hearing none, go on. Go on,

00:27:02 25 Sara. Do you have another --

00:27:05 1 MEMBER GADARIAN: Yes.

00:27:06 2 CHAIR MACARIO: Go ahead.

00:27:08 3 MEMBER GADARIAN: Okay. The next one I have is

00:27:09 4 David Goode. Questions? Okay. So on Item 3, "Ownership or

00:27:18 5 interest held in any business or company doing business,"

00:27:23 6 "Real estate consulting." It may or may not have a -- have to

00:27:33 7 do with what he is doing in public works except that

00:27:42 8 consulting about what? In the -- yeah. Are there public

00:27:49 9 works affecting clients that he may have in his consulting

00:27:58 10 business?

00:27:59 11 MEMBER CURTIS: I agree. A cautionary letter,

00:28:02 12 potentially?

00:28:04 13 MR. MURAI: Mr. Chair, may I make a comment.

00:28:06 14 CHAIR MACARIO: Sure.

00:28:07 15 MEMBER GADARIAN: Yes.

00:28:09 16 MR. MURAI: Sara, I -- yeah, I don't think anyone

00:28:11 17 here was on the board at the time, but I think in 2011

00:28:17 18 Mr. Goode requested a financial -- requested an advisory

00:28:21 19 opinion and at that time he had just come to become the

00:28:26 20 director from private enterprise. So he had a laundry list of

00:28:35 21 investments, entities in which he was a partner in that he --

00:28:39 22 you know, that the board advised him to either divest himself

00:28:45 23 of or avoid having to -- to have any kind of an entanglement

00:28:52 24 between his outside interests and his county employment.

00:28:56 25 Now -- and that advisory opinion was quite detailed, it was

00:29:01 1 very lengthy, and as far as I know, he did comply. So I can
00:29:07 2 represent that Mr. Goode is quite aware -- well, and as I look
00:29:13 3 at his financial disclosure statement now, he has divested
00:29:17 4 himself of the list of his ownerships and investments that
00:29:23 5 took a whole page, and so he's narrowed it down quite a bit.

00:29:27 6 Now, having said that, it's up to -- it's up to the
00:29:30 7 board, but if the board wishes to send him a cautionary
00:29:35 8 letter, that's perfectly okay, you know, everyone could use a
00:29:39 9 reminder every so often, but I just want to point out to the
00:29:44 10 board that Mr. Goode, you know, has historical come to the
00:29:47 11 board whenever he's -- you know, was concerned about a
00:29:50 12 possible ethical problem and as far as I know, he has accepted
00:29:54 13 the advice of the board and complied.

00:29:58 14 CHAIR MACARIO: And we should also note that he has
00:29:59 15 not identified any income generated from that entity.

00:30:04 16 MR. MURAI: You know, I think he's put an A --

00:30:06 17 MEMBER CURTIS: A.

00:30:07 18 MR. MURAI: Oh, that's right. No, but that was just
00:30:08 19 value of the --

00:30:09 20 MEMBER CURTIS: Yeah.

00:30:09 21 CHAIR MACARIO: Value of the entity.

00:30:11 22 MEMBER GADARIAN: Yes.

00:30:11 23 CHAIR MACARIO: So if -- he doesn't show it as a
00:30:13 24 source of income, so I don't know, but it would seem that we
00:30:18 25 can assume that it's not an active consulting business if it's

00:30:22 1 got no income.

00:30:25 2 MEMBER GADARIAN: And it's minimal, it's the lowest
00:30:29 3 value on the investments.

00:30:30 4 CHAIR MACARIO: Right. Okay. So what do you folks
00:30:32 5 feel, do we -- should we do a cautionary letter or no? I'm
00:30:35 6 sort of in the no category myself, but we can do one in
00:30:38 7 abundance of caution.

00:30:38 8 MEMBER CURTIS: Hearing the history of -- if he's
00:30:39 9 already been advised, I think he's aware.

00:30:43 10 MR. MURAI: I believe he is.

00:30:43 11 MEMBER CURTIS: Yeah.

00:30:45 12 MR. MURAI: As I said, you know, I can tell just by
00:30:47 13 looking at this that he has -- well, he has asked for guidance
00:30:52 14 from the board before, the board gave him some pretty -- very
00:30:57 15 detailed and, in my opinion, very onerous instructions; in
00:31:01 16 other words, get rid of stuff, sell things, get your name off;
00:31:05 17 and apparently he did all those things, so I'm confident that
00:31:11 18 Mr. Goode is well aware of his obligations.

00:31:19 19 CHAIR MACARIO: Sara, do you have a desire to get --
00:31:21 20 send a cautionary letter.

00:31:24 21 MEMBER GADARIAN: No.

00:31:24 22 CHAIR MACARIO: Okay.

00:31:25 23 MEMBER GADARIAN: How about Bill?

00:31:26 24 MEMBER CURTIS: No. If he's been advised
00:31:28 25 previously, that's the duty of the board.

00:31:30 1 CHAIR MACARIO: All right. So let's go on to the
00:31:32 2 next one.

00:31:33 3 MEMBER GADARIAN: All right. And so the next one is
00:31:41 4 Helene Kau.

00:31:43 5 MR. MURAI: Yeah. I think Helene just made a
00:31:46 6 mistake in where she put stuff; right?

00:31:50 7 MEMBER GADARIAN: Correct.

00:31:51 8 CHAIR MACARIO: Yeah, I saw that too.

00:31:53 9 MEMBER GADARIAN: Yes. So it's confusing if the
00:31:56 10 public looks at this with these notes that says, "Please check
00:32:02 11 box," even though she said "Not applicable," because on the
00:32:09 12 first page she indicates she does not have a spouse, so I
00:32:15 13 guess it is not applicable.

00:32:21 14 CHAIR MACARIO: On that first page I'm not sure what
00:32:24 15 "Please check box" means, maybe I'm just missing it. Is that
00:32:29 16 something she wrote in on this page, "Please check box"?

00:32:34 17 MEMBER GADARIAN: Oh, page 2?

00:32:36 18 MR. MURAI: Oh, it's -- it looks to me like this was
00:32:38 19 like a -- one of those sticky notes --

00:32:38 20 CHAIR MACARIO: Yeah.

00:32:40 21 MR. MURAI: -- that someone had, you know, flagged.

00:32:44 22 CHAIR MACARIO: I guess what I'm asking is whether
00:32:47 23 it was her or --

00:32:48 24 MS. VICENS: Chair.

00:32:48 25 CHAIR MACARIO: Yeah.

00:32:49 1 MS. VICENS: When the original document was
00:32:51 2 submitted to our office, we noticed on several of the
00:32:57 3 appointees and elected officials, this was a common mistake
00:33:03 4 that they did not check the box, so this was something that we
00:33:07 5 returned back to them with this little -- you're right, a
00:33:11 6 sticky advising them we would not accept it until they had
00:33:14 7 checked the box. So it did not get removed during the copy
00:33:18 8 process, so that is what that is.

