

RECEIVED

MAUI COUNTY BOARD OF ETHICS

**April 10, 2019
12:30 p.m.**

2019 APR -4 PM 2:35

**Planning Conference Room
KALANA PAKUI BUILDING
WAILUKU, MAUI, HAWAII**

OFFICE OF THE
COUNTY CLERK

AMENDED AGENDA

BOARD MEMBERS

**Matthew Macario, Chair
David Courson, Vice Chair
Sara Gadarian, Secretary**

**Rachel Phillips
Donna Clayton
Napua Greig-Nakasone
William Curtis, Jr.
David Weiss
Geraldine Lewis**

AGENDA ITEMS ARE SUBJECT TO CANCELLATION. For a confirmation of the meeting date and time, and for scheduling of agenda items, please contact Board Staff at: Department of the Corporation Counsel, 200 S. High Street, 3rd Floor, Wailuku, Hawaii 96793, 808-270-7742, 1-800-272-0117 (toll-free from Molokai and Lanai), 808-270-7152 (fax).

ORAL OR WRITTEN TESTIMONY on any agenda item will be accepted prior to the discussion of each agenda item. If written testimony is submitted at the meeting, 12 copies are requested. If written testimony is e-mailed or faxed, please submit at least 24 hours before the meeting so that copies can be provided to Board members in a timely manner.

INDIVIDUALS WHO INTEND TO ATTEND THE MEETING AND WHO HAVE DISABILITIES REQUIRING SPECIAL ASSISTANCE should call the Department of the Corporation Counsel at least three days in advance.

A. REGULAR SESSION

1. Call to Order
2. Review and Approval of March 13, 2019 Minutes
3. Welcome of new member Geraldine "Gerri" Lewis
4. Public Testimony
5. Old Business
 - a. Financial Disclosure Statements:
NONE
 - b. Communication Items:
NONE

- c. Review and approval of Advisory Opinion No. 19A-01 HART, JORDAN, Deputy Director Department of Planning dated February 20, 2019 regarding direction in order to avoid potential conflicts of interest.
- d. Review and approval of Advisory Opinion No. 19A-05 TERUYA, SCOTT K., Director of Finance, dated March 06, 2019 regarding potential conflict of interest as Director of Finance and the Wailuku Civic Complex.
- e. Review and approval of Advisory Opinion No. 19A-02 VICTORIONO, MICHAEL P., Mayor County of Maui, dated February 14, 2019 regarding potential conflict of interest of County employees serving on Boards and Commissions.

6. New Business:

- a. Financial Disclosures: Elected & Appointed

Guzman, Donald
Munsell, Linda R.
Razo-Parker, Cynthia M.
Tsuhako, Lori

- b. Communication Items:

NONE

- c. Request for an Advisory Opinion No. 19A-03 dated March 15, 2019 from William Spence, former County Planning Director, regarding request for direction on limitations of his former position with the County of Maui as it relates to future employment or providing consultation.
- d. Request for an Advisory Opinion No. 19A-04 dated March 22, 2019 from Council Chair Kelly King regarding whether the Council Chairs' vote on proposed bills and/or amendments relating to the Waikapu Country Town project is in violation of Section 10-4(1)(c) and 10-4(1)(e) of the Revised Charter of the County of Maui (1983), as amended.
- e. Lobbyist Registration:

Moriwake, Issac H.

7. Announcements

NONE

8. Schedule Next Meeting Date and Discuss Next Meeting Business

May 8, 2019
12:30 p.m.
Planning Conference Room

NOTE: END OF REGULAR SESSION

B. EXECUTIVE SESSION

With reference to the agenda items listed below, one or more executive meetings are anticipated. In particular, the Board of Ethics anticipates it will consider the evaluation, dismissal or disciplining of an officer or employee of the County of Maui, where considerations of matters affecting privacy will be involved. The Board may also consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities. Therefore, pursuant to Hawaii Revised Statutes ("HRS") Sections 92-4, 5(a)(2) and (4), items marked with an asterisk may be considered in Executive Session. The Board may also convene in Adjudicatory Session pursuant to HRS Section 92-6. There may also be unanticipated executive sessions if a matter arises on which the Board wishes to consult with its attorney pursuant to the Sunshine Law. HRS Sections 92-4,-5(a)(4).

1. Call to Order
2. Review and Approval of March 13, 2019 minutes.
3. Old Business
 - a. Financial Disclosure Statements:
NONE
 - b. Communication Items:
NONE
 - c. Informal Hearing on Complaint No.19-02 TODD, JONATHAN – Liquor Control Commission initiated by the County of Maui Board of Ethics for failure to file an amended financial disclosure statement by March 1, 2019.
 - d. Review and Approval of Informal Advisory Opinion issued on consolidated Complaint Nos. 18-12 and 18-13 by a County Official against a County Official alleging (18-12) violations of section 10-4(1)(d) of the Revised Charter of the County of Maui (1983), as amended, and (18-13) alleging violations of section 10-4(1)(b) and (d) of the Revised Charter of the County of Maui (1983), as amended.
4. New Business
 - a. Financial Disclosures:

Burns, Dwight K.
Catiel, Roxanne I.
Clayton, Donna J.

Courson, David M.
Fujitani, Linda K.
Gadarian, Sara J.
Hiraga Ohashi, Gwen
Macario, Mathew J.
Merchasin, Marcus D.
Moore, William B.
Mounce, Hanna L.
Simmons, Sarah M.
Suzuki, Sharon M.
Tackett, Christian B.
Weiss, David C.

- b. Communication Items:

NONE

- c. Chair's report and recommendation on preliminary review of Complaint No. 19-01 dated March 11, 2019 by a member of the public against a County official alleging violation of section 10-1 — Declaration of Policy of the Code of Ethics with regard to conduct.
- d. Chair's report and recommendation on preliminary review of Complaint No. 19-03 dated March 26, 2019 by a member of the public against a County official alleging violations of sections 10-4.1(c) and 10-4.4 of the Code of Ethics with regard to conflict of interest.

5. Announcements

NONE

NEXT REGULAR MEETING

**May 8, 2019
12:30 p.m.
Planning Conference Room**

NOTE: END OF EXECUTIVE SESSION