00:33:20 9 CHAIR MACARIO: Okay. So is this particular one
00:33:22 10 premature then? Did she not return it with a checked box
00:33:25 11 or --

00:33:31 12 MS. KAHUHU: You know, the confusion is our rules
00:33:35 13 state "will not use NA" --

00:33:35 14 CHAIR MACARIO: Right.

00:33:38 15 MS. KAHUHU: So -- but she does -- on the front of
00:33:40 16 the page she lists no spouse --

00:33:40 17 CHAIR MACARIO: Right.

00:33:42 18 MS. KAHUHU: -- so that is one of the things we
00:33:44 19 didn't catch.

00:33:45 20 MEMBER GADARIAN: That is confusing, yes.

00:33:48 21 MS. KAHUHU: Because when we revised the form --
00:33:50 22 I've had other calls where they left it blank and they're
00:33:55 23 uncomfortable about checking "No income" --

00:33:55 24 MEMBER GADARIAN: Yes.

00:33:58 25 MS. KAHUHU: -- when they're saying that they don't

00:34:00 1 have a spouse.

00:34:01 2 MEMBER GADARIAN: Yes, right.

00:34:02 3 MS. KAHUHU: You know, so, anyway, yeah.

00:34:04 4 MEMBER GADARIAN: We're finding out --

00:34:07 5 MR. MURAI: So, Cory, when we post these to our

00:34:11 6 website --

00:34:13 7 MS. VICENS: Yes.

00:34:14 8 MR. MURAI: -- will this one have -- still have the

00:34:16 9 little note on it?

00:34:17 10 MS. KAHUHU: No.

00:34:17 11 MS. VICENS: I can remove --

00:34:17 12 MR. MURAI: Yeah.

00:34:19 13 MS. VICENS: -- that from the original copy.

00:34:20 14 MR. MURAI: Okay.

00:34:20 15 MEMBER CURTIS: Then I think --

00:34:21 16 MR. MURAI: Would that help, Sara?

00:34:23 17 MEMBER GADARIAN: That would be better, yes.

00:34:23 18 MR. MURAI: Okay.

00:34:25 19 MEMBER GADARIAN: Thank you.

00:34:25 20 MS. VICENS: Thank you, Sara.

00:34:28 21 CHAIR MACARIO: Okay. Was that the only --

00:34:30 22 MEMBER GADARIAN: No, that was it.

00:34:32 23 CHAIR MACARIO: No, I mean on this particular

00:34:34 24 person.

00:34:35 25 MEMBER GADARIAN: On that person, yes.

00:34:37 1 CHAIR MACARIO: Okay. So we can move on to the next
00:34:38 2 one.
00:34:39 3 MEMBER GADARIAN: Okay. So the next one is Michael
00:34:42 4 Molina.
00:34:48 5 MEMBER CURTIS: Prior to Molina, I had a question on
00:34:53 6 Lee, if we're doing it alphabetical.
00:34:56 7 MEMBER GADARIAN: Oh, okay.
00:34:56 8 CHAIR MACARIO: Yeah. I was going to say if someone
00:34:58 9 has another one in between --
00:34:58 10 MEMBER GADARIAN: Yeah.
00:34:58 11 CHAIR MACARIO: -- let's just go in alphabetical
00:35:01 12 order. So jump in if you get too far behind.
00:35:01 13 MEMBER GADARIAN: Where are you, Bill?
00:35:02 14 CHAIR MACARIO: So, Bill, what did you say, Lee?
00:35:03 15 MR. MURAI: Alice Lee.
00:35:05 16 MEMBER CURTIS: Yeah.
00:35:06 17 CHAIR MACARIO: Okay.
00:35:07 18 MEMBER CURTIS: So it's more of a general question.
00:35:11 19 Do we do the same cautionary letters for council members as we
00:35:17 20 do for county employees?
00:35:19 21 CHAIR MACARIO: Well, I don't see why we wouldn't.
00:35:22 22 MR. MURAI: We haven't, but we certainly can.
00:35:26 23 MEMBER CURTIS: Okay. So I just -- she's "housing
00:35:28 24 and project coordinator advocate" on page 2, should a
00:35:34 25 cautionary letter -- or are you -- when you become a council

00:35:37 1 person --

00:35:37 2 CHAIR MACARIO: Is she the same person that filed
00:35:39 3 the "take me off the lobbying list"?

00:35:43 4 MEMBER CURTIS: Yes, yes.

00:35:44 5 CHAIR MACARIO: And is that the organization that
00:35:45 6 she wants to be removed from?

00:35:47 7 MS. VICENS: Yes.

00:35:48 8 MEMBER CURTIS: No. This is a different one, this
00:35:50 9 is Alice Lee, LLC.

00:35:53 10 CHAIR MACARIO: I guess what I'm wondering is --

00:35:56 11 MEMBER GADARIAN: In last year --

00:35:58 12 CHAIR MACARIO: -- is, yeah, this deals with the
00:35:59 13 last calendar year, right, and she's now, obviously, a council
00:35:59 14 member.

00:35:59 15 MEMBER GADARIAN: Yeah.

00:36:05 16 CHAIR MACARIO: So I'm wondering if last year she
00:36:08 17 was employed in that capacity and then now -- so maybe I'm
00:36:11 18 just not understanding your concern, Bill.

00:36:13 19 MEMBER CURTIS: Do we need to issue advisory
00:36:16 20 committee opinions to councilmen that are also consultants or
00:36:24 21 is it -- I'm not --

00:36:25 22 MEMBER GADARIAN: If this -- if this activity is
00:36:28 23 continuing.

00:36:29 24 MEMBER CURTIS: Yeah.

00:36:30 25 CHAIR MACARIO: Okay. That's the issue, then. If

00:36:32 1 she's continuing in this capacity, do we need to send her --
00:36:36 2 or can we send her, I guess, a cautionary letter?

00:36:40 3 MEMBER CURTIS: Is it a --

00:36:41 4 CHAIR MACARIO: Gary, did you have any advice on
00:36:45 5 that? I mean --

00:36:46 6 MR. MURAI: You know, I think -- I think if the
00:36:47 7 board is inclined to send a letter, the letter can be framed
00:36:50 8 like this: We noticed that you -- you know, you reported
00:36:54 9 income as a consultant in 2018, if you're -- if you're still
00:37:01 10 continuing to provide consulting services, please consider
00:37:06 11 that should any of your clients come before -- have a matter
00:37:12 12 that comes before the county council, that you, at minimum,
00:37:17 13 disclose your relationship, and then decide whether you need
00:37:20 14 to recuse yourself from voting.

00:37:23 15 We also have to keep in mind that while we have our
00:37:26 16 own rules regarding conflicts or ethical conduct, the
00:37:31 17 commission -- I mean, I'm sorry, the council also has their
00:37:35 18 own council rules regarding conflicts of interest.

00:37:35 19 MEMBER GADARIAN: Yeah.

00:37:39 20 MR. MURAI: So you can send a cautionary letter, you
00:37:42 21 can make it contingent; in other words, If you are still
00:37:45 22 conducting these activities, please keep in mind what you need
00:37:49 23 to do.

00:37:49 24 CHAIR MACARIO: I think that sounds appropriate.

00:37:51 25 MEMBER GADARIAN: I think so.

00:37:51 1 CHAIR MACARIO: Does anybody disagree?

00:37:52 2 MEMBER GADARIAN: I agree.

00:37:53 3 CHAIR MACARIO: Okay. So let's send a cautionary
00:37:56 4 letter to Councilmember Lee along the lines that Gary
00:38:00 5 described.

00:38:01 6 Okay. What's -- who's the next --

00:38:05 7 MEMBER GADARIAN: So Molina was my next one.

00:38:09 8 CHAIR MACARIO: Okay. And, again, anyone who has
00:38:13 9 another in alphabetical order before, just feel free -- feel
00:38:16 10 free to jump in at any time. So if not, let's go to Molina.

00:38:21 11 MEMBER GADARIAN: What was it? I didn't have my red
00:38:28 12 pen with me.

00:38:31 13 MEMBER CURTIS: I have a hunch you might want the
00:38:34 14 TMK or street address for the Makena, would be my guess. Page
00:38:41 15 4 of Molina, the property, but no street address and no TMK.

00:38:49 16 CHAIR MACARIO: Yeah, that's a good point.

00:38:56 17 MEMBER GADARIAN: On page -- Item 2?

00:38:59 18 CHAIR MACARIO: Item 6.

00:39:00 19 MEMBER CURTIS: Item 6.

00:39:02 20 CHAIR MACARIO: Page 4, Item 6, the last property he
00:39:05 21 identifies is just identified as Makena, Maui without a TMK or
00:39:11 22 address.

00:39:12 23 MEMBER GADARIAN: Oh, without the TMK. Yes, I
00:39:15 24 agree. Okay. Here's -- here's what I know noticed, the
00:39:21 25 source of income for the previous calendar year was not being

00:39:26 1 a council member. We know that he had --

00:39:30 2 CHAIR MACARIO: Oh, that's correct.

00:39:32 3 MEMBER GADARIAN: -- a different occupation with the
00:39:34 4 County of Maui, so the accurate --

00:39:36 5 CHAIR MACARIO: Yeah. I think he was an assistant
00:39:37 6 to the mayor or something of that nature.

00:39:39 7 MEMBER GADARIAN: He probably should indicate --
00:39:41 8 correct that as to what it was the previous calendar year --

00:39:47 9 MEMBER CURTIS: Previous, yes.

00:39:50 10 MEMBER GADARIAN: -- since he's newly elected to the
00:39:53 11 council. And add the TMK of the property in Makena, I
00:40:04 12 believe.

00:40:05 13 CHAIR MACARIO: Okay. So, Lisa and Cory, do you
00:40:13 14 have a preference on what we do with this? We can either send
00:40:16 15 it back or ask you to -- whether he's willing to authorize you
00:40:20 16 to make the corrections. Do you have a preference on --

00:40:24 17 MS. KAHUHU: In this case, Chair, we should send it
00:40:27 18 back.

00:40:27 19 CHAIR MACARIO: Okay.

00:40:28 20 MS. KAHUHU: Just two things that I noticed in --
00:40:29 21 one thing with regards to the property, every year he fills
00:40:32 22 out this property, every year he forgets the TMK, every year
00:40:36 23 we call him, so -- I mean, that we can just clarify with him,
00:40:38 24 no problem --

00:40:38 25 CHAIR MACARIO: Okay.

00:40:39 1 MS. KAHUHU: -- to make sure it's the same property.

00:40:41 2 CHAIR MACARIO: Okay.

00:40:42 3 MS. KAHUHU: But I don't know if I'm not seeing

00:40:44 4 it -- I know the rules are the -- the previous calendar year,

00:40:49 5 but I don't see on this form.

00:40:52 6 CHAIR MACARIO: It is.

00:40:53 7 MS. KAHUHU: It is?

00:40:54 8 CHAIR MACARIO: It is. The Item 1 "Source of

00:40:56 9 Income" header.

00:40:57 10 MS. KAHUHU: Oh.

00:40:59 11 CHAIR MACARIO: On the second line in the middle it

00:40:59 12 says "for the previous calendar year." It is kind hard to

00:41:01 13 find, so that might be why a lot of people missed it.

00:41:05 14 MS. KAHUHU: Yeah, okay.

00:41:06 15 MEMBER PHILLIPS: I guess I just have a concern

00:41:10 16 about throwing that back on that basis, 'cause several of the

00:41:11 17 appointees in the --

00:41:11 18 MEMBER CURTIS: Yeah.

00:41:12 19 MEMBER PHILLIPS: -- put their --

00:41:13 20 MEMBER CURTIS: -- current position.

00:41:13 21 MEMBER PHILLIPS: -- current position.

00:41:15 22 MR. MURAI: There's a lot of new people.

00:41:17 23 MEMBER PHILLIPS: Yeah. And then when -- you know,

00:41:18 24 when you have a substantial change, you're supposed to do an

00:41:20 25 update. So basically if we kick it back, then that would

00:41:22 1 require them do an update, so they'd have to file this and
00:41:24 2 then do an immediate update with their new position which
00:41:29 3 would just duplicate the paperwork.

00:41:32 4 MR. MURAI: That's a good point. I never thought of
00:41:35 5 that before, but technically every year it's the same thing,
00:41:38 6 yeah.

00:41:39 7 MEMBER PHILLIPS: Yeah.

00:41:41 8 MR. MURAI: Or at least for the elected officials,
00:41:45 9 every election.

00:41:48 10 MS. KAHUHU: Gary, it's an error as opposed to an
00:41:52 11 amended like --

00:41:52 12 MR. MURAI: Yeah.

00:41:54 13 MS. KAHUHU: It's an error on the form --

00:41:54 14 MR. MURAI: Yeah.

00:41:56 15 MS. KAHUHU: -- not so much an amendment kind of
00:41:58 16 change.

00:41:59 17 MR. MURAI: Yeah.

00:42:00 18 MEMBER CURTIS: And the employer hasn't changed from
00:42:03 19 the previous year, it's --

00:42:04 20 MR. MURAI: Right. And -- right, yeah.

00:42:07 21 MEMBER CURTIS: And council member is the current
00:42:09 22 position.

00:42:09 23 MR. MURAI: And then they don't need to disclose
00:42:10 24 that -- well, if I'm a council member, I don't need to do:
00:42:11 25 Oh, by the way, I just got elected.

00:42:11 1 MEMBER CURTIS: Yeah.

00:42:14 2 MR. MURAI: The only reason why you're filing this
00:42:17 3 is because you got elected.

00:42:19 4 MEMBER CURTIS: Right.

00:42:21 5 MS. KAHUHU: I guess if Cory's okay -- we're okay
00:42:23 6 with calling them and any of the other ones who have the same
00:42:26 7 mistake and just saying that this is the mistake and if they
00:42:30 8 authorize us to make the change for the previous calendar year
00:42:33 9 income.

00:42:33 10 CHAIR MACARIO: I'm all for doing whatever you guys
00:42:37 11 think is the easiest for you, so --

00:42:39 12 MS. KAHUHU: It works out to be the same.

00:42:41 13 CHAIR MACARIO: Okay.

00:42:41 14 MEMBER GADARIAN: So instead of rejecting it, it's
00:42:41 15 correcting --

00:42:45 16 MS. KAHUHU: Yeah. As a courtesy, you know.

00:42:47 17 CHAIR MACARIO: Yeah. All right.

00:42:47 18 MEMBER GADARIAN: I believe -- I agree. So those
00:42:49 19 two items.

00:42:54 20 CHAIR MACARIO: All right. So we'll send
00:42:56 21 Mr. Molina's -- we'll ask the board secretaries to send
00:43:03 22 Mr. Molina's back, see if he'll authorize those corrections.
00:43:08 23 Let's go on to the next one.
00:43:09 24 And that would apply to every elected official who
00:43:13 25 made the same mistake.

00:43:16 1 MEMBER GADARIAN: I didn't find anybody.

00:43:18 2 CHAIR MACARIO: Okay. I'm just going by what -- I

00:43:21 3 didn't either, but --

00:43:21 4 MEMBER GADARIAN: This is newly changed.

00:43:24 5 CHAIR MACARIO: I think Rachel mentioned that.

00:43:26 6 MR. MURAI: I've seen a couple.

00:43:26 7 CHAIR MACARIO: Yeah.

00:43:27 8 MR. MURAI: I can't remember which.

00:43:28 9 MEMBER GADARIAN: Anyway, the next one I find is

00:43:32 10 Robert Rivera.

00:43:38 11 MR. MURAI: Before we go to the Rs, anybody anything

00:43:42 12 else?

00:43:42 13 MEMBER CURTIS: I had a quick comment on Pearson.

00:43:45 14 CHAIR MACARIO: Okay. Let's go to Pearson first.

00:43:47 15 MEMBER CURTIS: Maybe he would like to amend his

00:43:49 16 debt to the letter code rather than the value, but it's

00:43:53 17 acceptable as-is. Just understanding everybody -- this is a

00:43:57 18 public document. This is his first filing; right?

00:44:05 19 CHAIR MACARIO: Oh, I see what you mean. Okay,

00:44:11 20 yeah. So Item 5, page 4, instead of using the letter codes,

00:44:16 21 he's typed in the actual debt amounts.

00:44:20 22 MEMBER GADARIAN: Dollar amount.

00:44:22 23 CHAIR MACARIO: I don't -- I think I have recalled

00:44:24 24 seeing this before and I don't recall sending it back on that

00:44:27 25 basis.

00:44:27 1 Gary, do you --

00:44:29 2 MR. MURAI: No, we never have. In other words, they

00:44:31 3 filed these knowing that they're public.

00:44:34 4 MEMBER CURTIS: Public, okay.

00:44:35 5 MR. MURAI: And, actually, they're disclosing --

00:44:35 6 MEMBER CURTIS: More.

00:44:37 7 MR. MURAI: -- more than they need to as opposed --

00:44:39 8 I would be more concerned if they're disclosing less than they

00:44:44 9 need to.

00:44:46 10 MEMBER CURTIS: Okay. So I withdraw my comment on

00:44:47 11 Pearson.

00:44:47 12 MR. MURAI: Although he may appreciate someone

00:44:48 13 giving him the heads up: By the way, you don't need to

00:44:50 14 disclose the dollar amount, just a range.

00:44:55 15 MEMBER GADARIAN: Okay. Rivera was the next one

00:44:59 16 that I had and that was -- I'm sure -- let's see. This is --

00:45:16 17 essentially, this is an update, but I don't know whether his

00:45:27 18 spouse is now -- now in the department of the prosecuting

00:45:33 19 attorney, which is the same department that he works in. And

00:45:41 20 even though it's an update, that this -- this is --

00:45:48 21 MS. KAHUHU: Chair, if I might.

00:45:50 22 MEMBER GADARIAN: Yes.

00:45:51 23 MS. KAHUHU: That's an error. This is an original.

00:45:54 24 He was, you know, reappointed with the new -- well, he's

00:45:58 25 reappointed in the prosecutor's office.

00:46:01 1 MEMBER GADARIAN: Yes.

00:46:02 2 MS. KAHUHU: He took his oath on January 2nd. So
00:46:06 3 it's not an -- it shouldn't be an annual update, it is an
00:46:08 4 original, just to clarify that part of it.

00:46:10 5 CHAIR MACARIO: Okay.

00:46:10 6 MEMBER GADARIAN: Okay. So then the next thing is
00:46:15 7 if his spouse is -- has continuing or currently in the
00:46:26 8 department of the prosecuting attorney, in the same department
00:46:31 9 that he is in, that would raise questions in my mind that --

00:46:40 10 CHAIR MACARIO: You mean like nepotism?

00:46:43 11 MEMBER GADARIAN: If he's the supervisor.

00:46:43 12 CHAIR MACARIO: Yeah.

00:46:45 13 MEMBER GADARIAN: If he oversees --

00:46:48 14 CHAIR MACARIO: Is that within the code of the
00:46:51 15 ethics, though?

00:46:51 16 MEMBER GADARIAN: -- the spouse's work and --

00:46:52 17 CHAIR MACARIO: Yeah. My -- I had the same
00:46:55 18 reaction. My question is whether that's within our Code of
00:46:58 19 Ethics or is that more of an HR-type issue?

00:47:01 20 MR. MURAI: The -- what we look -- what we'd be
00:47:04 21 looking for is business relationships --

00:47:07 22 MEMBER GADARIAN: Yes.

00:47:08 23 MR. MURAI: -- where the filer, you know, may
00:47:12 24 have -- where the filer's outside interests, for example, a
00:47:17 25 spouse's employer or occupation --

00:47:20 1 MEMBER GADARIAN: Yes.

00:47:21 2 MR. MURAI: -- may impair his judgment --

00:47:25 3 MEMBER GADARIAN: Right.

00:47:26 4 MR. MURAI: -- in performing his duties. I think,

00:47:29 5 you know, we can take -- the board can take notice of the

00:47:33 6 fact -- or, in fact, he says it in his disclosure, that his

00:47:36 7 spouse is a law clerk in the office of the prosecuting

00:47:40 8 attorney.

00:47:41 9 MEMBER GADARIAN: Yes.

00:47:42 10 MR. MURAI: I don't think that they do business with

00:47:44 11 each other other than the fact that they both have the same

00:47:48 12 employer.

00:47:51 13 MEMBER GADARIAN: Okay. I don't --

00:47:52 14 CHAIR MACARIO: So reading through the lines, are

00:47:55 15 you saying that that -- that is not within our kuleana,

00:47:58 16 typically, if -- 'cause Sara's issue is that we've got two

00:48:01 17 spouses, one of whom is potentially supervising the other, is

00:48:06 18 that a problem we need to deal with in the financial

00:48:09 19 disclosure?

00:48:09 20 MR. MURAI: Yeah.

00:48:09 21 CHAIR MACARIO: My gut is no, but I don't know the

00:48:11 22 answer.

00:48:12 23 MR. MURAI: I would agree that it is not. Maui,

00:48:15 24 being a relatively small community, there are numerous

00:48:21 25 examples or situations where directors, council members,

00:48:26 1 deputy directors, mayors have spouses, adult children, nieces
00:48:33 2 and nephews, cousins who are a county employees and unless
00:48:44 3 that -- like, let's say, I had an adult child who has a
00:48:49 4 business and my department does business with my child's
00:48:54 5 company, I don't think that there's any provision of the Code
00:48:59 6 of Ethics that would be impacted just by the fact that people
00:49:03 7 are working in the same -- for the same employer.

00:49:07 8 MEMBER CURTIS: And, additionally, they're making it
00:49:11 9 clear that this is the case, so it --

00:49:13 10 MR. MURAI: Right. They're disclosing it --

00:49:13 11 MEMBER GADARIAN: Yeah.

00:49:16 12 MR. MURAI: -- so it's not a hidden relationship.
00:49:17 13 But, I mean, that's just my view, if -- if the board feels
00:49:21 14 that this is something that we need to weigh in on and you can
00:49:26 15 identify a section of the Code of Ethics that would -- that
00:49:31 16 may be involved, then by all means, you know, you could -- you
00:49:36 17 could send a cautionary letter of some sort.

00:49:39 18 MEMBER GADARIAN: Well, the only thing that I could
00:49:41 19 think is that if -- if the filer has control over promotions
00:49:56 20 actions, meaning of the -- of the spouse, then...

00:50:03 21 MR. MURAI: Okay.

00:50:05 22 MEMBER GADARIAN: But if the relationship is that --

00:50:08 23 MEMBER CURTIS: Is that something that personnel --

00:50:08 24 MEMBER GADARIAN: -- distant --

00:50:11 25 MEMBER CURTIS: -- considers when they do promotions

00:50:14 1 versus the purview of this --

00:50:17 2 MR. MURAI: Well, no, personnel -- personnel would
00:50:23 3 only determine whether the -- if someone is applying for a job
00:50:28 4 or applying for a promotion, personnel would only determine
00:50:31 5 whether they qualify for the promotion. It would be up to the
00:50:36 6 department head who he or she chooses to hire. Now, it is
00:50:42 7 kind of self-policing in that if there was a competitor for
00:50:46 8 the promotion and the competitor felt that the person who got
00:50:50 9 the promotion got it because she sleeps with the boss --
00:50:55 10 legally, of course --

00:50:57 11 MEMBER GADARIAN: Yes.

00:50:59 12 MR. MURAI: -- they can grieve it. They can -- you
00:51:01 13 know, or -- you know, they can grieve it through the --
00:51:03 14 through their union or if they're not a union member, they can
00:51:08 15 appeal it to the Civil Service Commission. So what I'm
00:51:13 16 struggling for is to look -- try and identify a section of the
00:51:17 17 Code of Ethics that covers that.

00:51:20 18 MEMBER GADARIAN: I understand. Yes, okay.

00:51:22 19 CHAIR MACARIO: And I'm reading it right now and I'm
00:51:24 20 not seeing anything obvious that would --

00:51:26 21 MEMBER GADARIAN: I understand.

00:51:27 22 MR. MURAI: Just, you know, there is no county
00:51:30 23 statute, rule, or provision against nepotism. Now, just
00:51:35 24 because people are related doesn't mean there's nepotism.

00:51:35 25 MEMBER GADARIAN: Right.

00:51:39 1 MR. MURAI: And, you know, nepotism would mean like
00:51:42 2 securing unwanted benefits or privileges --

00:51:45 3 MEMBER GADARIAN: Correct, yes.

00:51:47 4 MR. MURAI: -- because of your relationship. Not
00:51:49 5 unwanted, but --

00:51:49 6 MEMBER GADARIAN: Correct.

00:51:50 7 MR. MURAI: -- undeserved, rather.

00:51:53 8 MEMBER GADARIAN: Okay. It's disclosed and very
00:51:58 9 possibly the supervising legal clerk position may be civil
00:52:03 10 service rather than appointed, but I don't know.

00:52:08 11 MR. MURAI: It's a civil service position.

00:52:11 12 MEMBER GADARIAN: Ah. Then that's another --

00:52:15 13 CHAIR MACARIO: Okay.

00:52:15 14 MEMBER GADARIAN: -- another situation, definitely,
00:52:18 15 rather than both being appointed. Okay. Thank you.

00:52:23 16 CHAIR MACARIO: Yeah. It sounds like that
00:52:25 17 particular concern has been addressed. Are there any other
00:52:28 18 disclosures that are worthy of discussion?

00:52:34 19 MEMBER GADARIAN: Next is Shane Sin- --

00:52:37 20 CHAIR MACARIO: Sinenci.

00:52:39 21 MEMBER GADARIAN: -- Sinenci. Okay. So he does not
00:52:45 22 disclose his occupation before -- for the previous calendar
00:52:52 23 year.

00:52:53 24 CHAIR MACARIO: That's correct. He also identifies
00:52:55 25 the county as his --

00:52:58 1 MEMBER CURTIS: Previous employer.

00:52:59 2 CHAIR MACARIO: -- previous employer for last year,
00:53:01 3 which is the same error that the previous one made,
00:53:05 4 Mr. Molina. So, I mean, I know from --

00:53:10 5 MEMBER CURTIS: Well, in Mr. Molina's case, he
00:53:13 6 actually did work for the county.

00:53:16 7 CHAIR MACARIO: That's true.

00:53:18 8 MEMBER CURTIS: It's possible --

00:53:19 9 MEMBER GADARIAN: Wrong occupation.

00:53:21 10 CHAIR MACARIO: Wrong occupation.

00:53:23 11 MEMBER CURTIS: Yeah.

00:53:24 12 CHAIR MACARIO: But in this case there is an
00:53:24 13 occupation. Obviously Mr. Sinenci is a council member now and
00:53:27 14 I believe he was a teacher previously, just from, you know,
00:53:30 15 campaign literature and such. But that is an error that needs
00:53:34 16 to be corrected, I would agree.

00:53:36 17 MR. MURAI: And he also did not -- well, we all
00:53:38 18 know, it's common knowledge he's a council member, but it's
00:53:42 19 not disclosed, so -- Mr. Chair, would you like for staff to
00:53:46 20 follow up and just ask Mr. Sinenci?

00:53:47 21 Or do we send this back to be consistent, Lisa?

00:53:52 22 MS. KAHUHU: No. Molina's we're not sending back.

00:53:52 23 MR. MURAI: Oh, okay.

00:53:54 24 MS. KAHUHU: We're calling him to clarify and ask
00:53:57 25 permission to correct the form for him.

00:54:00 1 MR. MURAI: Amend it. Okay.

00:54:00 2 CHAIR MACARIO: Perfect.

00:54:01 3 MEMBER GADARIAN: To correct the occupation,
00:54:04 4 employer, and compensation.

00:54:06 5 MS. VICENS: The previous year.

00:54:08 6 MEMBER CURTIS: For the previous year.

00:54:07 7 CHAIR MACARIO: For the previous year, right.

00:54:09 8 MEMBER GADARIAN: Previous, yes. Thank you.

00:54:11 9 CHAIR MACARIO: All right. Any other problems with
00:54:12 10 Mr. Sinenci's disclosure?

00:54:17 11 MEMBER GADARIAN: Okay. So the next one I have is
00:54:25 12 Yuki Sugimura. Perhaps we have had this before, but my
00:54:43 13 question's having to do with Connect LLC does marketing and
00:54:52 14 I'm not sure how that would affect her -- any -- whatever's
00:55:03 15 going on with the council, what -- what -- marketing in
00:55:09 16 whatever.

00:55:10 17 MEMBER CURTIS: I'm aware prior to her becoming the
00:55:14 18 council, this was -- one of her projects was First Night
00:55:19 19 Wailuku, so I believe it was initially -- that was one thing
00:55:24 20 she was involved in.

00:55:25 21 CHAIR MACARIO: You mean First Friday?

00:55:27 22 MEMBER CURTIS: The First Friday, First -- yeah,
00:55:30 23 Third -- Second Friday. But I think specifically with
00:55:32 24 Wailuku. But I don't know if she's still involved with that
00:55:39 25 on the side as a --

00:55:40 1 CHAIR MACARIO: Well, she was a council member last
00:55:42 2 term as well --

00:55:42 3 MEMBER CURTIS: Yeah.

00:55:44 4 CHAIR MACARIO: -- and so this would cover the
00:55:46 5 previous calendar year. So according to this, she did some
00:55:49 6 marketing work while a council member and received certain
00:55:53 7 income.

00:55:53 8 MEMBER CURTIS: Yeah.

00:55:54 9 CHAIR MACARIO: Unless we've already sent her a
00:55:57 10 cautionary letter, perhaps we should.

00:55:59 11 Is there an easy way to know if we've already sent
00:56:03 12 someone a cautionary letter?

00:56:05 13 MR. MURAI: No, there's no easy way, but I don't
00:56:08 14 recall that we ever have. You know, I'm just trying to -- I'm
00:56:11 15 trying to remember. This has come up before, but I can't
00:56:16 16 recall what, if anything, we did about it. I remember Yuki
00:56:22 17 Lei saying something like -- oh, I know. This came up on the
00:56:27 18 council floor where, you know, you know how sometimes things
00:56:34 19 degenerate on the council floor and people are lobbing
00:56:38 20 accusations at each other and --

00:56:40 21 MEMBER GADARIAN: What?

00:56:40 22 CHAIR MACARIO: That's never happened.

00:56:42 23 MEMBER CURTIS: Never.

00:56:43 24 (Laughter.)

00:56:43 25 MR. MURAI: Strange, but true, it has.

00:56:45 1 MEMBER CURTIS: Not in politics.

00:56:47 2 MR. MURAI: Anyway, Yuki Lei was, you know -- you
00:56:49 3 know, a council member was accused of having conflicts and he
00:56:51 4 said, Well, what about you guys? Yuki Lei, you do this.
00:56:54 5 So-and-So, you do that. And Yuki said, No. I've completely
00:56:59 6 divested myself of that First Friday thing, I no longer have
00:57:04 7 anything to do with it. And so -- in fact, it was partly an
00:57:09 8 outgrowth of action that this board took when we were dealing
00:57:13 9 with Mr. Bardellini and some of his escapades.

00:57:18 10 CHAIR MACARIO: I recall that.

00:57:19 11 MR. MURAI: And so that spilled over into the
00:57:22 12 council, where, you know, because if you may recall, in
00:57:25 13 defending himself and Mr. Atay, some of Mr. Bardellini's
00:57:31 14 supporters were saying, What about -- what about Yuki Lei?
00:57:34 15 What about So-and-So? And Ms. Sugimura got wind of that
00:57:39 16 because it was brought up, again, on the council floor and so
00:57:43 17 she clarified that, No, I have no connection with Wailuku
00:57:46 18 First Fridays or any other First Friday, you know, activity.

00:57:51 19 MEMBER CURTIS: If we have not sent her a cautionary
00:57:54 20 letter, I would suggest we would, just that the marketing
00:57:58 21 not -- she make it aware.

00:58:01 22 CHAIR MACARIO: Yeah, I agree. If for no other
00:58:04 23 reason than marketing, it's so vague --

00:58:04 24 MEMBER CURTIS: Yeah.

00:58:06 25 CHAIR MACARIO: -- we don't really have an

00:58:08 1 understanding of what it is.

00:58:08 2 MEMBER CURTIS: Yeah.

00:58:09 3 CHAIR MACARIO: So I would suggest that we send her
00:58:11 4 a cautionary letter. Like Gary says, it's probably not an
00:58:15 5 issue, but I would feel better if we just sent it out of
00:58:21 6 abundance of caution.

00:58:26 7 Does anyone disagree?

00:58:26 8 (No Response.)

00:58:28 9 CHAIR MACARIO: Okay. Let's do that, then.

00:58:37 10 Any others starting with T and beyond?

00:58:40 11 MEMBER GADARIAN: No, no.

00:58:42 12 CHAIR MACARIO: Sara says no. Any other board
00:58:45 13 member have any further discussion on any of these
00:58:48 14 disclosures?

00:58:52 15 MEMBER CURTIS: None that I --

00:58:53 16 MEMBER GADARIAN: The only thing is that since
00:58:57 17 counsel brought it up, that I'm sure there are continuing
00:59:05 18 questions concerning Councilmember King, Kelly King, and all
00:59:12 19 her business activities and evidently there have been some
00:59:21 20 problems on the council floor concerning issues that she has
00:59:29 21 been a proponent of that may or may not have had a conflict
00:59:35 22 with her business, ongoing business activities.

00:59:38 23 MR. MURAI: Sara, are you referring to the letter
00:59:41 24 from the mayor about -- sometime late last year we received a
00:59:47 25 letter from the mayor complaining that Ms. King --

00:59:51 1 MEMBER GADARIAN: Yes.

00:59:52 2 MR. MURAI: -- had introduced a -- or had spoken on

00:59:56 3 a matter before the -- on the council floor where she voted --

01:00:02 4 advocated and voted for an increase to the gasoline tax.

01:00:08 5 MEMBER GADARIAN: Yes.

01:00:09 6 MR. MURAI: And the mayor claimed this was a

01:00:11 7 conflict because she's in the business of selling gasoline

01:00:15 8 alternatives.

01:00:16 9 MEMBER GADARIAN: Right.

01:00:17 10 MR. MURAI: And she also eliminated the tax on

01:00:19 11 biodiesel, which is what she sells. And we had told the

01:00:24 12 mayor, Mayor, you need to put this in the form of a complaint,

01:00:26 13 and the mayor declined to do so. One of -- was it the mayor?

01:00:31 14 Maybe I'm blaming the wrong person. I think it was --

01:00:32 15 MEMBER GADARIAN: It was another council member.

01:00:34 16 MR. MURAI: -- Mr. Hokama, Riki Hokama.

01:00:34 17 MEMBER GADARIAN: Yeah.

01:00:36 18 MR. MURAI: And Mr. Hokama declined to convert it to

01:00:39 19 a complaint.

01:00:40 20 CHAIR MACARIO: You know, now that we've had

01:00:42 21 conversation, though, I'm looking at Kelly King's financial

01:00:45 22 disclosure right now and she doesn't disclose a biodiesel --

01:00:49 23 MEMBER CURTIS: She has the box at the bottom

01:00:52 24 saying --

01:00:54 25 MR. MURAI: There's an attached --

01:00:53 1 MEMBER CURTIS: -- "See attached."

01:00:57 2 MR. MURAI: It's a continuation page.

01:01:00 3 MEMBER CURTIS: I had the same comment until I --

01:01:00 4 MEMBER GADARIAN: She's got a big page.

01:01:00 5 MEMBER CURTIS: So we include the attachment as part

01:01:02 6 of the official filing, I would imagine.

01:01:06 7 CHAIR MACARIO: Oh, okay. Thank you. I did not see

01:01:07 8 that.

01:01:07 9 MR. MURAI: So to be consistent, would you like to

01:01:10 10 also send a cautionary letter to Ms. King?

01:01:15 11 CHAIR MACARIO: I think we should.

01:01:19 12 MR. CURTIS: A positive comment on Ms. King is --

01:01:25 13 CHAIR MACARIO: Well, it would be along the lines of

01:01:29 14 the one that we are sending to Councilmember Sugimura.

01:01:32 15 MEMBER GADARIAN: Yes.

01:01:32 16 CHAIR MACARIO: -- which would say --

01:01:32 17 MEMBER GADARIAN: We know this is an update, but

01:01:34 18 this is a new --

01:01:36 19 MEMBER CURTIS: But I had a separate comment.

01:01:39 20 MEMBER GADARIAN: Go ahead.

01:01:40 21 MEMBER CURTIS: Her gift log as a council person is

01:01:43 22 very clear and concise and I would recommend the other council

01:01:49 23 members follow her format.

01:01:51 24 MR. MURAI: We should give her a gold star for that.

01:01:54 25 MEMBER CURTIS: Yes.

01:01:55 1

(Laughter.)

01:01:55 2

MEMBER GADARIAN: Well, even -- even reporting less

01:01:58 3

\$50.

01:01:59 4

MEMBER CURTIS: Yeah. She's got somebody in her

01:02:00 5

office that's logging the stuff or herself. And this is

01:02:07 6

much --

01:02:07 7

MEMBER GADARIAN: Do we want to equally -- equally

01:02:12 8

caution -- to be consistent caution --

01:02:17 9

CHAIR MACARIO: I'm all about consistency, so even

01:02:20 10

though I think her businesses have been highly publicized and

01:02:25 11

the public is very aware of the issues, for consistency

01:02:29 12

purposes, we should probably send her a cautionary letter as

01:02:33 13

well.

01:02:34 14

Does anybody disagree?

01:02:34 15

(No Response.)

01:02:36 16

CHAIR MACARIO: Okay.

01:02:36 17

MR. MURAI: Okay.

01:02:37 18

MEMBER GADARIAN: Okay. Good. So that's the end of

01:02:39 19

my red marks.

01:02:41 20

CHAIR MACARIO: All right. Any other discussion

01:02:43 21

regarding the pending motion to acknowledge receipt of

01:02:49 22

financial disclosures identified in Item 5 a. of our agenda?

01:02:49 23

(No Response.)

01:02:54 24

CHAIR MACARIO: All right. Hearing none, all in

01:02:56 25

favor of acknowledging receipt of those disclosures with the

01:03:00 1 changes, corrections, and cautionary letters noted, say "aye."
01:03:00 2 (Response.)
01:03:06 3 CHAIR MACARIO: All opposed.
01:03:06 4 (No Response.)
01:03:07 5 CHAIR MACARIO: Okay. That carries unanimously.
01:03:11 6 Next item is 5 b. Communication Items. Council
01:03:16 7 Chair Kelly King's memorandum to Corporation Counsel dated
01:03:18 8 January 24, 2019 requesting the Financial Disclosure
01:03:22 9 Statements of Mayor Victorino's appointees for Department
01:03:26 10 Directors. I did see in the packet that it appears that those
01:03:33 11 financial disclosures were provided in response to this
01:03:39 12 request via email on January 25 from Lisa.
01:03:46 13 Is that correct, Lisa?
01:03:47 14 MS. KAHUHU: Yes, Chair.
01:03:49 15 CHAIR MACARIO: Okay. So at this point I think we
01:03:52 16 just have to acknowledge receipt of the communication. Is
01:03:54 17 that right?
01:03:54 18 MR. MURAI: Mm-hmm.
01:03:55 19 CHAIR MACARIO: All right. Is there a motion to
01:03:56 20 acknowledge receipt of that communication?
01:03:58 21 MEMBER GADARIAN: So moved.
01:03:59 22 CHAIR MACARIO: Okay. Is there a second?
01:04:01 23 MEMBER PHILLIPS: Second.
01:04:02 24 CHAIR MACARIO: All right. Any discussion?
01:04:02 25 (No Response.)

01:04:05 1 CHAIR MACARIO: All in favor.

01:04:05 2 (Response.)

01:04:08 3 CHAIR MACARIO: All opposed.

01:04:08 4 (No Response.)

01:04:09 5 CHAIR MACARIO: Okay. That carries unanimously.

01:04:12 6 Next item.

01:04:14 7 MR. MURAI: Before we do that, go on to the next

01:04:16 8 one, I notice that no one -- no one disclosed receiving

01:04:20 9 basketball tickets.

01:04:22 10 CHAIR MACARIO: I saw that too. She had a long

01:04:25 11 laundry list of gifts, but -- well, everybody, but nobody --

01:04:28 12 MR. MURAI: Yeah, nobody --

01:04:30 13 MEMBER GADARIAN: Yes.

01:04:31 14 CHAIR MACARIO: That's good to see.

01:04:34 15 MEMBER GADARIAN: Disappeared.

01:04:35 16 CHAIR MACARIO: Even if the mayor disagrees with our

01:04:38 17 opinion, it's nice to know that people are complying, at

01:04:41 18 least.

01:04:41 19 Okay. Next item, 5 c. Lobbyist Registration.

01:04:50 20 Kathleen Rooney, Simon Russell. Is there a motion to

01:04:54 21 acknowledge receipt of these lobbyist registrations.

01:04:58 22 MEMBER YABUTA: I move.

01:04:59 23 CHAIR MACARIO: Okay. Is there a second?

01:05:00 24 MEMBER GADARIAN: Second.

01:05:01 25 CHAIR MACARIO: Any discussion?

01:05:02 1 (No Response.)

01:05:06 2 CHAIR MACARIO: All right. All those in favor, say

01:05:08 3 "aye."

01:05:08 4 (Response.)

01:05:09 5 CHAIR MACARIO: All opposed.

01:05:09 6 (No Response.)

01:05:11 7 CHAIR MACARIO: Okay. That carries unanimously.

01:05:15 8 Next item on the agenda is Alice Lee's letter dated

01:05:20 9 January 1st, 2019 requesting to be terminated as an unpaid

01:05:25 10 lobbyist for Go Maui, Inc. retroactive to February 1, 2018.

01:05:31 11 Is there a motion to acknowledge receipt of that letter?

01:05:35 12 Or, actually, do we need to --

01:05:37 13 MEMBER CURTIS: Yeah, move?

01:05:38 14 CHAIR MACARIO: -- terminate her --

01:05:39 15 MR. MURAI: Well, we just --

01:05:40 16 CHAIR MACARIO: Or is it automatic?

01:05:42 17 MR. MURAI: I guess it's self-executing. I guess we

01:05:46 18 just accept her resignation and remove her, so -- so I guess

01:05:52 19 we would do -- we would accept her letter and remove her from

01:05:55 20 our list of registered lobbyists.

01:05:58 21 CHAIR MACARIO: Okay. So is there a motion to

01:05:59 22 acknowledge receipt of Ms. Lee's letter and remove her from

01:06:03 23 the list of registered lobbyists?

01:06:05 24 MEMBER CURTIS: So moved.

01:06:07 25 MEMBER GADARIAN: Move --

01:06:08 1 Go ahead, Bill.

01:06:09 2 CHAIR MACARIO: Is there a second?

01:06:10 3 MEMBER GADARIAN: Second.

01:06:11 4 CHAIR MACARIO: All right. Any discussion?

01:06:11 5 (No Response.)

01:06:12 6 CHAIR MACARIO: All those in favor, say "aye."

01:06:12 7 (Response.)

01:06:13 8 CHAIR MACARIO: All opposed.

01:06:13 9 (No Response.)

01:06:19 10 CHAIR MACARIO: Okay. That carries unanimously.

01:06:20 11 Next, Item 6, Announcements: None.

01:06:26 12 Item 7, Schedule Next Meeting Date. Here in this

01:06:27 13 room, March 13th at 12:30 and that will also be, hopefully,

01:06:32 14 the date that we hear that longstanding issue regarding

01:06:37 15 Mr. Atay. Hopefully we won't get another request for

01:06:45 16 continuance.

01:06:46 17 I should also note that I think that's Dee Dee's

01:06:48 18 last meeting. Is that correct, Dee Dee?

01:06:50 19 MEMBER YABUTA: Yes, it is.

01:06:51 20 CHAIR MACARIO: So it's not on the agenda, I don't

01:06:53 21 think it needs to be, but I'm going to bring, you know, some

01:06:54 22 pupu-type stuff. If anybody else wants to bring some stuff to

01:06:58 23 wish Dee well and to thank her --

01:06:58 24 MEMBER YABUTA: Thank you.

01:07:01 25 CHAIR MACARIO: -- that would be nice to bring to

01:07:03 1 the next meeting.

01:07:05 2 MEMBER YABUTA: I will too.

01:07:06 3 CHAIR MACARIO: Okay.

01:07:06 4 MEMBER GADARIAN: Are you the only one that's

01:07:07 5 retiring?

01:07:08 6 CHAIR MACARIO: I think so.

01:07:12 7 All right. Is there a motion to adjourn regular

01:07:16 8 session and proceed to executive session?

01:07:19 9 MEMBER YABUTA: So moved.

01:07:21 10 CHAIR MACARIO: Is there a second?

01:07:22 11 MEMBER GADARIAN: Second.

01:07:23 12 CHAIR MACARIO: Okay. All in favor.

01:07:24 13 (Response.)

01:07:24 14 CHAIR MACARIO: All opposed.

01:07:24 15 (No Response.)

01:07:25 16 CHAIR MACARIO: All right. That carries

01:07:27 17 unanimously.

01:07:27 18 (Pause in proceedings: 1:28 p.m.-1:54 p.m.)

01:33:52 19 CHAIR MACARIO: Okay. We're back in regular

01:33:53 20 session. Is there a motion to approve and adopt all decisions

01:34:01 21 made in executive session?

01:34:03 22 MEMBER YABUTA: So moved.

01:34:05 23 CHAIR MACARIO: Is there a second?

01:34:05 24 MEMBER CURTIS: Second.

01:34:06 25 CHAIR MACARIO: All in favor.

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(Response.)
CHAIR MACARIO: All opposed.
(No Response.)
CHAIR MACARIO: Okay. No opposition there, that carries unanimously.
Is there a motion to adjourn our meeting for the day?
MEMBER YABUTA: So moved.
MEMBER GADARIAN: So moved.
CHAIR MACARIO: Second?
MEMBER YABUTA: Second.
CHAIR MACARIO: All right. All in favor.
(Response.)
CHAIR MACARIO: All opposed.
(No Response.)
CHAIR MACARIO: That carries unanimously. Thank you all.
(The proceedings were adjourned at 1:55 p.m.)

